

CONTENTS

I. EXECUTIVE ORDERS	
EWE 94-44—Statewide Wetlands Advisory Task Force	4
EWE 94-45—Allocation of Bond	4
EWE 94-46—Allocation of Bonds	5
II. EMERGENCY RULES	
Agriculture and Forestry:	
Office of Forestry, Forestry Commission—Timber Stumpage Values (LAC 7:XXXIX.Chapter 201)	5
Education:	
Board of Elementary and Secondary Education—Bulletin 1525—Personnel Evaluation Guidelines	6
Bulletin 1868—BESE Personnel Manual (LAC 28:I.922)	7
Fee Schedule—Technical Institutes (LAC 28:I.1523)	7
Environmental Quality:	
Office of the Secretary—Waste Tire Disposal (LAC 33:VII.10535)	8
Health and Hospitals:	
Office of the Secretary—Voter Registration Assistance	8
Bureau of Health Services Financing—Nursing Facility Services Reimbursement	9
Vaccines for Children Program	12
Public Safety and Corrections:	
Office of State Fire Marshal—Building Inspections-New Construction Requirements (LAC 55:V.103)	13
Office of State Police, Division of Charitable Gaming Control—Progressive Bingo (LAC 42:I.1789)	14
Revenue and Taxation:	
Tax Commission—Timber Stumpage Values (LAC 7:XXXIX.Chapter 201)	5
Social Services:	
Office of Rehabilitation Services—Voter Registration (LAC 67:VII.101)	15
Treasury:	
Board of Trustees of the State Employees Group Benefits Program—Plan Document—Payment of Benefits	15
Wildlife and Fisheries:	
Office of Fisheries—Commercial Fisherman's Sales Card; Dealer Receipt Form (LAC 76:VII.201)	16
Commercial Fisherman's Sales Report Forms (LAC 76:VII.203)	16
Wildlife and Fisheries Commission—Calcasieu Lake Oyster Season	17
Commercial Red Snapper Closure Extension	17

This public document was published at a total cost of \$1,929.00. 1,025 copies of this document were published in this monthly printing at a cost of \$3,929.00. The total cost of all printings of this document including reprints is \$1,929.00. This document was published by Moran Printing, Inc., 5425 Florida Blvd., Baton Rouge, LA 70806, as a service to the state agencies in keeping them cognizant of the new rules and regulations under the authority of R.S. 49:950-971. This material was printed in accordance with standards for printing by state agencies established pursuant to R.S. 43:31. Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

The Office of the State Register provides auxiliary aids for the *Louisiana Register* for visually impaired individuals. By appointment, oral presentation of the *Register* is available at the Office of the State Register, or an audio cassette tape of requested sections of the *Register* can be provided for the cost incurred by the Office of the State Register in producing such a tape. For more information contact the Office of the State Register.

III. RULES

Agriculture and Forestry:

Office of Agricultural and Environmental Sciences, Boll Weevil Eradication Commission—Boll Weevil Eradication (LAC 7:XV.9901-9925)	17
--	----

Economic Development:

Board of Examiners of Certified Shorthand Reporters—Certificates (LAC 46:XXI.513-517)	21
---	----

Environmental Quality:

Office of Air Quality and Radiation Protection, Air Quality Division—Fee System (LAC 33:III.223)(AQ101)	22
Use of Incidental Volatile Organic Compound (VOC) (LAC 33:III.2120)(AQ103)	22
Radiation Protection Division—Naturally Occurring Radioactive Material (NORM) (LAC 33:XV.1401-1420)(NE14)	23

Health and Hospitals:

Office of the Secretary—Nonsufficient Fund Check Policy	32
---	----

Justice:

Office of the Attorney General—Deceptive Pricing	32
--	----

Labor:

Office of Workers' Compensation—Insurance Cost Containment (LAC 40:I.1123-1129)	36
---	----

Wildlife and Fisheries:

Wildlife and Fisheries Commission—Mullet Daily Take (LAC 76:VII.343)	37
--	----

IV. NOTICES OF INTENT

Agriculture and Forestry:

Office of Agricultural and Environmental Sciences, Advisory Commission on Pesticides—Pesticide Use in Schools (LAC 7:XXIII.13123 and 13144)	38
Office of Forestry—Prescribed Burner Certification (LAC 7:XXXIX.Chapter 209)	39
Timber Stumpage Values (LAC 7:XXXIX.20101)	40

Economic Development:

Economic Development Corporation—Contract Loan Assistance Program (LAC 19:XV.Chapter 1)	41
---	----

Education:

Board of Elementary and Secondary Education—Bulletin 1706—Exceptional Children	45
--	----

Environmental Quality:

Office of Air Quality and Radiation Protection, Air Quality Division—Fee System (LAC 33:III.217,223)(AQ98)	46
Toxic Air Pollutant Emission Control (LAC 33:III.5105)(AQ110)	57
Radiation Protection Division—Fee Schedule (LAC 33:XV.Chapter 25)(NE16)	58
Office of Solid and Hazardous Waste, Solid Waste Division—Fee Increases (LAC 33:VII.Chapter 3, 5, and 7)(SW15)	61
Office of Water Resources—Water Pollution Control Fee System (LAC 33:IX.1309, 1319)(WP17)	63
Groundwater Protection Division—Fees (LAC 33:XIII.Chapter 13)(GW05)	67

Health and Hospitals:

Board of Practical Nurse Examiners—Regular Admissions (LAC 46:XLVII.937)	69
Office of the Secretary and Health Care Authority—Annual Service Agreement	70
Bureau of Health Services Financing—Inpatient Psychiatric Services	71
Nursing Facilities Services (LAC 50:II.Chapter 101)	79

Public Safety and Corrections:

Board of Parole—Rules and Regulations (LAC 22:XI)	80
---	----

Revenue and Taxation:

Sales Tax Division—Coke-on-Catalyst Taxation (LAC 61:I.4401)	80
Tax Commission—Timber Stumpage Values (LAC XXXIX.20101)	40

Social Services:

Office of Community Services—Homeless Trust Fund (LAC 48:I.Chapter 18)	82
Office of Family Support—Individual/Family Grant Program (LAC 67:III.6501-6502)	84
Rehabilitation Services—Grant Policy (LAC 67:VII.Chapter 15)	85
Voter Registration (LAC 67:VII.101)	91

Transportation and Development:

Office of General Counsel—Sunshine Bridge and Statewide Ferries (LAC 70:I.513)	91
Office of Highways—Regional Notification Center Requirement for Utilities (LAC 70:III.Chapter 17)	92

Treasury:

Board of Trustees of the State Employees Group Benefits Program—Plan Document—Payment of Benefits	93
Retiree 100 Rate Change	94
Bond Commission—Multi-family Housing Application (HS2-1993) (LAC 71:III)	94
Reimbursement Contracts (LAC 71:III)	96

Wildlife and Fisheries:

Office of Fisheries—Commercial Fisherman's Sales Card; Dealer Receipt Form (LAC 76:VII.201)	98
Commercial Fisherman's Sales Report Form (LAC 76:VII.203)	99

V. ADMINISTRATIVE CODE UPDATE

Cumulative-January 1994 through December 199499

VI. POTPOURRI

Environmental Quality:

Office of Air Quality and Radiation Protection—Pointe Coupee Parish Redesignation101
Air Quality Division—Lead Hazard Reduction, Licensure, Certification (LAC 33:III.Chapter 28) (AQ100)102

Governor's Office:

Division of Administration, Office of Community Development—State Consolidated Plan—HUD Funding102

Natural Resources:

Office of Conservation—Orphaned Oilfield Sites103
Injection and Mining Division—Hearing Notice Docket No. IMD 95-01109

EXECUTIVE ORDERS

EXECUTIVE ORDER EWE 94-44

Statewide Wetlands Advisory Task Force

WHEREAS: Executive Order EWE 94-6 was executed to create the Louisiana Statewide Wetlands Advisory Task Force; and

WHEREAS: Executive Order EWE 94-22 was executed amending Executive Order EWE 94-6 by adding one additional member; and

WHEREAS: it is necessary to further amend Executive Order EWE 94-6 by adding three additional at-large members; NOW, THEREFORE, I, EDWIN W. EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and laws of the State of Louisiana, do hereby amend Executive Order EWE 94-6 by adding three at-large members to be appointed by the governor.

SECTION 1: All other orders and directions of Executive Order EWE 94-6 remain in effect.

SECTION 2: The provisions of this Executive Order are effective upon signature and shall remain in effect until amended, modified, or rescinded by operation of law.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 7th day of December, 1994.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9501#003

EXECUTIVE ORDER EWE 94-45

Allocation of Bond

WHEREAS: pursuant to the Tax Reform Act of 1986 (the "act") and Act 51 of the 1986 Louisiana Legislative Session, Executive Order EWE 92-47 establishes (i) a method for the allocation of bonds subject to the private activity bond volume limits, including the method of allocation of bonds subject to the private activity bond limits for this calendar year 1994 (the "1994 ceiling"), (ii) the procedure for obtaining an allocation of bonds under the 1994 ceiling, and (iii) a system of central recordkeeping for such allocations; and

WHEREAS: the Industrial Development Board of the Parish of Calcasieu, Inc. has requested an allocation from the

1994 ceiling to be used in connection with the financing of the acquisition of existing buildings to be renovated, furnished and equipped to be operated as a carbon process plant in Calcasieu Parish, Louisiana (the "project") for Asbury Louisiana, Inc., a New Jersey corporation; and

WHEREAS: the governor has determined that the project serves a crucial need and provides a benefit to the State of Louisiana and the Parish of Calcasieu; and

WHEREAS: it is the intent of the governor of the state of Louisiana that this executive order, to the extent inconsistent with the provisions of executive order EWE 92-47, supercedes and prevails over such provisions with respect to the allocation made herein;

NOW, THEREFORE, BE IT ORDERED BY EDWIN W. EDWARDS, Governor of the State of Louisiana, as follows:

SECTION 1: That the bond issue described in this Section is hereby granted an allocation from the 1994 ceiling in the amount shown:

AMOUNT OF ALLOCATION	NAME OF ISSUER	NAME OF PROJECT
\$2,500,000	Industrial Development Board of the Parish of Calcasieu, Inc.	Asbury Louisiana, Inc.

SECTION 2: The allocation granted hereunder is to be used only for the bond issue described in Section 1 and for the general purpose set in the "Application for Allocation of a Portion of the State of Louisiana IDB Ceiling" submitted in connection with the bonds described in Section 1.

SECTION 3: The allocation granted hereby shall be valid and in full force and effect through December 28, 1994, provided that such bonds are delivered to the initial purchasers thereof on or before December 28, 1994.

SECTION 4: The undersigned certifies, under penalty of perjury, that the allocation granted hereby was not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

SECTION 5: That this executive order, to the extent conflicting with the provisions of Executive Order EWE 92-47, supercedes and prevails over the provisions of such executive order.

SECTION 6: All references herein to the singular shall include the plural and all plural references shall include the singular.

SECTION 7: This executive order shall be effective upon signature of the governor.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 22nd day of December, 1994.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9501#004

EXECUTIVE ORDER EWE 94-46

Allocation of Bonds

WHEREAS: Executive Order EWE 94-27 (the "executive order") was executed by the governor of the state of Louisiana (the "governor") on June 30, 1992, pursuant to the provisions of the Tax Reform Act of 1986 (the "act") and provides for the allocation of bonds subject to the private activity bond volume limits of the act for the calendar year ending December 31, 1994 (the "ceiling"); and

WHEREAS: Section 4.14 of the executive order provides that if the ceiling exceeds the aggregate amount of bonds issued during any year by all issuers, the governor may allocate such excess to issuers for one or more carryforward projects permitted under the act through the issuance of an executive order; and

WHEREAS: there remains, as of the date hereof, \$66,073,850 of the ceiling which was not used for projects in the calendar year ending December 31, 1994; and

WHEREAS: the governor desires to allocate the excess unused ceiling to certain projects which are eligible for a carryforward under the act:

NOW, THEREFORE, I, EDWIN W. EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and laws of the State of Louisiana, do hereby order and direct, as follows:

SECTION 1: Pursuant to and in accordance with the provisions of Section 146(f) of the Internal Revenue Code of 1986, and in accordance with the request for a carryforward filed by each of the issuers below, there is hereby allocated to said issuers the following amounts of excess unused private activity volume limit under the ceiling for the following carryforward projects:

ISSUER	CARRYFORWARD PROJECT	CARRYFORWARD AMOUNT
Louisiana Public Facilities Authority	Student Loans	\$25,000,000
Parish of Plaquemines	Sewage and Solid Waste Disposal Facilities of The British Petroleum Company	\$24,300,000
Parish of St. Charles	Solid Waste Disposal and Water Pollution Control Facilities of Louisiana Power & Light Company	\$16,773,850

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State

of Louisiana, at the Capitol, in the City of Baton Rouge, on this 22nd day of December, 1994.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9501#005

EMERGENCY RULES

DECLARATION OF EMERGENCY

**Department of Agriculture and Forestry
Office of Forestry
Forestry Commission
and
Department of Revenue and Taxation
Tax Commission**

Timber Stumpage Values (LAC 7:XXXIX.Chapter 201)

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, and R.S. 3:4343, the commissioner of Agriculture and Forestry finds that this emergency rule is required so that timber severance tax computation and collection can be accomplished beginning in January, 1995. By law, these values are set annually in a meeting of the Louisiana Forestry Commission and the Louisiana Tax Commission on the second Monday in December. An imminent peril to public health, safety, and welfare would exist if tax revenues are not available for stat and parish governmental entities.

The effective date of this emergency rule is January 1, 1995, and shall be in effect for 120 days or until the final rule take effect through the normal promulgation process, whichever occurs first.

**Title 7
AGRICULTURE AND ANIMALS
Part XXXIX. Forestry**

**Chapter 201. Timber Stumpage
§20101. Stumpage Values**

The Forestry Commission, and the Tax Commission, as required by R.S. 3:4343, adopted the following timber stumpage values based on current average stumpage market values to be used for severance tax computations for 1995:

- | | | |
|------------------------------|---------------|-------------|
| 1. Pine trees and timber | \$293.44/MBF | \$36.88/ton |
| 2. Hardwood trees and timber | \$181.36/MBF | \$19.09/ton |
| 3. Pine Chip and Saw | \$ 67.82/cord | \$25.12/ton |
| 4. Pine pulpwood | \$ 24.35/cord | \$ 9.02/ton |
| 5. Hardwood pulpwood | \$ 10.40/cord | \$ 3.65/ton |

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3 and R.S. 3:4343.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Forestry, and the Louisiana Forestry Commission, LR 4:9 (January 1978), amended LR 5:7 (January 1979), LR 6:728 (December 1980), LR 7:627 (December 1981), LR 8:651 (December 1982), LR 9:848 (December 1983), LR 10:1038 (December 1984), LR 11:1178 (December 1985), amended by the Department of Agriculture and Forestry, Office of Forestry, and the Louisiana Forestry Commission, LR 12:819 (December 1986), LR 13:432 (August 1987), LR 14:9 (January 1988), LR 15:5 (January 1989), LR 16:16 (January 1990), LR 17:476 (May 1991), LR 18:6 (January 1992), LR 611 (May 1993), LR 20:12 (January 1994), LR 21: (January 1995).

Bob Odom, Commissioner
Agriculture and Forestry

Billy Weaver, Chairman
Forestry Commission

Malcolm B. Price, Chairman
Tax Commission

9501#007

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Bulletin 1525—Personnel Evaluation Guidelines

The State Board of Elementary and Secondary Education has exercised those powers conferred by the Administrative Procedure Act, R.S. 49:953(B), and readopted as an emergency rule, revisions to pages 27, 28, and 29 of the Guidelines for Personnel Evaluation, Bulletin 1525, Revised 1992, 1994. Re-adoption as an emergency rule is necessary in order to continue the revisions until they are finalized as a rule. Effective date of this emergency rule is January 23, 1995.

The observation process must conform to the guidelines listed below:

1) The LEA must specify who will conduct the observation(s). The evaluator must conduct at least one of the required number of observation(s).

2) The LEA must specify how often observations will occur.

3) The evaluator of each teacher or administrator shall conduct a pre-observation conference during which the teacher or administrator shall provide the evaluator with relevant information.

4) The LEA must notify the evaluatee in advance when observation(s) will occur. LEAs must define types, if different types of observations are used.

5) The LEA must specify how the post-observation conference will be conducted.

6) The LEA must specify how copies of the completed observation forms will be disseminated and filed.

7) The LEA must specify how intensive assistance, if necessary, will be initiated following the observation procedures.

Instructional Personnel

In addition to the aforementioned guidelines, the following observation procedures are for instructional personnel.

Classroom observation is a critical aspect of the teacher evaluation process. The evaluator conducts observations that are of sufficient duration to see the lesson begin, develop, and culminate. A pre-observation conference is conducted to review the teacher's lesson plan. A post-observation conference is arranged to discuss and analyze the lesson, as well as to prepare an observation report. The primary purpose of this report is not to rate the teacher on a scale or checklist, but rather, to reach consensus on commendations, as well as recommendations for strengthening or enhancing teaching. Follow-up classroom visits and observations are conducted to determine what impact these recommendations have had on improving the quality of the teaching-learning process in the teacher's classroom.

In this section of the LEA evaluation program description, the LEA delineates its classroom observation process for teachers.

The observation process must conform to the guidelines listed below:

1) Teaching is evaluated through periodic classroom observations.

2) A pre-observation conference is held to review the teacher's lesson plan.

3) Observations are of sufficient duration to see the lesson begin, develop, and culminate.

4) A post-observation conference is held to discuss and analyze the lesson as well as to prepare an observation report.

5) The primary purpose of the classroom observation is not to rate the teacher, but rather, to reach consensus on commendations, as well as recommendations to strengthen or enhance teaching.

6) Follow-up classroom visits and observations are conducted to reinforce positive practice and to determine how recommendations have impacted the quality of the teaching-learning process.

Section 6.5

Developing the Professional Growth Plan

Periodic evaluation conferences are conducted to discuss and analyze job performance for the purpose of developing longer term (1-2 year) professional growth plans to strengthen or enhance the job performance of all certified and other professional personnel. These professional growth plans should be developed at the beginning of the evaluation period and be based on a descriptive analysis of job performance rather than only on the results of a checklist or a rating scale. Appropriate time frames must be determined in regard to these procedures. Usually such plans include two to three objectives developed collaboratively by the evaluatee and evaluator. These plans must be reviewed and updated annually. For successful, experienced personnel, these objectives may extend beyond the professional responsibilities included in the job description and may be used to explore new, untried, innovative ideas or projects. Each objective

includes a plan of action to guide the evaluatee's progress, as well as observable evaluation criteria that the evaluatee and evaluator can use to determine the extent to which each objective has been achieved. The evaluation criteria should show clearly how achievement of the objective will impact the quality of the job performance.

In this section of the LEA personnel evaluation program description, the LEA delineates its process for developing the professional growth plan.

That process must conform to the guidelines listed below:

1) All certified and other professional personnel develop longer-term professional growth plans to strengthen or enhance their job performance.

2) The professional growth plan is developed at the beginning of the evaluation period. Appropriate time frames must be determined in regard to these procedures and such time frames must be given in the narrative of this subsection. The LEA must develop forms for the professional growth plan.

3) Professional growth plans are based on objectives developed collaboratively by the evaluatee and evaluator. The successful teacher shall not be mandated to participate in any one specific growth activity. These plans must be reviewed and updated annually.

AUTHORITY NOTE: R.S. 17:3902, B.(4)

Carole Wallin
Executive Director

9501#038

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Bulletin 1868—BESE Personnel Manual (LAC 28:I.922)

The State Board of Elementary and Secondary Education has exercised those powers conferred by the Administrative Procedure Act, R.S. 49:953(B) and approved Revised Bulletin 1868, BESE Personnel Manual, for advertising. Revisions to the manual were developed as a result of federal and state mandates, board action, or reworded for clarification as a result of using the manual. Bulletin 1868 is being readopted as an emergency rule, effective January 27, 1995 in order to continue the policies until finalized as a rule.

Included in Bulletin 1868, under Chapter D: Employee Compensation, Section 145: Vocational-Technical System is the Salary Schedule for Technical Institutes. This Section 145 of Bulletin 1868 supersedes the emergency rule relative to the Salary Schedule for Technical Institutes which appeared in the May, 1993 issue of the *Louisiana Register* on pages 597—604.

Copies of this bulletin have been provided to all entities under the jurisdiction of the Board of Elementary and Secondary Education and listed below:

1. each technical institute and regional management center;
2. BESE's special schools - Louisiana School for the Deaf, Louisiana School for the Visually Impaired, Louisiana Special Education Center;

3. each site operated by Special School District Number 1;
4. LA Association of Educators and LA Federation of Teachers.

Bulletin 1868, BESE Personnel Manual may be seen in its entirety in the Office of the State Register located on the fifth floor of the Capitol Annex; in the Office of the State Board of Elementary and Secondary Education, located in the Education Building in Baton Rouge or in the Office of Vocational Education; or in the office of Special School District Number 1 located in the State Department of Education.

Bulletin 1868 is referenced in the Louisiana Administrative Code, Title 28, and is amended as stated below:

Title 28

EDUCATION

Part I. Board of Elementary and Secondary Education Chapter 9. Bulletins, Regulations, and State Plans

§922. Personnel Policies

A. Bulletin 1868

1. Revised Bulletin 1868, Personnel Manual of the State Board of Elementary and Secondary Education is adopted by the board. Policies in this bulletin apply to personnel under the jurisdiction of the state board in the Board Special Schools; in the entities comprising Special School District Number 1; and in entities in the vocational-technical system, exclusive of the assistant superintendent for Vocational Education and related state department staff.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:7(10), R.S. 17:81.4, R.S. 17:1941-1956; R.S. 17:1993.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 16:297 (April 1990), amended LR 16:957 (November 1990), LR 21:

(It should be noted that the clause "exclusive of the central office staff" which appeared after Special School District Number 1 has been eliminated from the bulletin.)

Carole Wallin
Executive Director

9501#037

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Fee Schedule—Technical Institutes (LAC 28:I.1523)

The Board of Elementary and Secondary Education has exercised those powers conferred by the Administrative Procedure Act, R.S. 49:953(B) and readopted as an emergency rule an amendment to the fee schedule for Louisiana high school students attending the technical institutes. This amendment to the Louisiana Administrative Code, Title 28, as stated below is being readopted as an emergency rule in order to continue the policy until finalized as a rule. Effective date of emergency rule is January 27, 1995. This emergency rule will remain in effect for 120 days or until finalized as a rule, whichever occurs first.

**Title 28
EDUCATION**

**Part I. Board of Elementary and Secondary Education
Chapter 15. Vocational and Vocational-Technical
Education**

§1523. Students

* * *

E. Fees for Louisiana Residents.

* * *

2. Louisiana high school students shall not be charged any registration or tuition fees while attending for high school credit.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A), (10), (11).

**Carole Wallin
Executive Director**

9501#036

DECLARATION OF EMERGENCY

**Department of Environmental Quality
Office of the Secretary**

Waste Tire Disposal (LAC 33:VII.10535)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and under the authority of R.S. 30:2033, the secretary of the Department of Environmental Quality (DEQ) declares that an emergency action is necessary in order to suspend the effective dates in LAC 33:VII.10535.B and C until February 1, 1995, to ensure the proper disposal of waste tires. The regulatory time constraints for permitting waste tire processors have caused a delay in the establishment of sufficient numbers of permitted waste tire processors throughout the state. The generators of waste tires throughout the state are without sufficient access to a permitted waste tire processor to adequately meet their waste tire volumes.

The impact of the emergency rule will allow generators of waste tires to continue to retain \$1 of the \$2 waste tire fee. The \$1 retained by the generators of waste tires is to be used for the proper handling, recycling and/or disposal of waste tires, as set forth in LAC 33:VII.Chapter 105.

This emergency rule is effective on January 1, 1995, and shall remain in effect until January 31, 1995.

**William A. Kucharski
Secretary**

9501#026

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Office of the Secretary**

Voter Registration Assistance

The Department of Health and Hospitals, Office of Secretary has adopted the following emergency rule in the Medicaid and the Women, Infants and Children (WIC) Programs. This emergency rule is in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Hospitals, Office of the Secretary, oversees the administration of the Medicaid and the Women, Infants and Children Programs which are designated as voter registration agencies pursuant to Act 10 of the 1994 Third Extraordinary Session of the Louisiana Legislature. These agencies are thereby required to provide assistance to Medicaid and WIC applicants and eligibles in registering to vote. Therefore, the department adopts the following emergency rule in the Medicaid and the Women, Infants and Children Programs to fulfill the mandates of these agencies as voter registration agencies.

This emergency rule has also been adopted to comply with Public Law 103-31 of the 103rd Congress which mandates that states designate all offices in the state that provide public assistance as voter registration agencies. Adoption of this rule is necessary to avoid sanctions or penalties from the United States government. The effective date of this emergency rule is January 2, 1995, for 120 days or until promulgation of the final rule, whichever occurs first.

Emergency Rule

The Department of Health and Hospitals, Office of the Secretary designates the parish offices for the Medicaid and the Women, Infants and Children Programs as voter assistance agencies which shall provide the following services during regular office hours:

- 1) distribution of a mail voter registration application form to any applicant or recipient who is qualified to register;
- 2) assistance to any applicant or recipient in completing voter registration application forms, unless the person refuses such assistance;
- 3) acceptance of completed voter registration application forms for submission to the registrar of voters within the parish where the voter registration agency is located;
- 4) acceptance of any change of address or change of name submitted by a registrant to an agency which shall serve as a notification of change of address or change of name for voter registration unless the registrant states at the time of submitting the change that the change is not for voter registration purposes. The transmittal procedure shall be handled in the same manner as voter registration applications.

**Rose V. Forrest
Secretary**

9501#014

DECLARATION OF EMERGENCY

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

Nursing Facility Services Reimbursement

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

The Bureau of Health Services Financing established the current prospective reimbursement methodology for private nursing facility services effective August 1, 1984 by rule as published in the June 20, 1994 issue of the *Louisiana Register* (Volume 10, Number 6, pages 467-468). This methodology utilizes a base rate determined according to a uniform recipient level of care designation (Intermediate Care-I, Intermediate Care-II and Skilled Nursing) which is adjusted by specific economic indices. Subsequently, the provisions of nursing home reform as mandated by the Omnibus Budget Reconciliation Act of 1987 were established by rule in the December 20, 1990 issue of the *Louisiana Register* (Volume 16, Number 12, page 1061). In addition, subsequent rules have been adopted for specialized nursing facility levels of care for specific patient types (SN-Infectious Disease, SN-Technology Dependent Care and SN-Neurological Rehabilitation Treatment Program).

The following emergency rule repeals the August 1, 1984 rule and adopts provisions which re-establish a prospective cost-related methodology based on specific cost categories for each level of care and specifies the inflationary adjustment mechanism or recalculation period. Within this framework the following changes are included: the new categories consist of three direct and five indirect resident care costs and the incentive factor; the annual wage for nonsupervisory service workers is deleted as a single component but the following categories where these and other costs are incorporated, i. e. housekeeping/linen/laundry, other dietary, plant operation and maintenance, administrative and general are established; nursing services cost are limited to one category. The calculation of the incentive factor remains at five percent but excludes building costs from the computation. The percentile to be utilized are changed from the single current 60th percentile to the following percentiles: direct resident care costs (80th); indirect resident care costs are at the 60th percentile except housekeeping/linen/laundry/ (70th). The required nursing service hours remain at the current levels: the intermediate care levels one and two remain at 2.35, and the skilled nursing level continues to be 2.6.

Implementation of the above changes through emergency rulemaking is necessary to ensure that Medicaid payment rates for nursing facility services reflect current economic

conditions and provide full reimbursement for the allowable costs for each level of care in a private facility which is economically and efficiently operated. Further, these changes are necessary to avoid possible penalties or sanctions from the federal government. It is estimated that the fiscal impact of the above changes for the first year due to a six-month implementation period will increase state expenditures in the aggregate by approximately \$25,694 which annualized would be \$51,389.

The current rules for specialized levels of nursing facility care, i. e. Technology Dependent Care, Infectious Disease, and the Neurological Rehabilitation Treatment Program are not revised in the following rule.

Emergency Rule

Effective January 1, 1995, the Bureau of Health Services Financing repeals the August 1, 1984 rule governing reimbursement for private nursing facility services and adopts the following methodology and provisions to govern reimbursement of these services for Medicaid recipients. Reimbursement for the nursing home reform requirements of the Omnibus Budget Reconciliation Act of 1987 are incorporated in the following methodology and provisions. Costs are determined based upon audited and or desk reviewed cost reports to calculate the new base rate components.

REIMBURSEMENT METHODOLOGY FOR PRIVATE NURSING FACILITIES

A. General Provisions

The bureau has designated a system of prospective payment amounts based on recipient levels of care:

Intermediate Care I (IC-I), Intermediate Care II (IC-II), Skilled Nursing (SN), Skilled Nursing/ Infectious Disease (SN/ID), and Skilled Nursing/ Technology Dependent Care (SN/TDC), Neurological Rehabilitation Treatment Program (NRTP) which includes Rehabilitation Services and Complex Care Services.

Facilities may furnish services to patients of more than one classification of care. Every nursing facility provider must meet the nursing home reform requirements of OBRA 1987.

Determination of Limits. Cost limits will be established based on a statistical analysis of industry data to assure that total payments under the plan will not exceed Title XVIII reimbursement. The ceiling limitation on reasonable cost will be set at a level the state determines adequate to reimburse an efficiently operating facility. Incentive for efficient operation will be allowed as a profit opportunity for providers who provide required services at a cost below the industry average.

Maximum Rate. The state will make payment at the statewide rate for the patient level of care provided or the provider's customary charge to the public, whichever is lower.

B. Cost Determination

1. Definitions

a. Consumer Price Indices

(1) *CPI - Nursing Services*—the Consumer Price Index for All Urban Consumers - South Region (Medical Care Services line) as published by the United States Department of Labor.

(2) *CPI - Raw Food*—the Consumer Price Index for All Urban Consumers - South Region (Food line) as published by the United States Department of Labor.

(3) *CPI - Recreation*—the Consumer Price Index for All Urban Consumers - South Region (All Items line) as published by the United States Department of Labor.

(4) *CPI - Housekeeping/Linen/Laundry*—the Consumer Price Index for All Urban Consumers - South Region (All Items line) as published by the United States Department of Labor.

(5) *CPI - Other Dietary*—the Consumer Price Index for All Urban Consumers - South Region (All Items line) as published by the United States Department of Labor.

(6) *CPI - Plant Operation and Maintenance*—the Consumer Price Index - South Region (All Items line) as published by the United States Department of Labor.

(7) *CPI - Administrative and General*—the Consumer Price Index - South Region (All Items line) as published by the United States Department of Labor.

b. Economic Adjustment Factors. Each of the above economic adjustment factors is computed by dividing the value of the corresponding index for December of the year preceding the rate year by the value of the index one year earlier (December of the second preceding year).

c. Rate Year. The rate year is the one-year period from July 1 through June 30 of the next calendar year during which a particular set of rates is in effect. It corresponds to a state fiscal year.

d. Base Rate. The base rate is the rate calculated in accordance with B.3.b.

e. Base Rate Components. The base rate is the summation of the components shown in Table I. Each base rate component is intended to reimburse for the costs indicated by its name.

2. Table I. Base Rate Components

A	B	C
Preceding Rate Year Base Rate Component	Economic Adjustment Factor	New Base Rate Component
DIRECT RESIDENT CARE COSTS:		
Nursing Services (NSCC)	CPI - Medical Care Services	New NSCC
Raw Food (RFCC)	CPI - Food	New RFCC
Recreational (RCC)	CPI - All Items	New RCC
INDIRECT RESIDENT CARE COSTS:		
Housekeeping/Linen/Laundry (HLLCC)	CPI - All Items	New HLLCC
Other Dietary (ODCC)	CPI - All Items	New ODCC
Plant Operation & Maintenance (POMCC)	CPI - All Items	New POMCC
Administrative & General (AGCC)	CPI - All Items	New AGCC
Building Costs ¹ (BCC)	Recompute annually	New BCC
Incentive Factor ² (IF)	Recompute annually	NEW IF

¹ The base rate is established computing an average fair rental value on nursing home beds as follows:

Step 1. Base Value of a Nursing Home Bed. The base value of a nursing facility bed is determined by the median value of the cost of a nursing home bed, adjusted for Louisiana, as published in the *Building Construction Cost Data* by R.S. Means for the previous rate year and then adjusted for occupancy. The adjustment for Louisiana is computed by multiplying the median value by the simple average of the adjustment factors listed for Louisiana metropolitan areas. This result is then divided by a statewide occupancy factor based on the LTC2 for the third quarter of the preceding calendar year.

Step 2. Rental Value. The base value as computed above is multiplied by 150% of the 30 year Treasury Bill Rate as of December 31, 1993. The result of this computation is then converted to a daily rental value rate.

² The Incentive Factor component is computed based on 5% of the sum of the base rate components excluding the Building Cost Component.

3. Base Rate Determination and Percentile Levels. Rate determination is made according to a uniform recipient level of care rate which is adjusted annually from the base rate using the economic indices specified in the plan. In all calculations, the base rate and the base rate components will be rounded to the nearest one cent (two decimal places) and the Economic Adjustment Factors will be rounded to four decimal places.

a. Determination of Inflation Adjustment Factor. The determination of the inflation adjustment factor is based on the Consumer Price Index (CPI) as described in Section B.1.b.

b. Calculation of Base Rate. Separate daily rates will be calculated for each recipient level of care (IC-I, IC-II, and SN). The rate for each level of care will be set at an amount

which the state determines is reasonable to reimburse adequately in full the allowable cost of providing care in a provider facility that is economically and efficiently operated. The rate for each level of care will be recalculated each year and will be effective for July services. The rate for each level of care shall be calculated by multiplying each specific rate component by the corresponding economic adjustment factor as specified in Table I. The nursing services component of the base rate differs by the level of care as a result of the minimum number of nursing hours required for the level of care as mandated by the Standards for Payment for Nursing Facility Services as follows intermediate care levels one and two 2.35 and skilled nursing 2.6.

c. The following percentiles are used in calculating the base rate:

direct resident care costs	80th
housekeeping/linen/laundry	70th
other indirect resident care costs exclusive of building costs and incentive factor	60th

A percentile factor is not applicable to the building costs and incentive component.

d. Base Value of a Nursing Facility Bed. The base value of a nursing facility bed is determined by the median value of the cost of a nursing home bed, adjusted for Louisiana, as published in the *Building Construction Cost Data* by R.S. Means for the previous rate year and then adjusted for occupancy. The adjustment for Louisiana is computed by multiplying the median value by the simple average of the adjustment factors listed for Louisiana metropolitan areas. This result is then divided by statewide occupancy factor based on the LTC2 for the third quarter of the preceding calendar year.

e. Rental Value. The base value as computed above is multiplied by 150 percent of the 30-year Treasury Bill Rate as of December 31, 1993. The result of this computation is then converted to a daily rental value rate.

f. Incentive Factor. The incentive factor component is computed based on five percent of the sum of the base rate components excluding the Building Cost Component.

g. Annualization

1) Base Rate Components. After formal adoption of the new rate, the components computed above will become the base rate components used in calculating the next year's new rate, unless they are adjusted as provided in Section B.4 and B.5.

2) New Base Rate Components. The base rate components are adjusted annually (each rate year) by the economic adjustment factors as listed in Table I. This computation is performed by multiplying the preceding year base rate component (Table I, Column A) multiplied by the applicable economic adjustment factor (Table I, Column B). The product becomes the new base rate component. The building cost component and the return on equity factor are recomputed annually as described in the footnotes to Table I.

4. Interim Adjustment to Rates. If an unanticipated change in conditions occurs which affects the cost of a level of care of at least 50 percent of the enrolled nursing homes

providing that level of care by an average of five percent or more, the rate may be changed. The Bureau of Health Services Financing will determine whether or not the rates should be changed when requested to do so by 10 percent or more of the enrolled nursing homes, or an organization representing at least 10 percent of the enrolled nursing homes providing the level of care for which the rate change is sought. The burden of proof as to the extent and cost effect of the unanticipated change will rest with the entities requesting the change. In computing the costs, all capital expenditures will be converted to interest and depreciation. The Bureau of Health Services Financing, however, may initiate a rate change without a request to do so. Changes to the rates may be one of two types:

- 1) temporary adjustments; or
- 2) base rate adjustments as described below.

5. Temporary Adjustment. Temporary adjustments do not affect the base rate used to calculate new rates.

a. Changes that will be reflected in the economic indices. Temporary adjustments may be made when changes which will eventually be reflected in the economic Indices occur after the end of the period covered by the index, i.e., after the December preceding the rate calculation. Temporary adjustments are effective only until the next annual base rate calculation.

b. Lump Sum Adjustments. Lump sum adjustments may be made when the event causing the adjustment requires a substantial financial outlay. Such adjustments shall be subject to BHSF review and approval of costs prior to reimbursement. These changes are usually specific to *Federal Register* changes or "Standards for Payment Changes" which result in a significant one time cost impact on the facility. In the event of an adjustment, the providers will be responsible for submitting to the bureau documentation to support the need for lump sum adjustment and related cost data upon which the bureau can calculate reimbursement.

c. Base Rate Adjustment. A base rate adjustment will result in a new base rate component or a new base rate component value which will be used to calculate the new rate for the next year. A base rate adjustment may be made when the event causing the adjustment is not one that would be reflected in the indices.

C. Filing of Cost Reports

Providers of nursing home services under Title XIX are required to file annual cost reports for evaluation for each patient level of care for which services were rendered during the year. A chart of accounts and an accounting system on the accrual basis are used in the evaluation process.

The Bureau's personnel or its contractual representative will perform desk reviews of the cost reports within six months of the date of submittal. In addition to the desk review, a representative number of the facilities are subject to a full-scope, on-site audit annually.

Cost reports will be compared by the Bureau of Health Services Financing to the rates calculated by this methodology at least every three years to insure that the rates remain reasonably related to costs. When indicated by such comparison, base rate component and the overall base rate will be adjusted to reflect cost experience.

1. **Initial Reporting.** The initial cost report submitted by Title XIX providers of long term care services must be based on the most recent fiscal year end. The report must contain costs for the twelve month fiscal year.

2. **Subsequent Reports.** Cost reports shall be submitted annually by each provider within 90 days of the close of the facility's normal fiscal year end. Cost reports filed subsequent to interim rate adjustments may be used to validate an interim rate adjustment.

3. **Exceptions.** Limited exceptions to the report requirement will be considered on an individual facility basis upon written request from the provider to Department of Health and Hospitals, Chief, Health Standards Section. If an exception is allowed, providers must attach a statement describing fully the nature of the exception for which written permission has been requested and granted prior to filing of the cost report. Exceptions which may be allowed with written approval are as follows:

a. For the initial reporting period only, the provider may allocate costs to the various cost centers on a reasonable basis if the required itemized cost breakdown is not available.

b. If the facility has been purchased, leased or has effected major changes in the accounting system as an on-going concern within the past 12 months, a six-month cost report may be filed in lieu of the required twelve month report.

c. If the facility experiences unavoidable difficulties in preparing the cost report by the prescribed due date, an extension may be requested prior to the due date. Requests for exception must contain full statement of the cause of difficulties which rendered timely preparation of the cost report impossible.

d. If a facility is new, it will not be required to file a cost report for rate setting purposes until one full operating year is completed.

4. **Sales of Facilities.**

In the event of the sale of a Title XIX facility, the seller is required to submit a cost report from the date of its last fiscal year end to the date of sale.

If the purchaser continues the operation of the facility as a provider of Title XIX services, he is required to furnish an initial cost report covering the date of purchase to the end of the facility fiscal year under his ownership. Thereafter, the facility will file a cost report annually on the purchaser's designated fiscal year end.

EXAMPLE: Mr. X purchased facility J from Mr. Q on September 1, 1993. Facility J's fiscal year end, prior to purchase, was 12/31/93. Mr. Q is required to file a cost report for the period 1/1/93 through the period 8/31/93. If Mr. X decides to change facility J's fiscal year end to 6/30/93, his first report will be due for the nine month period ending 6/30/94, and annually thereafter. NOTE: Facilities purchased as on-going concerns are not considered new facilities for cost reporting purposes.

5. **New Facilities**

For cost reporting purposes a new facility is defined as a newly constructed facility. A new facility is paid the applicable patient level of care rates. A new facility is not required to file a cost report for rate setting purposes until one full operating year has been completed.

A facility purchased as an on-going concern is not considered a new facility for reimbursement rate determination. Cost data shall be submitted as required for the original ownership. Any additional costs, such as increased depreciation, interest, etc., will be reflected in the future year's per diem rates only.

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 the person responsible for responding to inquiries regarding this emergency rule.

A copy of this emergency rule may be obtained from the Parish Medicaid Office.

Rose V. Forrest
Secretary

9501#006

DECLARATION OF EMERGENCY

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

Vaccines for Children Program

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has adopted the following emergency rule in the Medical Assistance Program as authorized by R.S. 46:153 and pursuant to the Social Security Act. This emergency rule is in accordance with the Administrative Procedure Act, R.S. 49:953(B). It shall remain in effect for the maximum period allowed by the act or until adoption of the rule, whichever occurs first.

The Omnibus Budget Reconciliation Act of 1993, Public Law 103-66 Section 13631 created the Pediatric Vaccine Distribution Program (known as the Vaccines for Children Program) which became effective October 1, 1994. OBRA 1993 added a new Section 1928 to the Social Security Act which requires that states establish a program for the purchase and distribution of pediatric vaccines to providers qualified under and registered with the program for the purpose of immunizing children eligible under the act. One of the federally mandated groups of children who are entitled to receive immunizations without charge for the cost of vaccines to their parents/guardians are Medicaid eligible children. Therefore, the Medicaid Program is required to reimburse qualified and registered providers for the administration of the immunization to Medicaid eligible children. The Health Care Financing Administration and the Office of Public Health within the Department of Health and Hospitals are responsible for the distribution of these vaccines to private providers who are registered and qualified under the federal requirements to receive and administer these vaccines. At this time the Office of Public Health is able to distribute these vaccines only to their public health units and the federally qualified health centers.

Adoption of this emergency rule is necessary to implement this Vaccines for Children Program under the Medicaid Program in order for the state to conform with federal law and thereby avoid possible sanctions or penalties by the federal government. It is estimated that implementation of this rule will result in an aggregate cost savings of \$3,848,598 for state fiscal year 1995-96 for the public sector only. Due to a lack of a federal distribution system to private providers, the department is unable to project at this time when this distribution system will be in place for the private providers and therefore is unable to project the cost savings related to the private sector.

Emergency Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing establishes the Medicaid Vaccines for Children Program whereby the bureau will reimburse qualified and registered providers only for the administration of the pediatric vaccines. This program shall be instituted through a phase-in process to allow for the distribution of these vaccines on a statewide basis to both public and private providers. Initial distribution shall be only to the Office of Public Health Units and Federally Qualified Health Centers. Private providers will be phased in as a distribution system becomes available. The following provisions govern the reimbursement of pediatric vaccines under the Medicaid Vaccines for Children Program.

1. A qualified and registered provider must:

- A. be a licensed health care provider who has authority under Louisiana state law to administer pediatric vaccines;
- B. be an enrolled Medicaid provider and an enrolled Vaccines for Children Program provider; and
- C. not have been found by the Health Care Financing Administration or Louisiana to have violated a provider agreement or other applicable requirements.

2. Medicaid reimbursement for the administration cost of the pediatric vaccines is \$10.50 for the first year and this rate will be inflated by the "Medical - All Items line" of the Consumer Price Index for each of the succeeding two years; and

- A. is provided only for Medicaid eligible children; and
- B. shall be made only for the administration of vaccines in accordance with the immunization schedule adopted by the National Academy of Pediatrics as required by the KIDMED Program under the Medicaid Program.

3. Medicaid reimbursement for the cost of the pediatric vaccines administered to Medicaid-eligible children that may be obtained through the Vaccines for Children Program will remain at the current Medicaid payment rates through a date to be determined by the Bureau. Subsequent to that time the Medicaid Program will begin to reimburse only the \$10.50 for the administration cost.

4. The pediatric vaccines included under the Medicaid Vaccines for Children's Program include the following:

- A. DTaP—Diphtheria, Tetanus and acellular Pertussis;
- B. DTP—Diphtheria, Tetanus, Pertussis;
- C. MMR—Measles, Mumps and Rubella;
- D. Poliovirus;
- E. Hep B - Hepatitis B;
- F. HIB - Hemophilus Influenza B.

Interested parties 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 the person responsible for providing information on this emergency rule. Copies of this emergency rule are available at parish Medicaid offices for review by interested parties.

Rose V. Forrest
Secretary

9501#031

DECLARATION OF EMERGENCY

Department of Public Safety and Corrections Office of State Fire Marshal

Building Inspections—New Construction Requirements (LAC 55:V.103)

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act and the authority of R.S. 40:1578.6, the Office of State Fire Marshal hereby finds that an imminent peril to public welfare exists in that the latest fire safety standard is needed to protect the public, and accordingly adopted, on January 5, 1995, the following emergency rule.

This emergency rule, effective immediately, hereby amends LAC 55:V.103 B. and adds LAC 55:V.103 I.

This emergency rule shall remain in effect for 120 days or until final rule promulgation takes effect, whichever occurs first.

Title 55

PUBLIC SAFETY

Part V. Fire Protection

Chapter 1. Preliminary Provisions

§103. General Provisions

* * *

B. All inspections of buildings constructed or remodeled pursuant to plans submitted to the Office of State Fire Marshal after May 31, 1992, but before January 5, 1995, will be made utilizing new construction requirements set forth in the 1991 edition of the *Life Safety Code of the National Fire Protection Association*, and Section 506-Special Provisions for High-Rise Buildings published by the 1988 edition of the *Standard Building Code of the Southern Building Code Congress International, Inc.*

* * *

I. All inspections of buildings constructed or remodeled pursuant to plans submitted to the Office of State Fire Marshal on or after January 5, 1995 will be made utilizing new construction requirements set forth in the 1994 edition of the *Life Safety Code of the National Fire Protection Association*, and Section 506-Special Provisions for High-Rise Buildings published by the 1994 edition of the *Standard Building Code of the Southern Building Code Congress International, Inc.*

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1578.6.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Fire Protection, LR 1:145 (February 1975), amended LR 5:468 (December 1979), LR 6:71 (February 1980), LR 7:588 (November 1981), LR 9:417 (June 1983), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 15:96 (February 1989), LR 17: 1114 (November 1991), LR 21:

Charles E. Fredieu
State Fire Marshal

9501#025

DECLARATION OF EMERGENCY

Department of Public Safety and Corrections Office of State Police Division of Charitable Gaming Control

Progressive Bingo (LAC 42:I.1789)

The Division of Charitable Gaming Control within the Office of State Police, Department of Public Safety and Corrections, is exercising the emergency provisions in accordance with R.S. 49:953(B), in order to amend the previously established administrative rule governing progressive bingo, LAC 42:I.1789.

The emergency rule is necessary to prevent the imminent threat to the public welfare of the citizens of this state as explained below.

The Division of Charitable Gaming Control within the Office of State Police was created in 1986 because of problems arising throughout the state due to inadequate, nonexistent or corrupt local regulation. The ultimate responsibility to regulate the industry rests with the state police. Local regulation is optional, although bingo in a parish or municipality is only permitted by ordinance.

It should be noted that charitable games of chance may only be conducted in accordance with the provisions of R.S. 33:4861.1 et seq. and the division's administrative rules. The prizes to be awarded were limited to \$4,500, pursuant to R.S. 33:4861.11, with the intention of keeping bingo games at a manageable level and to keep bingo from becoming a big business which, by its nature, is gambling. The Charitable Gaming Division promulgated a rule providing for "Progressive Bingo" effective December 20, 1993, LAC 42:I.1789. This rule was promulgated in response to a number of requests from charities and commercial hall owners that it was necessary to increase attendance at the halls during a time of decline.

The division has received information that several commercial halls within a specific parish propose to link up electronically, to compose a multi-hall progressive bingo series and they have adopted a local ordinance authorizing the multi-hall progressive bingo series. This would require all participating charitable organizations conducting games in that parish to withhold \$100 from each gaming session and deposit it into a special account. Each organization participating would conduct one blackout game during each licensed session

where a player could win all the money in this account by covering a special bingo card in 48 called balls or less. If one or more players won the jackpot consecutively, they would split the pot. The jackpot could be extremely large, up to possibly \$300,000 or more, in approximately six months.

Charitable gaming is a carefully carved exception to the constitutional and statutory prohibitions against gambling and it was not the intent of the legislature to allow the operation of such games other than those specifically mentioned. Traditionally, and it is the implied intent of the act, bingo games are to be conducted by organizations independently of each other with their member workers, and that the money raised is to be used for their organizations specific allowable purposes. The notion of all organizations in a parish pooling their resources to establish a multi-hall progressive series jackpot, which could easily exceed \$500,000 in a year, circumvents the legislative intent to control charitable gaming.

The impact of a multi-hall progressive bingo series would put many organizations and halls out of business due to the fact that a large jackpot would draw players from surrounding parishes and seriously affect organizations and halls in those parishes. Additionally, many of the smaller organizations cannot afford to purchase the required equipment or share in any required accounting, attorney, banking or other fees associated with the multi-hall progressive jackpot accounts. These costs would outweigh the benefits of additional revenue generated by these smaller organizations.

In addition, with the tremendous increase in the size of the jackpot prize, the potential for fraud increases proportionately if not exponentially. Compounded by the fact that these games are controlled by volunteers and frequently unskilled personnel who, on occasion, have been accused of tampering with the supplies and equipment, these problems would be almost impossible to prevent by regulation. It would require either a significant increase in manpower or use of a centralized location and there is currently no practical or inexpensive solution to this problem. Also, the current industry practice does not include any methods or procedures for safeguarding and securing the bingo balls, blower and equipment as is done with the Louisiana Lottery. Under this multi-hall progressive bingo series a single parish may have 13 or more sites where several games are conducted at each site, at various times during a 24-hour period which translates into approximately 100 games per week for one parish. The division currently does not have the manpower to be present before and during each game conducted in the state to ensure the integrity of the game. Without a division or parish representative present to verify the winner and without other significant safeguards, the potential for fraud and collusion exists.

This emergency rule shall become effective January 11, 1995 and shall remain in effect for the maximum allowable period under the law or until it becomes a final rule, whichever occurs first.

Title 42

LOUISIANA GAMING

Part I. Charitable Bingo, Keno, Raffle

Chapter 17. Charitable Bingo, Keno and Raffle

Subchapter F. Investigations

§1789. Progressive Bingo

A. Any licensed charitable organization or organizations playing at the same location may deposit a predetermined amount of money before each licensed call bingo session into a special account in order to offer a jackpot prize. The linking or networking of more than one location, commercial or noncommercial, electronically or otherwise, for the purpose of conducting a progressive blackout bingo jackpot game, or any form thereof, and the participation by two or more licensed charitable organizations playing at different locations in any progressive bingo jackpot game shall be prohibited.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1485.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Division of Charitable Gaming Control, LR 20:448 (April 1994), amended LR 21:

Rex McDonald
Undersecretary

9501#043

DECLARATION OF EMERGENCY

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

Voter Registration (LAC 67:VII.101)

In accordance with the provisions of R.S. 49:953(B), the Administrative Procedure Act, the Department of Social Services, Louisiana Rehabilitation Services (LRS) is revising its policy through the emergency rule provision to allow the agency to provide voter registration services to applicants and clients.

The purpose of this declaration of emergency is to adopt a rule to ensure that applicants/clients are afforded an opportunity to register to vote by mail. The effective date of this emergency rule is January 1, 1995 and this shall remain in effect for a period of 120 days or until a final rule is promulgated, whichever occurs first.

Pursuant to the National Voter Registration Act of 1993 and Act 10 of the 1994 Third Extraordinary Session of the Louisiana Legislature, the department will provide to applicants/clients of LRS's programs the opportunity to register to vote. LRS is a designated voter registration agency.

In accordance with the guidelines of federal and state voter registration acts, regional offices shall provide to applicants and participants of these programs the opportunity to register to vote and shall further provide assistance to registrants as requested.

Regional offices shall accept and mail, or otherwise submit, state voter registration forms to their appropriate registrar of voters.

Title 67

DEPARTMENT OF SOCIAL SERVICES

Part VII. Louisiana Rehabilitation Services

Chapter 1. General Provisions

§101. Policy Manual

LRS Policy Manual provides opportunities for employment outcomes and independence to individuals with disabilities through vocational and other rehabilitation services. Its policy manual guides its functions and governs its actions within the parameters of federal law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.6 and R.S. 36:477.

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

Gloria Bryant-Banks
Secretary

9501#030

DECLARATION OF EMERGENCY

**Department of Treasury
Board of Trustees of the State Employees Group Benefits
Program**

Plan Document—Payment of Benefits

In accordance with the applicable provisions of R.S. 49:953(B), the Administrative Procedure Act, and R.S. 42:871(C) and 874(A)(2), vesting the board of trustees with the sole responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, the Board of Trustees of the State Employees Group Benefits Program hereby finds that imminent peril to the public health and welfare exists which requires the adoption of the following amendments to the plan document by emergency rule in order to avoid disruption or curtailment of services to state employees and their dependents who are covered by the State Employees Group Benefits Program.

This emergency rule shall remain in effect for a maximum of 120 days or until the final rule is promulgated, whichever occurs first.

The purpose, intent, and effect of these amendments are:

1. to clarify that all prescription drugs and medicines dispensed by a licensed pharmacist or pharmaceutical company and not administered to a covered person as an inpatient hospital patient or as an outpatient surgical patient will be subject to the additional prescription drug deductible and will never be eligible for 100 percent reimbursement;

2. to add "angioplasty with or without stenting" as a condition for which cardiac rehabilitation therapy will be considered as an eligible expense;

3. to clarify the schedule of frequency for which a screening mammographic examination will be considered as an eligible expense; and

4. to clarify the schedule of frequency for which a routine physical examination by a physician will be considered an eligible expense.

Effective December 8, 1994, Article 3, Section VIII, Subsection F, Paragraphs 8, 26, 29, and 31 of the Plan Document for the State Employees Group Benefits Program, are amended to read, respectively, as follows:

8. Subject to the filing requirements of Article 4, Section IV, and the limitations and deductibles specified in the Schedule of Benefits, drugs and medicines approved by the Food and Drug Administration or its successor, requiring a prescription, dispensed by a licensed pharmacist or pharmaceutical company and not administered to a covered person as an inpatient hospital patient or as an outpatient surgical patient, except for topical forms of Minoxidil, Accutane dispensed for cystic acne or nodular cystic acne, and dietary supplements, provided that Vitamin B12 injection for the treatment of Addisonian Type-A Pernicious Anemia shall not be considered a dietary supplement.

26. Cardiac Rehabilitation Therapy, subject to the following conditions:

a. The covered person must be recovering from a myocardial infarction, angioplasty with or without stenting, or cardiac bypass surgery.

* * *

d. All cardiac rehabilitation therapy (both inpatient and outpatient) must be completed within six months following the date of the myocardial infarction, angioplasty with or without stenting or cardiac bypass surgery.

* * *

29. Screening mammographic examinations performed according the following schedule:

a. One baseline mammogram during the five-year period a person is 35-39 years of age;

b. One mammogram every two calendar years for any person who is 40 through 49 years of age, or more frequently if recommended by her physician;

c. One mammogram every calendar year for any person who is 50 years of age or older.

31. Without deductible, the expenses of one routine physical examination by a physician per calendar year per covered person over 16 years old, up to a benefit payment of \$100 per calendar year, including the cost of the physical exam, routine x-rays and laboratory services.

James R. Plaisance
Executive Director

9501#022

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Office of Fisheries

Commercial Fisherman's Sales Card; Dealer Receipt Forms
(LAC 76:VII.201)

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 56:303.7(B) and 306.4(E) which allows the secretary to promulgate rules and regulations on the submission of Dealer Receipt Forms to the department; LAC 76:VII.201(F) which establishes an implementation date of January 1, 1995; the secretary of the Department of Wildlife and Fisheries hereby finds that imminent peril to the public welfare exists and accordingly adopts the following emergency rule, effective January 1, 1995, for 120 days or until promulgation of final rule, whichever occurs first.

Effective immediately, the full implementation date for the Dealer Receipt Forms is January 1, 1996.

The secretary has amended the full implementation date of the Dealer Receipt Forms to January 1, 1996 due to the lack of sufficient funding to initiate and maintain the program.

Joe L. Herring
Secretary

9501#009

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Office of Fisheries

Commercial Fisherman's Sales Report Forms
(LAC 76:VII.203)

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 56:345(B) which allows the secretary to promulgate rules and regulations on the submission of Commercial Fisherman's Sales Report Forms to the department; LAC 76:VII.203(D) which establishes an implementation date of January 1, 1995; the secretary of the Department of Wildlife and Fisheries hereby finds that imminent peril to the public welfare exists and accordingly adopts the following emergency rule, effective January 1, 1995, for 120 days or until the final rule is promulgated, whichever occurs first.

The full implementation date for the Commercial Fisherman's Sales Report Forms is January 1, 1996.

The secretary has amended the full implementation date of the Commercial Fisherman's Sales Report Forms to January 1, 1996 due to the lack of sufficient funding to initiate and maintain the program.

Joe L. Herring
Secretary

9501#010

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Calcasieu Lake Oyster Season

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and 967 and under the authority of R.S. 56:6(25)(a) and R.S. 56:435.1, notice is hereby given that the Wildlife and Fisheries Commission finds that imminent peril to the public welfare exists and hereby adopts the following emergency rule.

The 1994/95 oyster season in Calcasieu Lake shall be extended through April 30, 1995 and effective January 6, 1995 and for the remainder of the 1994/95 season in Calcasieu Lake the daily take limit shall be fifteen "1½ bushel" sacks per boat per day.

John F. "Jeff" Schneider
Chairman

9501#013

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Commercial Red Snapper Closure Extension

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and R.S. 56:317 which provides that the secretary of the department may declare a closed season when it is in the best interest of the state; the secretary of the Department of Wildlife and Fisheries hereby finds that an imminent peril to the public welfare exists and accordingly adopts the following emergency rule.

Effective 12:01 a.m. January 1, 1995, the commercial fishery for red snapper in Louisiana waters will remain closed until 12:01 a.m. February 24, 1995.

The commercial fishery for red snapper was closed by emergency action effective May 15, 1994. That action remains in effect until January 1, 1995, at which time the Gulf of Mexico Fishery Management Council was expected to reopen federal waters to the commercial harvest of red snapper. The council has since delayed the expected date for reopening federal waters until February 24, 1995. This notice is required to maintain a concurrent closure of state waters, as requested by the council. The secretary has been notified by the Gulf of Mexico Fishery Management Council and the National Marine Fisheries Service that the season closure is necessary to prevent overfishing of this species.

Joe L. Herring
Secretary

9501#008

RULES

RULE

Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences Boll Weevil Eradication Commission

Boll Weevil Eradication (LAC 7:XV.9901-9925)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Boll Weevil Eradication Commission, has adopted rules and regulations concerning Boll Weevil, LAC 7:XV, Chapter 99. No preamble regarding these rules is available.

Title 7

AGRICULTURE AND ANIMALS

Part XV. Plant Protection and Quarantine

Chapter 99. Boll Weevil

§9901. Applicability of Regulations

These regulations are adopted pursuant to the authority granted in and for the purposes as stated in the Louisiana Boll Weevil Eradication Law, R.S. 3:1601-1617.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1608.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Boll Weevil Eradication Commission, LR 21: (January 1995).

§9903. Definitions Applicable to Boll Weevil

APHIS—the Animal and Plant Health Inspection Service of the United States Department of Agriculture.

ASCS—the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture.

Compliance Agreement—a written agreement between the department and any person engaged in growing, dealing in or moving regulated articles wherein the latter agrees to comply with specified provisions to prevent dissemination of the boll weevil.

Cotton Acre—any acre of land devoted to the growing of cotton, regardless of row width or planting pattern.

Gin Trash—all material produced during the cleaning and ginning of seed cotton, bollies or snapped cotton, except lint, cottonseed or gin waste.

Penalty Fee—the fee assessed against a cotton producer for late reporting of acreage, underreporting of acreage or late payment of assessments. It does not refer to the assessment fee itself nor to any penalty assessed for any violation of the regulations.

Premises—any parcel of land, including any buildings located thereon, irrigation systems and any other similar locations where the boll weevil is, may be, or where conditions are conducive to supporting the boll weevil.

Seed Cotton—cotton as it comes from the field prior to ginning.

Used Cotton Equipment—any equipment used previously to

harvest, strip, transport or process cotton.

Waiver—a written authorization which exempts a person from compliance with one or more requirements of these regulations and the Boll Weevil Eradication Law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1608.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Boll Weevil Eradication Commission, LR 21: (January 1995).

§9905. Regulated Articles

The following articles shall be regulated:

1. the boll weevil;
2. cotton plants and bolls;
3. gin trash;
4. seed cotton;
5. used cotton equipment;
6. any other products, articles, means of conveyance, or any other item or thing whatsoever which presents the possibility of spreading the boll weevil.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1608.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Boll Weevil Eradication Commission, LR 21: (January 1995).

§9907. Conditions Governing Movement and Handling of Regulated Articles

A. Certificate, Permit or Written Waiver Required

1. Regulated articles moving into, within or from the state of Louisiana shall be accompanied by a certificate or permit issued by an authorized regulatory official in the state where such articles originated, if such state is other than Louisiana, or by the commissioner.

2. Regulated articles may be moved into, within or from the state of Louisiana without a certificate or permit, if accompanied by documentation confirming the point of origin and a written waiver from the commissioner indicating that such movement is consistent with the boll weevil eradication program.

3. The certificate, permit or a written waiver shall be attached securely to the outside of the container in which the regulated articles are moved; or the certificate, permit or written waiver shall be attached to the shipping document, provided the document adequately describes the regulated articles being moved. Copies of all certificates, permits or written waivers shall be furnished by the carrier to the consignee at the final destination.

B. Issuance of Certificates and Permits

1. Certificates for movement of regulated articles may be issued by the commissioner when such articles:

- a. originated in noninfested premises in an eradication zone and have not been otherwise exposed to infestation; or
- b. have been treated to destroy infestation in accordance with procedures approved by the commissioner; or
- c. have been grown, manufactured, stored or handled in such a manner that, in the judgement of the commissioner, no infestation would be transmitted; or
- d. have been examined by the commissioner and found free from infestation.

2. Permits for movement of noncertified regulated articles may be issued by the commissioner allowing movement of such articles into, within or from the state of Louisiana in accordance with procedures approved by the commissioner, when the commissioner has determined that movement will not result in the spread of the boll weevil.

C. Granting, Cancellation and Proof of Certificates, Permits and Written Waivers

1. The granting of certificates, permits or written waivers by the commissioner is purely discretionary and any person claiming movement under the terms of a certificate, permit or written waiver shall have the burden of proof as to the issuance of any such certificate, permit or written waiver and any other related matter.

2. Any certificate, permit or written waiver may be canceled by the commissioner for good cause, including but not limited to, a determination that the holder thereof has failed to comply with any condition for the use of such certificate, permit, written waiver or with any terms or conditions of a compliance agreement or has obtained a certificate, permit or written waiver on falsified information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1608.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Boll Weevil Eradication Commission, LR 21: (January 1995).

§9909. Compliance Agreements

A. The commissioner may, as a condition of issuance of certificates, permits or written waivers, require a compliance agreement stipulating expressed conditions of the certificate, permit or written waiver as required by the commissioner which may include but are not limited to:

1. safeguards against the establishment and spread of the boll weevil;
2. maintenance of identity, handling and subsequent movement of regulated articles;
3. requirements for cleaning and treating all means of conveyance and all containers used for transporting regulated articles;
4. any other condition deemed consistent with the purposes of the boll weevil eradication program.

B. Any compliance agreement may be canceled by the commissioner for good cause, including but not limited to a finding that the holder has failed to comply with any conditions of the agreement, and the commissioner may do so summarily and *ex parte* if he finds that public health, safety or welfare requires emergency action. Any compliance agreement may be canceled or voided by the commissioner upon a determination that the compliance agreement is no longer consistent with the purposes of the boll weevil eradication program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1608.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Boll Weevil Eradication Commission, LR 21: (January 1995).

§9911. Inspection, Movement and Enforcement

The commissioner is authorized to stop any person and

inspect any regulated article or means of conveyance moving into, within or from the state of Louisiana when he has reason to believe that such regulated article or means of conveyance is infested with the boll weevil. The commissioner is authorized to issue a stop order on, seize or treat any regulated article found to be infested with the boll weevil moving in violation of the Boll Weevil Eradication Law or these regulations and may destroy or otherwise dispose of any infested cotton where the destruction of said cotton is necessary to effectuate the purposes of the boll weevil eradication program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1608.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Boll Weevil Eradication Commission, LR 21: (January 1995).

§9913. Purchase and Destruction of Cotton to Effectuate Program Objectives

A. When the commissioner deems the purchase of cotton necessary to effectuate the purposes of the boll weevil eradication program he shall make a written determination to purchase.

1. The written determination to purchase shall contain the reasons for the determination, the purchase price, and shall be mailed to or served upon the cotton producer.

2. The cotton producer shall promptly take all steps necessary to convey title to the commissioner. In the event the cotton producer fails to take all steps necessary to convey title to the commissioner within 10 days of receipt of determination to purchase, the commissioner may destroy the cotton, compensating the cotton producer for the purchase price less the loss of the resale price and cost of destruction. The purchase price shall be determined by appraisal, the appraisal shall have been completed within 72 hours of the mailing or issuance for service of the written determination to purchase, and the appraisal shall, to the extent practical, utilize the ASCS farm-established yield for the current year.

3. If the cotton producer does not accept the purchase price contained in the written determination to purchase, the purchase shall, nevertheless, be concluded as described herein but the cotton producer shall have the right to an appeal in the form of a hearing on the decision of price before the commission in accordance with the Louisiana Administrative Procedure Act provided the appeal is perfected in writing to the commissioner within 30 days of the receipt by the cotton producer of the written determination to purchase. The appeal shall contain a concise statement of the basis for the appeal, shall have attached a clear and readable copy of the written determination to purchase, and shall be mailed to or served upon the commissioner within the aforesaid prescribed time limit of 30 days.

B. Whenever the commissioner has reason to believe that the destruction of cotton is necessary to effectuate the purposes of the boll weevil eradication program he shall make a written determination of destruction.

1. The written determination of destruction shall contain the reason for the destruction, the payment to the cotton producer, if applicable, and shall be mailed to or served upon

the cotton producer. The cotton producer shall take all steps necessary to cooperate with the commissioner in the destruction of the cotton. In the event the cotton producer fails to take all steps necessary to cooperate in the destruction of the cotton, the cotton producer shall be in violation of these regulations.

2. In those cases where payment to the cotton producer shall be due by the commissioner, the amount of payment shall be determined by appraisal, the appraisal shall have been completed within 72 hours of the mailing or issuance for service of the written determination of destruction, and the appraisal shall, to the extent practical, utilize the ASCS farm-established yield for the current year. If the cotton producer does not accept the payment contained in the written determination of destruction, the payment shall, nevertheless, be made as stated but the cotton producer shall have the right to an appeal in the form of a hearing on the amount of the payment before the commission in accordance with the Louisiana Administrative Procedure Act provided the appeal is perfected in writing to the commissioner within 30 days of the receipt by the cotton producer of the written determination of destruction. The appeal shall contain a concise statement of the basis for the appeal, shall have attached a clear and readable copy of the written determination of destruction, and shall be mailed to or served upon the commissioner within the aforesaid prescribed time limit of 30 days.

3. The notice provisions contained herein are in addition to those notice provisions contained in R.S. 3:1609(E).

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1610.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Boll Weevil Eradication Commission, LR 21: (January 1995).

§9915. Quarantine: Authority and Procedures

A. The commissioner is hereby authorized to issue Quarantine Orders to affected parties whenever he determines that a quarantine is necessary to effectuate the purposes of the boll weevil eradication program.

B. Quarantine Orders shall be written and shall describe with particularity the regulated articles or premises being quarantined, the nature of the restrictions on the regulated articles or premises, the reasons for the issuance of the Quarantine Order and the method for affected parties to seek a review of the order.

C. A Quarantine Order shall be issued for the purpose of preventing the movement, disturbance, or noncontainment of an actual or suspected boll weevil infestation or the prevention of a boll weevil infestation.

D. Any affected party may request and receive a hearing on the issuance and maintenance of a Quarantine Order before the commission in accordance with the Louisiana Administrative Procedure Act provided the affected party requests the hearing within 30 days of receipt by the affected party of notice of the Quarantine Order.

E. The notice provisions contained in this section are in addition to those notice provisions contained in R.S. 3:1609(E).

F. All persons and all parties affected by a quarantine shall

cooperate in the affectation of the quarantine and shall do nothing to cause a breach of the terms of the Quarantine Order.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1608.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Boll Weevil Eradication Commission, LR 21: (January 1995).

§9917. Aiding and Abetting

Any person who aids and abets another person in any act or omission which constitutes a violation of the Boll Weevil Eradication Law or these regulations shall be in violation of the Boll Weevil Eradication Law and these regulations. Each act or omission of aiding and abetting shall be a separate offense and each day on which the underlying violation which was aided and abetted occurs shall also be a separate offense, but two violations may not result from one act or omission which occurred on a single day.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1612.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Boll Weevil Eradication Commission, LR 21: (January 1995).

§9919. Reporting of Cotton Acreage

A. All cotton producers growing cotton in the state of Louisiana shall complete a Cotton Acreage Reporting Form provided by the commissioner by April 15 or at sign-up of the current growing season, and shall submit the completed form to the ASCS office responsible for the parish or parishes in which they produce cotton. Such report shall be filed for each year of the program and shall include the intended acreage and location of cotton to be planted during the current growing season.

B. All cotton producers growing cotton in the state of Louisiana shall also complete a Cotton Acreage Reporting Form provided by the commissioner by the later of July 1 or at final certification of the current growing season, and shall submit the completed form to the ASCS office responsible for the parish or parishes in which they produce cotton. Such report shall be filed for each year of the program and shall include the actual acreage and location of cotton planted during the current growing season.

C. Noncommercial cotton shall not be planted in the state unless an application for a written waiver has been submitted in writing to the commissioner stating the conditions under which such written waiver is requested, and unless such written waiver is granted by the commissioner. The commissioner's decision to grant or deny a written waiver for noncommercial cotton shall include consideration of the location, size, pest conditions, accessibility of the growing area, any stipulations set forth in any compliance agreement between the applicant and the commissioner, and any other factors deemed relevant to effectuate the boll weevil eradication program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1607, 1609.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Boll Weevil Eradication Commission, LR 21: (January 1995).

§9921. Program Participation, Fee Payment and Penalties

Upon passage of the referendum, all cotton producers growing cotton in an eradication zone shall be required to participate in the eradication program as follows:

1. Each year, during the first five years of the program cotton producers shall submit to the ASCS office the annual assessment as set by the commission following the adjudicatory procedure of the Administrative Procedure Act, which assessment shall not exceed \$25 per acre, for each acre of certified cotton acreage on file with ASCS. The assessment shall be paid to the commission by the later of July 1 or final certification of the current growing season. ASCS shall promptly forward all collected assessments to the commission.

a. Any cotton producer planting a fraction of an acre shall be assessed at a prorated assessment rate for that fractional acre.

b. Any cotton producer failing to file a completed Cotton Acreage Reporting Form by the later of July 1 or final certification of the current growing season shall, in addition to the assessment fee and other penalties provided in the Boll Weevil Eradication Law and these regulations, be subject to a penalty fee of \$2 per acre.

c. Any cotton producer failing to pay all assessments by the later of July 1 or final certification of the current growing season shall, in addition to the assessment fee and other penalties provided in the Boll Weevil Eradication Law and these regulations, be subject to a penalty fee of \$3 per acre.

d. Beginning with the second year of the program and continuing for subsequent years, any cotton producer whose ASCS certified acreage exceeds his reported acreage by more than 10 percent shall, for each ASCS certified acre in excess of that reported, be subject to a penalty fee of \$5 per acre in addition to the assessment fee, payable on or before September 1 of the current growing season.

e. Failure to pay all program costs, including assessments and penalty fees shall be a violation of these regulations. Any cotton growing on a cotton producer's acreage which is subject to the assessment shall be subject to destruction by the commissioner should said cotton producer fail to pay all program costs, including assessments and penalty fees, within 30 days of notification of the default.

2. The commission shall have the right to collect some or all of the program costs, including assessments and penalty fees, by contracting with another entity, public or private, for assessment collection. All cotton producers in an eradication zone shall be notified of such a decision by the commission.

3. Cotton producers shall destroy cotton stalks in every field location planted to cotton, on or before December 31 of each year. Cotton stalk destruction shall consist of shredding or disking to the extent of eliminating standing cotton stalks. Failure to destroy stalks by December 31 of each year shall be a violation of these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1609, 1612, 1613.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Boll Weevil Eradication Commission, LR 21: (January 1995).

§9923. Expenditures

Expenditures, by the commissioner and the commission, for any and all costs related to the eradication of boll weevils shall be accomplished employing the procedures authorized and granted to the Louisiana Agricultural Finance Authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1614, 1615.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Boll Weevil Eradication Commission, LR 21: (January 1995).

§9925. Voter Eligibility

A. A person shall be considered eligible to vote in a referendum if that individual shared in the cotton crop, or in the proceeds of the cotton crop, actually produced during the crop year in which the referendum is held. When in compliance with the above requirements the following shall be eligible to vote in a referendum:

1. farm operator;
2. owner-operator;
3. cash tenant;
4. landlord of a share tenant;
5. share tenant;
6. landlord of a cash tenant;
7. sharecropper.

B. A person shall not be eligible to vote in a referendum if that individual is under 18 years of age.

C. Voting by proxy, agent, or power of attorney is prohibited.

D. Each eligible voter shall be entitled to only one vote in each referendum.

E. The commission shall determine any questions of eligibility to vote.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1613.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Boll Weevil Eradication Commission, LR 21: (January 1995).

Bob Odom
Commissioner

9501#018

RULE

**Department of Economic Development
Board of Examiners of Certified Shorthand Reporters**

Certificates (LAC 46:XXI.513, 515, 517)

Under authority of R.S. 37:2554 and with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana Board of Examiners of Certified Shorthand Reporters hereby amends LAC 46:XXI.513, 515, and 517. This rule requires the court reporter to disclose and preserve on the record any arrangements, financial or otherwise, with a party requesting the court reporter's services. The reporter

shall be responsible for inquiring and discovering such information before accepting assignment. The rule also requires the reporter to attest to the accuracy of every transcript by dating, signing, and sealing a certification page containing certain language. This rule also requires the reporter to offer any work product to all parties at the same time offered to other parties.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XXI. Certified Shorthand Reporters

Chapter 5. Certificates

§513. Disclosure

Each certified court reporter shall disclose and preserve on the record at the outset of every deposition the complete arrangement, financial or otherwise, made between the reporter or any person or entity making arrangements for the reporter's services and the attorney or other party making such arrangements with the reporter, person, or entity. Each reporter is responsible for inquiring about and discovering such information before accepting any assignment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2554 and R.S. 37:2557.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Examiners of Certified Shorthand Reporters, LR 21: (January 1995).

§515. Certification of Transcript

A. Each certified court reporter shall attest to the accuracy of every transcript prepared by that reporter by dating, signing, and sealing a certification page containing substantially the following language:

This certification is valid only for a transcript accompanied by my original signature and original raised seal on this page.

I, [reporter's name], Certified Court Reporter in and for the State of Louisiana, as the officer before whom this testimony was taken, do hereby certify that [name of person(s) to whom oath was administered], after having been duly sworn by me upon authority of R.S. 37:2554, did testify as hereinbefore set forth in the foregoing [number of] pages; that this testimony was reported by me in the [stenotype; stenomask; penwriter; electronic] reporting method, was prepared and transcribed by me or under my personal direction and supervision, and is a true and correct transcript to the best of my ability and understanding; that I am not related to counsel or to the parties herein, nor am I otherwise interested in the outcome of this matter.

B. No certified court reporter shall execute the foregoing certification without having first reviewed and approved the accuracy of the transcript to which such certification is attached.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2554 and R.S. 37:2557.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Examiners of Certified Shorthand Reporters, LR 21: (January 1995).

§517. Comparable Services

A reporter shall offer any work product to all parties and

counsel at the same time as it is offered to any other party or counsel.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2554 and R.S. 37:2557.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Examiners of Certified Shorthand Reporters, LR 21: (January 1995).

Peter Gilberti
Secretary

9501#023

RULE

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

Fee System (LAC 33:III.223) (AQ101)

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary has amended the Air Quality Division Regulations, LAC 33:III.223 (AQ101).

Chapter 2 sets forth rules and regulations for the fee system of the Air Quality Control Programs. It is the purpose of these regulations to establish a fee system for funding the monitoring, investigation, and other activities required to be conducted for the maintenance of a safe and healthful environment by the Department of Environmental Quality (DEQ) in accordance with the Louisiana Environmental Quality Act. Fees are required for all permits, licenses, registrations, and variances authorized by the act. New programs and associated fees will necessitate these proposed changes in Chapter 2.

The Lead Abatement Program is required by R.S. 30:2351 through 2351.60, Act No.224 of the 1993 Regular Legislative Session. Act 570 of this session requires the DEQ to establish an emissions banking program by September 1, 1994 in the six-parish ozone nonattainment area surrounding East Baton Rouge. This rule also allows Calcasieu Parish (classified as marginal for ozone nonattainment) to participate. Section 182(b)(1) of the 1990 Clean Air Act Amendments (CAAA) required all ozone nonattainment areas classified as moderate and above to submit a Reasonable Further Progress Plan (RFP) by November 15, 1993, which describes how the area will achieve an actual volatile organic compounds (VOC) emission reduction of at least 15 percent during the first six years after enactment of the CAAA. The Emissions Banking Rule is part of the Contingency Measures for the 15 percent VOC Reduction RFP.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 2. Rules and Regulations for the Fee System of the Air Quality Control Programs

§223. Fee Schedule Listing

* * *

[See Prior Text in Fee Number 0010-1711]

ADDITIONAL PERMIT FEES AND ADVF FEES		
Fee Number	Fee Description	Amount
* * * [See Prior Text in Fee Number 2000-2620]		
2800	An application fee for mobile sources emissions banking (auto scrappage)	50.00
2810	An application fee for point source emissions banking. Not applicable when filing application with a new permit or permit modification.	50.00

* * *

[See Prior Text in Explanatory Notes 1-16]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987, amended LR 14:613 (September 1988), LR 15:735 (September 1989), LR 17:1205 (December, 1991), repromulgated LR 18:31 (January 1992), amended LR 18:706 (July 1992), LR 18:1256 (November 1992), LR 19:1419 (November 1993), LR 19:1564 (December 1993), LR 20:421 (April 1994), LR 21: (January 1995).

James B. Thompson, III
Assistant Secretary

9501#028

RULE

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

Use of Incidental VOC (LAC 33:III.2120) (AQ103)

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air Quality Division Regulations, LAC 33:III.Chapter 21 (AQ103).

This change to Chapter 21 removes a redundant requirement for a permit application submitted to the department. Section 182(b)(1) of the 1990 Clean Air Act Amendments (CAAA) required all ozone nonattainment areas classified as moderate and above to submit a Reasonable Further Progress Plan

(RFP) by November 15, 1993, which describes how the area will achieve an actual volatile organic compound (VOC) emission reduction of at least 15 percent during the first six years after enactment of the CAAA. The 1996 target level of emissions is the maximum amount of ozone season VOC emissions that can be emitted by an ozone nonattainment area in 1996 for that nonattainment area to be in compliance with the 15 percent RFP requirements. The use of incidental VOC reductions is part of the Contingency Measures for the 15 percent VOC Reduction RFP. Since affected sources will develop permit applications to comply with the newly revised permit rules under Chapter 5 of the Air Quality rules, a requirement for submittal of a permit application under Chapter 21 is not needed.

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 21. Control of Emission of Organic Compounds
§2120. Use of Incidental VOC Reductions to
Demonstrate Reasonable Further Progress

* * *

[See Prior Text in A]

B. Emission reductions of VOCs achieved after November 15, 1990, through compliance with air toxic maximum achievable control technology (MACT) standards and ambient air standards (AAS) pursuant to LAC 33:III.Chapter 51 may be utilized by the Air Quality Division where necessary to demonstrate reasonable further progress (RFP) in accordance with section 182(b)(1) of the Clean Air Act Amendments (CAAA) of 1990. Emission reductions available for use shall be identified by source and tonnage.

C. Upon request by the permitting authority, the owner or operator of each source so identified in the state implementation plan (SIP) shall submit a permit application to incorporate VOC emission reduction measures into the permit. The permit application shall be submitted to the department within 90 days of a request by the permitting authority and shall contain all information required by LAC 33:III.517, including all information relative to the VOC emission reductions to be obtained through compliance with MACT and AAS. The permit application shall also include a compliance schedule for obtaining VOC emission reductions through the application of MACT (or compliance with AAS) as determined by the department pursuant to LAC 33:III.Chapter 51 and shall include compliance provisions specific to the source, including requirements and deadlines for compliance certification, testing, monitoring, reporting, and recordkeeping, which will meet the criteria specified in 40 CFR 70.6(a)(3) and LAC 33:III.507.H and which will ensure that the reductions are maintained. The compliance schedule will have the force of a regulation pending issuance of a permit. Failure to comply with the provisions of the compliance schedule once approved by the department may result in enforcement action by EPA pursuant to the federal Clean Air Act or by DEQ pursuant to R.S. 30:2025.

D. Permit limits, terms, and conditions reflecting the emission reductions and corresponding compliance schedules and compliance measures shall be incorporated in a federally enforceable permit issued by the department in accordance

with LAC 33:III.Chapter 5.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:537 (May 1994), amended LR 21: (January 1995).

James B. Thompson, III
Assistant Secretary

9501#027

RULE

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

NORM Regulations (LAC 33:XV.1401-1420) (NE14)

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2101 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary has amended the Radiation Protection Division Regulations, LAC 33:XV.Chapter 14 (NE14).

The changes in the rule are being made to clarify NORM contaminant levels for waste and/or land, to include: below 5 picocuries per gram is exempt; between 5 and 30 picocuries per gram may be treated/diluted at nonhazardous oilfield waste facilities (with some restrictions); between 30 and 200 picocuries per gram may be treated/diluted for reuse at specifically licensed nonhazardous oilfield waste facilities. The rule states that if decontamination is required, then decontamination shall be to 5 picocuries per gram (of radium).

The rule raises the screening level from the current 25 microroentgens per hour above background to 50 microroentgens per hour including background. (The 50 microroentgen per hour exposure rate was the level in the original rules promulgated in 1989).

The rule allows pipeyards to receive exempt quantities (assuming certain criteria are met). In addition, pipeyards which currently have contamination in excess of regulatory limits will be allowed to clean their facilities on a one-time basis.

The rule allows on-site maintenance only if the radiation levels are below 2 millirem per hour.

The rule clarifies the financial assurance requirements.

The rule allows contaminated equipment to be recycled by specifically licensed smelters (provided certain criteria are met).

These proposed regulations are to become effective upon publication in the *Louisiana Register*.

Title 33
ENVIRONMENTAL QUALITY
Part XV. Radiation Protection

Chapter 14. Regulation and Licensing of Naturally Occurring Radioactive Material (NORM)

§1401. Purpose

The regulations in this Chapter establish radiation health and safety requirements for the possession, use, transfer, treatment, storage, and disposal of naturally occurring radioactive material (NORM) and the recycling of NORM contaminated equipment that does not include source, special nuclear, or by-product materials regulated pursuant to the licensing requirements in LAC 33:XV.Chapter 3. The requirements of this Chapter are in addition to, and not in substitution for, the applicable requirements of LAC 33:XV. Chapters 1, 3, 4, 10, 15, and 25.

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

HISTORICAL NOTE: Repealed and repromulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:604 (June 1992), amended LR 21: (January 1995).

§1402. Scope

A. These regulations apply to any person who engages in waste generation, extraction, mining, beneficiating, processing, possession, use, transfer, treatment, transportation, or disposal of NORM or recycling of NORM contaminated equipment in such a manner as to technologically alter the natural sources of radiation or their potential exposure pathways to humans.

B. These regulations also apply to any material, equipment, or land which has been contaminated with technologically enhanced NORM.

C. The regulations in this Chapter address the introduction of NORM into materials or products in which neither the NORM nor the radiation emitted from the NORM is considered by the administrative authority to be advantageous to the materials or products. The manufacture and distribution of materials or products containing NORM in which the NORM and/or its associated radiation(s) is considered to be an advantageous attribute are licensed under the provisions of LAC 33:XV.Chapter 3.

D. This Chapter also addresses waste generation, waste management, decontamination, treatment, transfer, storage, and disposal of NORM and NORM waste with regard to both inactive and active sites and facilities involved in storage and/or cleaning of tubular goods and contaminated equipment.

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

HISTORICAL NOTE: Repealed and repromulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:604 (June 1992), amended LR 21: (January 1995).

§1403. Definitions

In addition to the definitions specified in Chapter 1, the following definitions apply:

Advantageous Attribute or Advantageous to the Material or Product—the radioactivity of the product is necessary to the use of the product.

Beneficiating—the processing of materials or products for

the purpose of altering the chemical or physical properties to improve the quality, purity, or assay of a desired product or material.

Confirmatory Survey—a survey of potentially contaminated land, equipment, or sites in order to establish, with reasonable certainty, the absence or magnitude of NORM contamination.

Container—any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled. This does not include tubular goods or drill pipe for labeling purposes under these regulations.

Decontamination—the act of removing regulated NORM to reduce levels of radiation.

Disposal—the discharge, injection, or placing of regulated NORM into or on land so that such material is isolated from the biosphere inhabited by man and containing his food chain.

Equipment—any apparatus associated with the potential for or actual enhancement of NORM. Examples include, but are not limited to, tubular goods, piping, vessels, wellheads, separators, and condensers.

Location—NORM contaminated site(s), such as a commingling facility, a wellhead, a tank battery, any other type of production facility for oil or gas, a warehouse, or other type of NORM storage area for equipment or drums, pipeline, land, or pipeyard. A location may contain several sites.

Naturally Occurring Radioactive Material (NORM)—any nuclide that is radioactive in its natural physical state (i.e., not man-made), but not including source, by-product, or special nuclear material.

NORM Waste—the radioactive residue from any operation where the purpose is to remove NORM from soil, materials, or equipment.

On-site Maintenance—any activity involving a site or equipment that subjects an individual to potential inhalation or ingestion of NORM. This includes, but is not limited to, performing maintenance on vessels, tanks, tubular goods, or water treatment systems, or the clearing of pipe lines to maintain oil and gas production.

Pile—any non-containerized accumulation of solid, nonflowing NORM waste.

Product—anything produced, made, manufactured, refined, or beneficiated.

Recycling—a process by which materials that have served their intended use are collected, separated, or processed and returned to use in the form of raw materials in the production of new products. Recycling shall not include the use of a material in a manner that constitutes disposal.

Site—any part of a location, land area (e.g., well site, pipeyard, scrapyards, production pit, treater/disposal facility, landfarm, landfill), equipment (each wellhead, each tank, each vessel, each separator, or any other apparatus associated with a process that has technologically enhanced naturally occurring radioactive material) or other appurtenances in a facility that contain technologically enhanced NORM, both active and inactive.

Storage—the containment of NORM waste in such a manner as not to constitute disposal of NORM waste.

Tank—a stationary device designed to contain an

accumulation of NORM waste that is constructed primarily of nonearthen materials (e.g., wood, concrete, steel, plastic) that provide structural support and integrity.

Technologically Enhanced Natural Radioactive Material (hereinafter referred to as TENR)—means natural sources of radiation which would not normally appear without some technological activity not expressly designed to produce radiation.

Temporary Jobsite—any location where services subject to specific licensure are performed, other than the authorized location(s) listed in the specific license.

Treatment—any method, technique, or process designed to change the physical or radiological character or composition of any NORM or NORM waste so as to render it less radioactive, safer for transport, amenable for recovery, amenable for storage, reduced in volume, or changed in concentration.

Unrestricted Use—any use that does not have controls in place to protect an individual member of the public from exposure to radiation and radioactive material.

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

HISTORICAL NOTE: Repealed and repromulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:604 (June 1992), amended LR 21: (January 1995).

§1404. Exemptions

A. NORM, NORM waste, and NORM contaminated material are exempt from the requirements of these regulations if they contain, or are contaminated at, concentrations of:

1. five picocuries per gram or less of radium-226 or radium-228, above background; or
2. 150 picocuries per gram of any other NORM radionuclide, provided that these concentrations are not exceeded at any time.

B. Equipment, which contains NORM, is exempt from the requirements of these regulations, except LAC 33:XV.1410, if the maximum radiation exposure level does not exceed 50 microroentgens per hour at any accessible point.

C. Except as provided in LAC 33:XV.1408, 1410, and 1417, land is exempt from the requirements of this Chapter if it contains material at concentrations less than the limits specified below, in samples averaged over any 100 square meters with no single noncomposited sample to exceed 60 picocuries per gram of soil:

1. five picocuries per gram or less of radium-226 or radium-228, above background, averaged over the first 15 centimeters, and 15 picocuries per gram above background averaged over each subsequent 15-centimeter-thick layer of soil; or
2. 30 picocuries per gram or less of radium-226 or radium-228, averaged over 15-centimeter-depth increments, provided the total effective dose equivalent (from the contaminated land) to individual members of the public (continually present) does not exceed 0.1 rem (1mSv) in a year.

D. The division may on a case by case basis approve alternate limits or measurement procedures for an exemption under LAC 33:XV:1404.A, B, or C.

E. Persons who receive source material, as authorized under the general license in LAC 33:XV.321.A, and products or materials containing NORM, distributed in accordance with a specific license issued by the division or an equivalent license issued by another licensing state, are exempt from these regulations.

F. Persons who receive, possess, store, use, process, transfer, sell, manufacture, distribute, recycle, or dispose of raw materials, intermediates, process streams, products, by-products (including bauxite refinery and phosphogypsum recycle/reuse raw materials and products), and wastes related to the production of bauxite refinery and phosphate fertilizer materials, products, and by-products are exempt from these regulations.

G. The recycling of NORM contaminated equipment and the manufacturing, distribution, use, transportation, and disposal of the following products/materials are exempt from the requirements of these regulations.

1. potassium and potassium compounds that have not been isotopically enriched in the radionuclide K-40;
2. materials used for building construction, industrial processes, metal casings, and abrasive cleaning if the NORM content of such material has not been technologically enhanced; and
3. by-products from fossil fuel combustion (bottom ash, fly ash, and flue-gas emission control by-products).

H. The wholesale and retail distribution (including custom blending), possession, use, and transportation of the following products/materials are exempt from the requirements of these regulations:

1. phosphate and potash fertilizer;
2. phosphogypsum for agricultural uses;
3. materials used for building construction if such materials contain NORM that has not been technologically enhanced;
4. natural gas and natural gas products; and
5. crude oil and crude oil products.

I. Produced waters from crude oil and natural gas production are exempt from the requirements of these regulations. Regulations concerning produced waters are referenced in LAC 33:IX.Chapter 7.

J. Tanks, vessels, containers, storage facilities, and distribution lines in refineries and petrochemical and gas plants contaminated with regulated NORM are not exempt from the requirements of these regulations.

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

HISTORICAL NOTE: Repealed and repromulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:605 (June 1992), amended LR 21: (January 1995).

§1405. Reserved

§1406. Radiation Survey Instruments

A. Instrumentation utilized to determine exposure rates pursuant to this Chapter shall be capable of measuring 1 microroentgen per hour through at least 500 microroentgens per hour.

B. Each radiation survey instrument shall be calibrated:

1. at intervals not to exceed one year, any time the

instrument is found to respond inconsistently to a known source or shows any indication of physical damage, and after each instrument servicing;

2. at energies and radiation levels appropriate for use; and

3. so that accuracy within plus or minus 20 percent of the true radiation level can be demonstrated on each scale.

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

HISTORICAL NOTE: Repealed and repromulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:605 (June 1992), amended LR 21: (January 1995).

§1407. Surveys

A. A confirmatory survey for each potentially contaminated site shall be performed within 90 days of the effective date of these regulations.

B. Follow-up confirmatory surveys shall be performed whenever activities at the site could result in a possible change in the regulatory status of the site.

C. Upon completion of survey(s) of equipment and facilities that verify that NORM regulated by this Chapter is not present, an individual may submit documentation to the division indicating that the equipment and facilities are exempt from the requirements of this Chapter pursuant to LAC 33:XV.1404.

D. Any survey submitted to the division must include the qualifications of the individual performing the survey. Individuals performing and documenting the surveys shall demonstrate understanding of the subjects outlined in Appendix A of this Chapter.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 21: (January 1995).

§1408. General License

A. A general license is hereby issued to mine, extract, receive, possess, own, use, store, and transfer NORM not exempt in LAC 33:XV.1404 without regard to quantity.

1. Persons subject to the general license shall notify the division by filing the Notification of NORM Form (Form RPD-36) with the division.

2. A confirmatory survey showing the presence of NORM in excess of exempt levels provided in LAC 33:XV.1404 shall be submitted to the division.

3. Each general licensee performing on-site maintenance on contaminated facilities, sites, or equipment or the excavation of land shall establish and submit to the division for approval written procedures as outlined in Appendix B of this chapter to ensure worker protection and for the survey (or screening) of sites and equipment.

4. On-site maintenance is authorized only if the maximum radiation level does not exceed two millirem per hour at any accessible point in the work area.

5. Each general licensee shall establish and submit to the division for approval written procedures for the survey (or screening) of sites and equipment to ensure that NORM is not released for unrestricted use except under the provisions of

LAC 33:XV.1417.

6. Storage

a. A general licensee is authorized to store NORM waste in a container for 90 days from the date of generation. After such time, the NORM waste must be transferred to an authorized facility for purposes of treatment, storage, or disposal.

b. To store NORM waste in a container for up to 365 days from generation, a general licensee must first submit a written NORM waste management plan to the division and receive authorization from the division. The general licensee may store NORM waste in containers up to 365 days from generation under the written NORM waste management plan while waiting for division determination.

7. Surface equipment that has been removed from service and is not employed for its designated function, excluding wellheads, shall be decontaminated to the limits specified in LAC 33:XV.1404, or treated or disposed of in accordance with LAC 33:XV.1412 within one year from the date the equipment was removed from service. This requirement does not apply to equipment that remains subsurface and is associated with production wells or injection wells classified as having future utility.

B. This general license does not authorize the manufacturing or distribution of products containing NORM, or the landfarming of NORM, or the transfer from one general licensee to another general licensee of NORM with levels or concentrations greater than those specified in LAC 33:XV.1404 for purposes of decontamination or disposal.

C. The decontamination for release for unrestricted use of contaminated facilities, sites, or equipment shall only be performed by persons specifically licensed by the division, the U.S. Nuclear Regulatory Commission, another agreement state, or another licensing state to conduct such work or as otherwise authorized by the division.

D. The general license provided in this Section does not authorize the cleaning of tubular goods and equipment in connection with a pipe yard, storage yard, or equipment yard.

E. Facilities, equipment, and sites contaminated with NORM in excess of the levels set forth in LAC 33:XV.1404 shall not be released for unrestricted use.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 21: (January 1995).

§1409. Reserved

§1410. General Licenses: Pipe Yards, Storage Yards, or Production Equipment Yards

A. A general license is hereby issued for pipe yards or storage yards or production equipment yards to receive, possess, process, and clean tubular goods or equipment which are contaminated with scale or residue but do not exceed 50 microrentgens per hour, provided:

1. the department is notified within 90 days of the effective date of these regulations of the intention of the facility to receive tubular goods or equipment which are contaminated with scale or residue but do not exceed 50 microrentgens per hour;

2. a program is developed and submitted to the division for approval to screen incoming shipments to ensure that the 50- microroentgens-per-hour limit is not exceeded for individual pieces of tubular goods or equipment;

3. a program is developed and submitted to the division for approval to ensure worker protection, as outlined in Appendix B of this Chapter;

4. a program is developed and submitted to the division for approval to control soil contamination;

5. a program is developed and submitted to the division for approval to prevent release of NORM contamination beyond the site boundary;

6. a program is developed and submitted to the division for approval for surveying and decontamination to ensure that soil contamination is not allowed to exceed 200 picocuries per gram of radium-226 or radium-228 or an exposure rate of 50 microroentgens per hour at one meter from the soil at any time;

7. a plan for cleanup is submitted to the division within 180 days of the effective date of these regulations for existing facilities that have NORM contaminated soil in excess of the limit in LAC 33:XV.1410.A.6. The plan shall include a schedule for cleanup that is to be approved by the division. The general licensee may include in this plan an application to the division for a one time authorization to perform this cleanup or use a specific licensee; and

8. before releasing the property for unrestricted use, the soil is decontaminated to a level not to exceed five picocuries per gram above background of radium-226 or radium-228 unless other limits are approved by the department.

B. A specific license pursuant to LAC 33:XV.Chapter 3 is required for the decontamination of tubular goods or equipment that exceed the 50-microroentgens-per-hour limit.

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

HISTORICAL NOTE: Repealed and repromulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:605 (June 1992), amended LR 21: (January 1995).

§1411. Protection of Workers During Operations

Each person subject to the general license requirements in LAC 33:XV.1408 or 1410 or a specific license shall conduct operations in compliance with each of the standards for radiation protection set forth in LAC 33:XV.Chapters 4 and 10.

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

HISTORICAL NOTE: Repealed and repromulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:606 (June 1992), amended LR 21: (January 1995).

§1412. Treatment, Transfer, and Disposal

A. Each person subject to the general license requirements in LAC 33:XV.1408 and 1410 or subject to a specific license shall manage, treat or dispose of wastes containing NORM in accordance with:

1. any applicable requirement of LAC 33:XV.Chapter 4; and
2. any applicable requirement of the U.S. Environmental Protection Agency for disposal of such wastes.

B. Treatment or disposal of NORM waste shall be in accordance with one of the following:

1. by transfer of the wastes to a land disposal facility licensed by the division, the U.S. Nuclear Regulatory Commission, an agreement state, or a licensing state;

2. by alternate methods authorized by the division in writing upon application or upon the division's initiative. The application for alternative methods of disposal shall be submitted to the division for approval;

3. for nonhazardous oilfield waste containing NORM at concentrations not exceeding 30 picocuries per gram of radium-226 or radium-228 by transfer to a nonhazardous oilfield waste commercial facility regulated by the Department of Natural Resources for treatment if the following are met:

a. dilution in the end product after treatment does not exceed five picocuries per gram above background of radium-226 or radium-228;

b. the nonhazardous oilfield waste commercial facility has a program for screening incoming shipments to ensure that the 30 picocuries per gram limit of radium-226 or radium-228 is not exceeded; and

c. the Department of Natural Resources (DNR) approves; or

4. for nonhazardous oilfield waste containing concentrations of NORM in excess of the limits in LAC 33:XV.1404.A.1, but not exceeding 200 picocuries per gram of radium-226 or radium-228 and daughter products, by treatment at nonhazardous oilfield waste commercial facilities specifically licensed by the division for such purposes. Regulation of such sites is set forth in a memorandum of understanding between the department and DNR and contained in Appendix C of this Chapter.

C. Intrastate transfers of waste containing NORM for disposal shall be made only to persons authorized by the division in writing to receive such waste. It is the responsibility of the transferor to ascertain that the recipient possesses specific authorization prior to transfer.

D. The melting of scrap metal may be authorized by a specific license if the dilution of the NORM in the end products or melt by-products is sufficient to reduce the concentrations of radium-226 or radium-228 to less than five picocuries per gram.

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

HISTORICAL NOTE: Repealed and repromulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:606 (June 1992), amended LR 21: (January 1995).

§1413. Reserved

§1414. Containers

A. NORM and NORM waste shall be kept in a container that is in good or safe condition.

B. The licensee shall use a container made of, or lined with, materials that will not react with, or be incompatible with, the NORM waste to be stored so that the ability of the container to contain the waste is not impaired or compromised.

C. A container holding NORM waste shall always be closed and sealed during storage, except when it is necessary to add or remove waste.

D. A container holding NORM waste shall not be opened, handled, or stored in a manner that may rupture the container or cause it to leak.

E. At least quarterly, the licensee shall inspect areas where containers of NORM waste are stored, looking for leaking containers and for deterioration of containers and the containment system. Records of these inspections shall be made.

F. All containers of NORM waste shall be stacked in such a fashion that each container identification label can be read from the access aisle or area. Labeling of containers shall be in compliance with LAC:XV.453.

G. Records of inspections pursuant to LAC 33:XV.1414.E shall be maintained by the licensee for inspection by the division for five years.

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

HISTORICAL NOTE: Repealed and repromulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:607 (June 1992), amended LR 21: (January 1995).

§1416. Inspections of Storage Tanks Containing NORM Waste

As part of an inspection program the licensee shall develop a schedule and procedure for assessing the condition of each tank containing NORM waste. The schedule and procedure must be adequate to detect cracks, leaks, corrosion, and erosion that may lead to cracks, leaks, or wall thinning to less than the required thickness. Procedures for emptying a tank to allow entry, procedures for personnel protection, and inspection of the interior must be established when necessary to detect corrosion or erosion of the tank sides and bottom. The frequency of these assessments must be based on the material of construction of the tank, type of corrosion or erosion protection used, rate of corrosion or erosion observed during previous inspections, and the characteristics of the waste being treated or stored.

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

HISTORICAL NOTE: Repealed and repromulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:607 (June 1992), amended LR 21: (January 1995).

§1417. Release for Unrestricted Use

A. Once facilities, equipment or sites exceed the level of contamination provided in LAC 33:XV.1404 and are subject to the provisions of this Chapter, they shall not be released for unrestricted use until they have been decontaminated in accordance with this Section.

1. For general or specific licensees that have an area or soil with contamination above the limits of LAC 33:XV.1404 and soil decontamination must be performed, the decontamination of soil shall be to five picocuries per gram above background of radium-226 or radium-228.

2. For general or specific licensees who have equipment with a maximum exposure level above that specified in LAC 33:XV.1404, equipment decontamination must be performed to reduce the exposure levels below those specified in LAC 33:XV.1404 and ensure that the equipment is free of loose contamination.

3. In all other cases, the decontamination shall reduce radiation levels below the exemption levels provided in LAC 33:XV.1404.

B. If closure activities involve construction with a subsurface impact to a depth greater than three feet, prior approval by the Ground Water Protection Division must be attached as part of the application addressing the certification of the groundwater quality. All pits, ponds, and lagoons must comply with departmental regulations and/or policies dealing with groundwater quality.

C. Unless otherwise directed in writing by the division, in order to release property for unrestricted use, a licensee shall submit a plan for the decontamination to the division for approval. Upon approval, the licensee shall implement the plan in accordance with such approval.

1. Information contained in previous applications, statements, or reports filed with the division under the license may be incorporated by reference if the references are clear and specific.

2. The plan shall provide for a confirmatory survey submitted to the division for review.

3. The licensee shall provide notice to the division of completion of decontamination. Upon proper completion of the plan and notice to the division, the division shall acknowledge such completion.

4. The site shall not be released for unrestricted use until the acknowledgement in LAC 33:XV.1417.C.3 is issued.

D. The closure application shall include specific details of the NORM site closure plan including each of the following:

1. the results of tests, experiments, or any other analyses relating to backfill of excavated areas, closure and sealing;

2. any proposed revision of plans for:
a. decontamination and/or dismantlement of surface facilities,

b. backfilling of excavated areas, and/or
c. stabilization of the NORM site for post-closure care;
and

3. any new information regarding the environmental impact of closure activities and long-term performance of the NORM site.

E. The licensee shall monitor the NORM site and perform necessary maintenance and repairs at the site until the acknowledgement in LAC 33:XV.1417.C.3 is issued.

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

HISTORICAL NOTE: Repealed and repromulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:607 (June 1992), amended LR 21: (January 1995).

§1418. NORM Manifests

A. Each shipment of NORM waste and NORM contaminated equipment to a facility specifically licensed for treatment, decontamination, storage, or disposal shall be accompanied by a manifest.

B. The manifest form must be obtained from the division and must consist of, at a minimum, the number of copies that will provide the licensee, each transporter, and the operator of the designated facility with one copy each for their records with the remaining copies to be returned to the licensee and

the other appropriate parties.

C. General Requirements

1. A licensee who transports, or offers for transportation, NORM waste and NORM contaminated equipment to a facility specifically licensed for treatment, decontamination, storage, or disposal must prepare and sign sufficient copies of a manifest before transporting the NORM off-site.

2. A licensee must designate on the manifest one facility which is permitted to handle the NORM described on the manifest.

3. If the transporter is unable to deliver the NORM to the designated facility, the licensee must either designate another facility or instruct the transporter to return the NORM.

4. Licensees must provide a statement concerning the nature of the material and general guidelines for an emergency situation involving this waste to accompany the manifest on shipments and loads.

5. If the NORM is to be transported out-of-state, the licensee will be responsible for receiving the completed, signed manifest from the out-of-state treatment, decontamination, storage, or disposal facility.

6. Before initiating a shipment, licensees shall obtain written confirmation of the acceptability of the NORM or NORM waste from the operation of the specifically licensed commercial treatment, decontamination, storage, or disposal facility. The confirmation must be maintained by the affected licensees as part of their manifest records.

7. The licensee receiving a shipment is required to report to the division and to the licensee initiating the shipment any irregularities between the NORM actually received by the designated facility and the NORM described on the manifest, or any other irregularities, within 15 days. If the designated facility or receiving licensee is outside the state of Louisiana, the generating or originating licensee must report the irregularities to the division.

D. Required Information

1. The manifest must contain all of the following information prior to leaving the licensee's site:

a. a state manifest document which shall be obtained from this division;

b. the licensee's name, mailing address, telephone number, and NORM general license number;

c. the name, Interstate Commerce Commission number (ICC #), and telephone number of each transporter;

d. the name, address, telephone number, and NORM specific license number of the designated facility, if applicable;

e. the description of the waste(s) (e.g., scale, soil, sludge) or contaminated equipment (e.g., heater treater, tubular goods).

f. the total quantity of all NORM by units of weight in tons or pounds, and the type and number of containers (metal drums, barrels, kegs, fiberboard or plastic drums, cargo tanks, tank trucks, dump trucks, metal boxes, cartons, cases, burlap bags, paper bags, plastic bags, wooden drums, tanks portable, tank cars, cylinders, wooden boxes, and fiber or plastic boxes) as loaded into or onto the transport vehicle. If the weight is unknown, the volume and estimated weight should be provided.

2. The certification that appears on the manifest must be

read, signed, and dated by the licensee as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport according to applicable international and national government regulations."

E. Use of the Manifest

1. The licensee must:

a. sign and date the manifest certification by hand when the initial transporter accepts the shipment;

b. obtain the handwritten signature of the initial transporter and date of acceptance of the manifest; and

c. retain one copy.

2. The licensee must give the transporter the remaining copies of the manifest.

3. The licensee must receive the fully signed copy of the manifest from the designated facility within 45 days from the delivery to the initial transporter. In the event the licensee does not receive the signed manifest timely, the licensee shall:

a. notify the division in writing within seven days;

b. conduct an investigation into the reasons why the manifest was not received;

c. report the results of the investigation to the division.

F. Transporters

1. A transporter may not accept NORM for transportation unless the NORM is accompanied by sufficient copies of a manifest properly prepared, with each copy signed and dated by the licensee and each previous transporter in accordance with these regulations.

2. Before transporting the NORM, the transporter must sign and date each copy of the manifest acknowledging acceptance of the NORM from the licensee or previous transporter and return a signed copy to the licensee or previous transporter.

3. A transporter who delivers NORM to another transporter or to the designated storage, treatment, decontamination, or disposal facility shall:

a. obtain the date and signature of the accepting transporter or designated storage, treatment, decontamination, or disposal facility;

b. retain one copy of the manifest signed and dated by the licensee, all previous transporters, himself, and the next transporter or designated facility;

c. give the remaining copies of the manifest to the accepting transporter or designated facility.

G. Designated Facility. The designated facility should fill out his portion, retain a copy for his files, submit the original to the division, and send all remaining copies to the licensee no later than 15 days after delivery of the NORM waste.

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

HISTORICAL NOTE: Repealed and repromulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:608 (June 1992), amended LR 21: (January 1995).

§1419. Financial Responsibility of Transporters

A. Each transporter of NORM, NORM waste, or NORM contaminated equipment to a licensee for licensed long-term storage, treatment, decontamination, or disposal shall acquire

continuous insurance coverage or other financial responsibility for all of its transport vehicles regulated by these regulations at a minimum coverage of \$300,000 per vehicle public liability and \$200,000 per vehicle damage.

B. The financial responsibility required by this Section may be established by any one or a combination of the following:

1. evidence of liability insurance;
2. self-insurance with a level not more than 20 percent of equity; or
3. other evidence of financial responsibility deemed acceptable by the secretary of the Department of Public Safety and Corrections or its successor agency.

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

HISTORICAL NOTE: Repealed and repromulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:609 (June 1992), amended LR 21: (January 1995).

§1420. Financial Security Requirements for NORM Treaters or Storers

A. Each general licensee that stores NORM or NORM waste for greater than 90 days, and each specific licensee that leases or owns a physical location and that physically or chemically treats or stores NORM or NORM waste shall post with the division financial security to ensure the protection of the public health and safety and the environment in the event of abandonment, default, or other inability or unwillingness of the licensee to meet the requirements of the Act and these rules. Financial security shall:

1. name the division as beneficiary with a bond issued by a fidelity or surety company authorized to do business in Louisiana, a personal bond secured by such collateral as the office deems satisfactory, a cash bond, a liability endorsement, or a letter of credit. The amount of the bond, liability endorsement, or letter of credit shall be equal to or greater than the amount of the security required. Any security must be available in Louisiana and subject to judicial process and execution in the event required for the purposes set forth in this Section, and be continuous for the term of the license;
2. be in an amount based upon a division-approved cost estimates plan for decontamination, decommissioning, restoration, and reclamation of buildings, equipment, and the site to levels that would allow unrestricted use;
3. be established concurrent with the application or plan required by LAC 33:XV.1408.A.6.b to ensure that sufficient funds will be available to carry out the decontamination and decommissioning of the facility; and
4. be for the duration of the license and for a period coincident with the licensee's responsibility under the Act and these rules.

B. Pipe yards, storage yards, production equipment yards, or other facilities which receive, possess, and clean tubular goods which are contaminated with scale or residue shall meet the requirements of LAC 33:XV.1420.A.

C. On the effective date of these rules, current licenses in effect may continue, provided that the required security arrangements are submitted to the division within 120 days.

D. No later than 90 days after the licensee notifies the division that decontamination and decommissioning have been

completed, the division shall determine if these have been conducted in accordance with these rules. If the division finds that the requirements have been met, the secretary or his designee shall direct the return or release of the licensee's security in full plus any accumulated interest within 14 days. If the division finds that the requirements have not been met, the division will notify the licensee of the steps necessary for compliance.

E. This Section shall be applicable until such time that a NORM Trust Fund or other instrument to accomplish these purposes may be established by the legislature.

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

HISTORICAL NOTE: Repealed and repromulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:609 (June 1992), amended LR 21: (January 1995).

Appendix A

SUBJECTS TO BE INCLUDED IN TRAINING COURSES FOR INDIVIDUALS PERFORMING NORM SURVEYS

The following outline describes the subjects that individuals must demonstrate competence in prior to being approved as a NORM surveyor.

- I. Fundamentals of Radiation Safety
 - A. Characteristics of radiation
 - B. Units of radiation dose and quantity of radioactivity
 - C. Levels of radiation from sources of radiation
 - D. Methods of minimizing radiation dose:
 1. working time;
 2. working distance;
 3. shielding;
 4. respiratory precautions;
 5. use of anti-contamination clothing.
- II. Radiation Detection of Instrumentation to Be Used
 - A. Use of radiation survey instruments:
 1. operation;
 2. calibration;
 3. limitations.
 - B. Survey techniques
 - C. Use of personnel-monitoring equipment
- III. The Requirements of Pertinent State Regulations

Appendix B

Detailed development of the following must be included in the required worker protection plan:

- I. The posting of signs pursuant to LAC 33:XV.451 and 1011 to inform personnel when they are entering a NORM contaminated area.
- II. Procedures to prevent eating, drinking, smoking, and chewing in areas where work is being performed on contaminated equipment or where contaminated soil is being handled.
- III. Procedures to avoid skin contact with NORM contaminated scale, solids, and sludges by the use of protective clothing such as gloves, coveralls, rubber boots, and eye protection.
- IV. Procedures to ensure that personnel will thoroughly wash body parts that may have been potentially in direct contact with NORM-contaminated materials before eating, drinking, smoking, or leaving the work area.

V. Procedures for whole body monitoring of personnel in restricted area including a description of the survey instrumentation used.

VI. Procedures to minimize the number of personnel in the contaminated area.

VII. Other operational procedures (i.e., openings on contaminated equipment or containers should be sealed when stored or handled, tubulars capped on both ends, etc.).

For operations that have the potential to produce NORM contaminated dusts (i.e., cutting, grinding, sand-blasting, welding, drilling, polishing, or handling soil) or when loose contamination is suspected, the following additional precautions shall be taken:

I. The use of a respirator appropriate for radioactive particulates shall be worn if required by LAC 33:XV. Chapter 4.

II. Safety glasses should be worn for eye protection.

III. Activities shall be conducted in well-ventilated areas to which access has been restricted.

IV. Ground covers should be utilized to the extent possible to contain contaminants and facilitate cleanup.

V. The need for personnel monitoring and bioassay shall be evaluated and provided if necessary.

In addition to the general guidance given above, there may be industrial operations such as vessel entry, dismantling of equipment, refurbishing of equipment, or transportation, which may require additional precautionary procedures which should be included in the worker protection procedures submitted to the division.

Appendix C

MEMORANDUM OF UNDERSTANDING BETWEEN LOUISIANA DEPARTMENT OF NATURAL RESOURCES OFFICE OF CONSERVATION AND

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF AIR QUALITY AND RADIATION PROTECTION REGARDING

THE REGULATION OF NATURALLY OCCURRING RADIOACTIVE MATERIAL AT COMMERCIAL OILFIELD WASTE TREATMENT FACILITIES

WHEREAS, the Louisiana Department of Natural Resources, Office of Conservation (DNR/OC), is authorized by State law and regulations to control the permitting, operation, and closure of commercial nonhazardous oilfield waste (NOW) disposal facilities in Louisiana, and,

WHEREAS, the Louisiana Department of Environmental Quality (DEQ) is authorized by state law and regulations to control the management and disposal of naturally occurring radioactive material (NORM), and,

WHEREAS, certain types of NOW have been recognized as occasionally containing levels of NORM that may warrant protection of public health and the environment, and,

WHEREAS, it is in the public interest for both agencies to coordinate their resources in order to provide adequate protection of public health and the environment and to avoid duplicative regulatory efforts and unnecessary expenses to DNR/OC and DEQ, the regulated community and the citizens of this state.

THEREFORE, the following MEMORANDUM OF UNDERSTANDING is hereby adopted to outline the specific

responsibilities of each agency regarding the regulation of NORM treatment at commercial NOW facilities which are permitted and regulated under the jurisdiction of the Office of Conservation:

1. Commercial NOW facilities will be permitted to receive, and treat NORM in accordance with specific licenses issued by DEQ under LAC 33:XV.301 and 1401 et seq. Existing DNR/OC permits will be required to be amended according to the requirements of LAC 43:XIX.129.M. DNR/OC and DEQ will, to the extent possible, coordinate and/or combine efforts in the holding of any public hearings with regard to permitting commercial NOW/NORM facilities.

2. Commercial NOW/NORM facilities (DEQ specific licensees) may be authorized to receive and treat NORM contaminated with concentrations of up to 200 picocuries per gram radium-226 or radium-228 and daughter products, provided all operational procedures are adhered to and a satisfactory history of compliance is established.

3. In addition to standards for documentation of compliance with the reuse criteria of LAC 43:XIX.129.M, treated NOW/NORM which is offered for reuse must also meet the requirements of DEQ.

4. Only written requests will be considered by DNR/OC and DEQ for reuse of treated NOW/NORM. Documentation of compliance with regulatory requirements must be provided with each request. Specific written approval from each agency must be obtained prior to removal of material from a treatment system.

5. Commercial NOW/NORM treatment facilities will not be permitted to mix and treat non-NORM (NOW) waste with NORM waste.

6. DEQ will be required to notify DNR/OC, within 24 hours, of planned/scheduled inspections of a commercial NOW/NORM treatment facilities.

7. When violations are documented, enforcement actions will be coordinated between DNR/OC and DEQ to determine the proper agency for issuance of notices of violation, compliance orders, assessment of penalties or any other enforcement activity.

8. As deemed necessary, DNR/OC and DEQ will share monitoring information required to be submitted by permitted NOW/NORM treatment facilities.

This MEMORANDUM OF UNDERSTANDING is subject to revision or cancellation upon agreement of both parties.

James B. Thompson, III
Assistant Secretary

9501#029

RULE

Department of Health and Hospitals Office of the Secretary

Nonsufficient Fund Check Policy

The Department of Health and Hospitals is adopting rules to implement R.S. 9:2782 relative to nonsufficient fund checks, damages and attorney fees in compliance with R.S. 9:2782. The Department of Health and Hospitals proposes to adopt the following procedures to be used for dishonored checks.

I. Notification

A. Upon discovery of nonsufficient funds by the department, a written demand in the form which follows shall be sent by certified or registered mail to the drawer of the check at the address shown on the instrument:

"You are hereby notified that check number ___ for the amount of _____, issued by you and payable to (Department, Office, Fund, etc.), has been dishonored. Pursuant to Louisiana law, you have 30 days from receipt of this notice to tender payment by certified check or money order in full for the amount of the check plus a service charge of \$15 or five percent of the face amount of the check, whichever is greater, the total amount due being (face amount + service charge). Unless this amount is paid in full within the 30-day period, the holder of the check may file a civil action against you for two times the amount of the check or \$100, whichever is greater, plus any court costs and reasonable attorney fees incurred by the payee in taking the action."

B. Notice mailed by certified or registered mail evidenced by return receipt to the address printed on the check or given at the time of issuance shall be deemed sufficient and equivalent to notice having been received by the person making the check.

C. It shall be prima facie evidence that the drawer knew that the instrument would not be honored if notice mailed by certified or registered mail is returned to the sender when such notice is mailed within a reasonable time of dishonor to the address printed on the instrument or given by the drawer at the time of issuance of the check.

II. Damages

The Department of Health and Hospitals shall charge the drawer of the check a service charge of \$15 or 5 percent of the face amount of the check, whichever is greater, when making written demand for payment.

III. Attorneys Fees

Whenever any drawer of a check dishonored for nonsufficient funds fails to pay the obligation created by the check within 30 days after receipt of written demand for payment thereof delivered by certified or registered mail, the drawer shall be liable to the Department of Health and Hospitals for damages of twice the amount so owed, but in no case less than \$100, plus attorney fees and court costs.

IV. Appeals

Any person aggrieved pursuant to the provisions determined herein shall have the right to administrative appeal as specified in R.S. 46:107

V. Exceptions

The secretary may exempt any assessment of damages or fees described in this rule.

Rose V. Forrest
Secretary

9501#039

RULE

Department of Justice Office of the Attorney General

Deceptive Pricing

The Consumer Protection Section of the Department of Justice has adopted the following regulations concerning deceptive pricing. R.S. 51:1405(B) allows the Consumer Protection Section of the Office of the Attorney General to promulgate rules and regulations consistent with the provisions in R.S. 51:1 et seq.

The rules redefine and update the regulations concerning deceptive pricing.

Office of Consumer Protection

Title 3: Unfair Methods of Competition and Unfair or Deceptive Acts or Practices in Trade or Commerce.

Chapter II: Unfair and Deceptive Acts or Practices Section 5007: Deceptive Pricing

A. Definitions. For purposes of this rule the following definitions shall apply:

(1) *Advertisement*—includes statements and representations contained on any label, tag, or sign attached to, printed on, or accompanying merchandise offered for sale or printed in a catalog or any other sales literature.

(2) *Clearly and Conspicuously*—the statement representations, or terms being disclosed is reasonably understandable, is in such size, color contrast, or audibility, and is so placed and presented as to be readily noticeable, and is in close proximity to the information it modifies.

(3) *Comparable Merchandise*—merchandise that is substantially similar in composition, style, design, model, kind, variety, service, or performance characteristics to the merchandise to which it is compared in any advertisement.

(4) *Comparative Price*—the price or other description of the value of merchandise to which a seller compares its current price in any advertisement.

(5) *List Price*—a price given to a retailer by a manufacturer or other supplier as a suggested retail price for the merchandise and includes the term *manufacturer's suggested retail price*.

(6) *Price Comparison*—an expressed or implied comparison in any advertisement (whether or not expressed wholly or in part in dollars, cents, fractions, or percentages) of a seller's current price for merchandise with any other price or statement of value, whether or not the price is actually stated in the advertisement.

(7) *Seller*—any person who offers any merchandise for sale at any location and who disseminates advertisements for that product in Louisiana. Seller may include any officer, agent, employee, sales person, or representative of seller, and any advertising agency employed by a seller.

(8) *Trade Area*—the geographic area where the seller's outlets are located or where the seller's advertisements are disseminated.

Comments: This section defines words used frequently in these rules. Remember, when we talk about ads, we don't just mean radio, TV, and newspaper ads. We mean fliers, catalogs, brochures, in-store displays, price tags, and any other labels or signs that contain information about your products and prices.

B. Identifying Basis of Price Comparison. It is a deceptive act or practice for a seller to make a price comparison or claim a savings as to any merchandise offered for sale unless the seller clearly and conspicuously discloses the basis for or source of the price comparison or savings claim. However, a seller may make a price comparison or claim a savings without the required disclosure if the price comparison or savings claim is based on the seller's own former price as subscribed in Section 5007(C). Terms such as *regular*, *regularly*, *formerly*, *originally*, *was*, or words of similar meaning may be used by the seller to identify the seller's own former price.

Comments: Unless your savings claims or price comparisons are based on your own former prices, you must explain the basis of any savings claim or price comparison you make in your ads. For example, both of these ads comply with this rule:

SALE - SAVE	\$10!
Acme's Price:	\$29.99
Our Price:	\$19.99

This ad explains that the \$10.00 savings claim is based on a comparison to Acme's price.

SALE
All Merchandise reduced 33%!

This ad doesn't need any explanation because it is clear that the 33 percent reduction is from the seller's own former price.

C. Comparison to Seller's Own Former Price. It is a deceptive act or practice for a seller to compare the seller's current price with the seller's former price for any merchandise unless:

(1) the former price is a price at which a substantial number of sales were made by the seller during the three months immediately preceding the price comparison;

(2) the former price is a price at which a substantial number of sales were made by the seller and the seller clearly and conspicuously discloses the dates during which substantial number of sales were made by the seller at the former price;

(3) the former price is a price at which the seller offered the merchandise for reasonably substantial period of time in the recent, regular course of its business, openly, actively, and in good faith, with an intent to sell the merchandise at that price.

Comments: This rule gives you three alternatives for supporting savings claims or price comparisons that are based upon your own former prices. You may make claims or

comparisons based upon your own former prices if you can show that you either:

1. sold a substantial number of goods at your former price during the three months before your ad; OR
2. sold a substantial number of goods at your former price but during some other period that the three months before the ad and have identified that period in the ad; OR
3. made an honest and realistic offer over a reasonably substantial period to sell goods at that price. In other words you weren't just marking your goods up to an unrealistically high "promotional" price so you could later advertise an exaggerated mark down.

We purposely used the words "substantial" and "reasonably substantial" in the rules to allow you some flexibility in supporting your savings claims or price comparisons. You must be able to establish that your former price is "real" and not exaggerated. We understand that what is necessary to establish this will vary depending upon each seller's circumstances. What is substantial for one seller may not be for another. For example, three sales of a \$1,000 sofa may say as much about the reality of that price as 100 sales of a \$15 wall mirror or a \$50 computer software package. Three sales may be a substantial number for a small seller, but may be insubstantial for a larger one.

An important factor that we will consider is the proportion of your total sales that are made at the advertised former price. If you are making over half your sales at a price advertised as your "regular price," you shouldn't have any trouble showing that the advertised regular price is, in fact, your regular price. On the other hand, if sales at your advertised "regular price" make up less than 25 percent of your total sales, you may find it hard to support your claim that this price is really your regular price.

If you fail to make substantial sales at your former price, the absence of sales raises the question of whether it was realistic to expect substantial sales at the former price. In that case, you will need to be able to show that you were making an honest and realistic effort to sell the goods at the former price. This can be done by showing that you offered the goods for a "reasonably substantial period of time" at a price realistically intended to actually sell the goods and not just to establish an inflated comparison price.

What is a "reasonably substantial period of time" will depend on the normal selling patterns in your industry or in your particular business. Goods that are offered at a former price for more than half the typical selling period for those goods will almost certainly meet the reasonably substantial standard. Goods that are offered for less than a quarter of the typical selling period will almost certainly not meet that standard.

An important factor in determining whether your former price was realistic is how it compares with your average retail mark up on the goods you do sell. If your goods sell, on average, at a 50 percent markup over cost, it is probably unrealistic to expect substantial sales of similar goods at a price based upon a 100 percent markup.

Example:	SALE	
	Regularly:	\$29.99
	Sale Price:	\$19.99

This price tag is permitted as long as you can support the claim that \$29.99 was your regular price. You can do that by showing that either:

1. you had substantial sales of this item at \$29.99 during the three months before it went on sale; OR
2. you offered it for sale at \$29.99 for a reasonably substantial period before the sale in an honest and realistic effort to sell the item.

* Substantial sales in some other period will not support the claim in this ad because the tag does not disclose a different selling period.

D. Comparison to Seller's Future Prices. It is a deceptive act or practice for a seller to make an introductory offer or to compare its current price for merchandise with the price at which the merchandise will be offered in the future, unless:

(1) the future price takes effect within a reasonable time after the introductory offer or price comparison is published; and

(2) the future price of the merchandise is, subsequent to the end of the introductory sale, properly established as the seller's regular and customary price.

Comments: Sometimes you may want to use ads that compare your current prices with a price you plan on charging at some time in the future. For example, you may want to run an introductory offer on some new products or the manufacturer may have announced a wholesale price increase that you intend to pass on to consumers after you sell out your existing stock.

Under this rule, it is okay to compare your current price with your future price as long as both of the following conditions are met:

1. the advertised future price actually takes effect within a reasonable time; AND
2. when it does take effect, the future price becomes your regular and customary price.

Unless there are special circumstances, a reasonable time is probably not more than 90 days.

Example: \$10 Off! INTRODUCTORY PRICE - \$19.99.

To back up this ad, you need to be able to show that your regular price for this product actually became \$29.99 within a relatively short time after this ad appeared. Phrases such as "Introductory Offer," "Advance Sale," "Pre-season Sale," and "Will Be" alert your customers to the temporary nature of this low price offer.

Be careful that you don't confuse consumers when you advertise an introductory price on the price tag. Normally, when a price tag has two prices on it, consumers will assume that the higher price is the old price. But that is not the case with introductory offers. You will want to make it clear that the higher price is the new one; that is, the one about to go into effect.

E. Range of Savings or Price Comparison Claims. It is a deceptive act or practice for a seller to state or imply that any merchandise is being offered for sale at a range of prices, or at a range of percentage or fractional discounts, unless the highest price or the lowest discount in the range is clearly and conspicuously disclosed in the advertisement and a reasonable number of the items in the advertisement are offered with the

largest advertised discount or the lowest advertised price. If at least five percent of the items in the advertisement are offered with the largest advertised discount or the lowest advertised price, a rebuttable presumption exists that a reasonable number were offered with at least the largest advertised discount or the lowest advertised price.

Comments: Any time you advertise a range of savings, as in "ALL BEDROOM FURNITURE 10% TO 25% OFF!," you must show both ends of the range in your ad. You can't just show the largest savings available. In addition, you may not exaggerate the savings by offering the biggest discount on only a tiny fraction of sale items. The largest discounts must apply to a reasonable number of the sale items.

The rule assumes that a reasonable number of times is at least five percent of the items on sale. In other words, if you offer at least five percent of the sale items at the largest discount in the range, you don't have to worry about proving that the discount applies to a reasonable number. If we disagree and think that more than five percent is necessary to be a reasonable number, it would be up to us to prove it. On the other hand, you are still free to show that some number less than five percent of the sale items is a reasonable number.

Example:

(CORRECT)

SALE

"Save from 10% to 50% off"

"Save \$9 to \$29"

(INCORRECT)

SALE

"Save up to 50% off"

"Savings as much as \$100"

The two examples labeled as incorrect fail to show the low end of the range of savings or discounts offered in the sale. The correct examples are correct as long as you are offering at least five percent of the sale merchandise at 50 percent off, in the first example, and at a \$29 savings in the second example.

F. Use of List Price or Similar Comparisons. It is a deceptive act or practice for a seller to make a price comparison or to claim a savings, expressed or implied, from a list price or term of similar meaning, unless:

(1) the list price does not exceed the highest price at which substantial sales of the merchandise have been made in the seller's trade area;

(2) the list price is the price at which the seller offered the merchandise for a reasonably substantial period of time in the recent, regular course of its business, openly, actively, and in good faith, with an intent to sell the merchandise at that price;

(3) the list price does not exceed the highest price at which the product is offered by reasonable number of sellers in the seller's trade area for a reasonably substantial period of time in the recent, regular course of business; or

(4) the list does not exceed the seller's cost plus the percentage markup regularly used by the seller in the actual sale of such merchandise or merchandise of a similar class or kind, in the seller's recent, regular course of business.

Comments: The problem with comparisons to a manufacturer's suggested price or to a list price is that most consumers tend to lump list prices in with all other types of price comparison. As a result, price comparisons with phony list prices are every bit as misleading as comparisons with phony regular prices. These rules don't prevent you from using comparisons to list price in your ads. But as with all

price comparisons, if you use them, you must be able to show that the list price is a real price. You can't avoid responsibility for using a phony price just because it was the manufacturer's idea.

You can substantiate a list price in any one of four possible ways. List price comparisons comply with the rule if you can show that either:

1. the list price is the same as or lower than the highest price at which substantial sales have been made in your trade area; OR
2. the list price is the price at which you have offered the goods for sale for a reasonably substantial period. This is the same requirement as in subsection 3 of the rule regarding use of your own former price. (Section 5007(C)); OR
3. the list price is equal to or less than the price at which the same goods are currently being offered by a reasonable number of sellers in your trade area. This means that the goods must be offered by more than one or two isolated sellers and for at least 60-90 days; OR
4. the list price does not exceed the price you would charge if you applied your usual markup to your cost of the product.

Example: ABC Department Store
Men's Wear Department
Men's Wool Blend Slacks
Manufacturer's List Price \$74.99
ABC sale price \$39.99

Here, ABC can compare its sale price with the Manufacturer's List Price as long as it can show that *either*:

1. a substantial number of the slacks have been sold in the area for \$74.99 or more; OR
2. a reasonable number of area seller's are currently offering them at a price of \$74.99 or more; OR
3. ABC has offered them for sale at \$74.99 for a reasonably substantial period in an honest and realistic effort to sell them at that price.

If ABC cannot show any of the above to be true, it may still compare its sale price with the list price but *only* if its cost plus normal retail markup equals at least \$74.99.

Example: ABC cost \$25.00
ABC normal markup 50%

In this example, ABC *cannot* compare its sale price to the list price. This is because cost plus 50 percent markup would only be \$50, not \$74.99.

G. Comparison to Competitor's Price. It is a deceptive act or practice for a seller to compare the seller's price with a price currently being offered by another seller for merchandise unless the merchandise is comparable merchandise and the comparative price is at or below the price at which the comparable merchandise is currently being offered in the seller's trade area by a reasonable number of other sellers in the same trade area, or another identifiable seller.

Comments: If you compare your prices with those of the competition, you must *either*:

1. identify the specific competitor in your ad; OR
2. be able to show that a reasonable number of area competitors are offering the product at the advertised comparison price.

In addition, in either case the product must be of

comparable quality, grade, material, and craftsmanship. Private label and generic brand items are generally not considered comparable to name brand items. Therefore, if you make a price comparison between a private label or generic brand item and name brand item, you must make it clear that the comparison is between name brand and non-name brand items.

Example: "Slacks \$21.99; Compare at \$29.99."

This ad is okay if the slacks are comparable in quality, grade, material and craftsmanship, and a reasonable number of area sellers charge a least \$29.99. Otherwise, this ad is deceptive.

Example: "House Brand Suits - \$99; Equal to \$159 Name Brand Suits Sold Elsewhere."

This ad complies with the rule if the suits are comparable and if a reasonable number of sellers charge at least \$159 for the name brand suits. Of course, in a real ad, the advertiser would use the name of its particular house brand as well as the actual brand names sold elsewhere.

Example: "Our Price \$69; Compare at Jones Hardware, \$99."

Products must be comparable but only Jones Hardware needs to currently be charging \$99.

H. Bargain Offers Based on the Purchase of Other Merchandise and Use of the Word "Free." It is a deceptive act or practice to use the word free, or words of similar meaning, or to represent bargain offers, including "buy one - get one free", merchandise to be given to a customer who purchases other merchandise, if the seller recovers, in whole or in part, the cost of the free or bargain merchandise by marking up the price of the item which must be purchased, by substituting an inferior item or service, or otherwise. It is a deceptive act or practice to represent that other merchandise is being offered free or at a bargain price with the sale if the advertised merchandise can be purchased from the advertiser at a lesser price without the free or bargain merchandise, particularly if the merchandise is usually sold at a price arrived at through bargaining.

Comments: So-called free merchandise offers are another problem area which these rules address. If you advertise an item as free, it must be available to the consumer at no extra cost, whether that cost is in dollars or in a reduction in quality or service.

Moreover, the word "free" loses its meaning in cases where the selling price of the product is usually negotiated. This is because there is no way of knowing whether the seller would have negotiated a different price if the "free" item wasn't included.

The language of this rule is drawn from the Federal Trade Commission's "Guide concerning the use of the word 'free' and similar representations."

Example: "Buy one suit - Get one free \$399"

Whether this ad is deceptive depends on the several underlying facts. The ad *is* deceptive *if*:

1. the regular selling price of a single suit is less than \$399; OR
2. the store regularly offers a free shirt and tie or free alterations with each suit purchased and the Buy One-Get One Free offer doesn't include the extra merchandise or service; OR

3. the consumer can buy the suit for \$299 if he or she gives up the "free" suit; OR

4. these suits regularly sell for as low as \$299 or for as much as \$499, depending on the bargaining ability of the customer.

I. Use of Sale Terminology. It is a deceptive act or practice for a seller to use terms such as "sale", "sale prices", "now only \$ ____", or other words and phrases that imply a price savings unless the price of the merchandise is reduced by a reasonable amount from the former price of the merchandise. If the seller reduces the price by five percent or more from the former price, a rebuttable presumption exists that the price reduction was of a reasonable amount. However, the term "sale" may be used in an advertisement where not all items are offered at a reduction from regular price if the items are clearly and conspicuously identified.

Comments: You may not advertise a "sale" or use words that mean the same thing unless you have made reasonable reductions from the regular selling price of your sale merchandise. What is a reasonable reduction will depend on the profit margins typical in your industry.

The rule provides that a reduction of five percent is to be considered reasonable unless we can prove otherwise. If you advertise a sale based on price reductions of less than five percent, you will need to show why a smaller reduction is reasonable in your case.

Of course, these reductions must be based on authentic regular prices and not phoney ones. You may also have a sale that doesn't include all of the goods in your store, but only if you make that limitation clear in your ad.

Example:

TV and VCR SALE!

10% Off All TV's! Special Group of VCR's 20% Off!

Other merchandise at regular prices

This ad complies with the rule as long as:

1. all television sets are available at 10% off;
2. a reasonable number of VCR's are available at 20% off; and
3. both discounts are based on the actual regular selling prices.

Note that the ad makes it clear that only the TVs and VCRs are on sale.

J. Use of Term Wholesale. It is a deceptive act or practice for a seller to use the term "wholesale" or words of similar meaning in connection with any merchandise offered for sale at retail.

Comments: Wholesale means "to sell in quantity for resale." Thus, "wholesale prices" are the prices at which goods are sold in quantity for resale. You may only use the word wholesale to refer to sales in quantity for resale. Any other use is deceptive.

K. Reporting. Within 21 days after receipt of a written request from the attorney general, persons making price comparisons shall submit a report in writing setting forth substantiating information upon which the price comparison was based. The attorney general, for cause shown, may grant additional time to respond upon request.

Comments: Any advertiser may be called upon to substantiate the claims made in its advertising. If you choose

to use comparison price advertising, you should be prepared to provide us with the information upon which the comparisons are based within 21 days after we request it. If you ask for a longer period and have a good reason, we will give you more time.

L. Penalties. Whoever fails to comply with any Section of this rule violates Louisiana Revised Statute 51:1405(A), which prohibits inter alia, unfair and deceptive acts and practices in trade and commerce.

M. Former Regulations. All rules and regulations or parts thereof in conflict herewith are hereby repealed.

David Kimmel
Director

9501#035

RULE

Department of Labor Office of Workers' Compensation

Insurance Cost Containment (LAC 40:I.1123-1129)

Under the authority of the Workers' Compensation Act, particularly R.S. 23:1021 et seq., and in accordance with the provision of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Labor, Office of Workers' Compensation amends the Insurance Cost Containment rules, LAC 40:I.Chapter 11.

The changes to these rules will clarify the requirements to participate in the occupational safety and health program and the procedures that will be used to evaluate an employer's implementation of the program.

Title 40

LABOR AND EMPLOYMENT

Part I. Workers' Compensation Administration Chapter 11. Workers' Compensation Insurance Cost Containment Rules

§1123. Cost Credit Earned from Satisfactory Implementation

A. Any safety and health hazard survey of the work place by the OSHA section consultants, including an evaluation of the employer's safety and health program and on-site interviews with employers and employees under R.S. 23:1179, shall be on-site inspections. All permanent, temporary, and multiple work sites shall be subject to inspection.

B. The on-site inspection of each eligible employer who has attended an authorized cost containment meeting shall be made in two phases; namely, the initial phase and the follow-up phase. The OSHA section shall not determine whether an eligible employer has satisfactorily implemented the OSHA section's occupational safety and health program until the initial and follow-up phases are completed. The effective date of qualification or disqualification of such eligible employer shall be the date of the report issued after the initial and follow-up phases are completed.

1. The initial phase shall be the first of any safety and health hazard surveys of the work place by the OSHA section,

including an evaluation of the employer's safety and health program and on-site interviews with employers and employees by the OSHA section. The effective date of the completion of the initial phase shall be the date that the correction of hazards report is received by the OSHA section. The correction of all hazards identified during the on-site visit shall be made within six months of the visit.

2. The follow-up phase shall be a safety and health hazard survey of the work place by the OSHA section, including an evaluation of the employer's safety and health program and on-site interviews with employers and employees by the OSHA Section. This follow-up phase shall be conducted no earlier than six months after the initial phase is completed.

3. Notwithstanding the provisions of Subsection B.2 of this rule, the follow-up phase may be conducted earlier than six months after the initial phase is completed if the company has had an operational safety plan in effect for the prior 12 months, and if the company has satisfied all elements of management commitment and planning, hazard assessment, hazard correction and control, and safety and health training, as provided in Form Consultation-33, for the prior 12 months.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1179.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 21: (January 1995).

§1125. Qualification for Cost Credit under R.S. 23:1179

Employers shall be eligible for a reduction in their experience modifier rate pursuant to R.S. 23:1179 when all of the following conditions are met:

1. satisfactorily implementation of the OSHA section's occupational safety and health program when the initial and follow-up phases are completed;

2. a loss work day incident rate less than the national average for their respective SIC, as indicated on their completed OSHA 200 form for the prior calendar year; and

3. no fatalities within the 24 months immediately preceding the initial inspection or, in the case of a reapplication, within the 24 months immediately preceding the date of the reapplication.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1179.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 21: (January 1995).

§1127. Reapplication after Failure to Qualify

A. An employer that fails to qualify for the reduction in the experience modifier rate under R.S. 23:1179 because of a determination that the employer has not satisfactorily implemented the OSHA section's occupational safety and health program or because of its loss work day incident rate, shall be allowed to reapply for the reduction in the experience modifier rate after 12 months from the date of the final report.

B. An employer that fails to qualify for the reduction in the experience modifier rate under R.S. 23:1179 because of a fatality shall be allowed to reapply no earlier than 24 months from the date of the fatality.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1179.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 21: (January 1995).

§1129. Employer Eligibility for Safety and Health Program Assessment

Comprehensive program assessment shall be accomplished by category and by order that applications are received.

1. Category I shall consist of sites which have 250 employees or less, and 500 or less total employees at all sites controlled by the employer based on the average level of employment during the most recent 12 months. Sites operated by governmental agencies are specifically excluded.

2. Category II shall consist of all sites which do not meet the criteria of Category I.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1179.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 21: (January 1995).

Alvin J. Walsh
Director

9501#019

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Mullet Daily Take (LAC 76:VII.343)

The Wildlife and Fisheries Commission does hereby amend a rule, LAC 76:VII.343, changing the opening date for the "roe" mullet season from October 15 to the third Monday in October. Authority for adoption of this rule is included in R.S. 56:6(25)(a), 56:326.3 and 56:333.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§343. Mullet Daily Take

A. Seasons: A framework of seasons is hereby set for the harvest of mullet. A "pre-roe" season is set to run from 12:01 a.m., September 15 until 12 p.m. (midnight) of the Sunday preceding the third Monday in October of each year. A "roe" season is set to run from 12:01 a.m. of the third Monday in October until 12 p.m. (midnight) January 14 of the following year. A "non-roe" season is set to run from 12:01 a.m. January 15 until 12 p.m. (midnight) September 14 of each year.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a), 56:325.1, 56:326.3 and 56:333.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18:1420 (December 1992), amended LR 21: (January 1995).

John F. "Jeff" Schneider
Chairman

9501#015

NOTICES OF INTENT

NOTICE OF INTENT

Department of Agriculture and Forestry
Office of Agricultural and Environmental Sciences
Division of Pesticides and Environmental Programs
Advisory Commission on Pesticides

Pesticide Use in School Buildings and
Grounds Area (LAC 7:XXIII.13123 and 13144)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq. and R.S. 3:3203(A), the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Division of Pesticides and Environmental Programs, intends to adopt the following rule concerning the implementation of regulations governing the use of pesticides in, on, or around school buildings and grounds.

Title 7

AGRICULTURE AND ANIMALS

Part XXIII. Advisory Commission on Pesticides

Chapter 131. Advisory Commission on Pesticides

Subchapter F. Certification

§13123. Certification of Commercial Applicators

B. Categories are established on the basis of the location where the application of pesticides will be made, and each applicant for certification is required to successfully complete an examination in the category in which the applicant desires certification.

1. Certification in a category authorizes the commercial applicator to make application of or supervise the application of restricted use pesticides in the areas listed for each category.

2. The commissioner hereby establishes the following categories and subcategories of certification for commercial applicators:

(Note: The classifications in this Subsection reflect national categories established by EPA.)

Category 7. Industrial, Institutional, Structural and Health Related Pest Control. This category includes commercial applicators and nonfee commercial applicators using or supervising the use of pesticides with restricted uses in, on or around food handling establishments, human dwellings, institutions, such as schools and hospitals, industrial establishments, including warehouses and grain elevators, and any other structures and adjacent area, public or private; and for the protection of stored, processed or manufactured products.

This category has been subdivided into four subcategories:

b. Subcategory 7b is for applicators who apply or supervise the application of restricted use pesticides on a nonfee basis in, on or around institutions, motels, apartment houses, hotels, hospitals and like places as the owner or in the employ of the owner.

d. Subcategory 7d is for applicators who apply or supervise the application of pesticides on a nonfee basis for grass and weed control and rodent and general pest control (roaches, wasps, and ants) or Restricted Use Pesticides, in, on, or around structures and grounds of schools that provide education for classes kindergarten through 12. Pesticide applications for wood destroying insects shall be applied by licensed structural pest control operators.

i. All persons certified under 7d shall attend a continuing education program, annually.

ii. Each 7d certified applicator shall annually train all persons applying pesticides under his/her supervision according to the handler training requirements of 40 CFR 170 (Worker Protection Standards).

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203, R.S. 3:3242 and R.S. 3:3249.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Advisory Commission on Pesticides, LR 9:169 (April 1983), amended LR 10:193 (March 1984), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, LR 19:735 (June 1993), LR 20:641 (June 1994), LR 21:

Subchapter I. Application of Pesticides

§13144. Special Restrictions on Pesticide Applications in Schools

A. Any person who applies or supervises the application of pesticides on a nonfee basis for grass and weed control and rodent and general pest control (roaches, wasps, and ants) or restricted use pesticides, in, on, or around school structures and grounds shall be a certified commercial applicator or under the supervision of a certified commercial applicator.

B. School systems with 10 or more schools shall employ a minimum of two certified commercial applicators. School systems with less than 10 schools shall employ a minimum of one certified commercial applicator.

C. The governing authority (including but not limited to superintendents, headmasters, school boards, board of directors, chief executive officer, or principals) shall prepare and submit in writing, for each school under its authority, to the director of Pesticide and Environmental Programs (PEP), an annual integrated pest management (IPM) plan for pest control for grass and weed control and rodent and general pest control (roaches, wasps, and ants) in, on, or around school structures and grounds. The IPM plan shall include all pest control methods employed, including pesticide and nonpesticide methods. The first IPM plan shall be submitted prior to any application of pesticides beginning March 1, 1995 and shall be submitted on an annual year of August 1 through July 31. The plan shall be available for review, upon request, by the commissioner and the general public, during normal school hours, at each school, in the business office. The

annual IPM plan shall include, but not be limited to the following:

1. school name and mailing address, physical address, telephone number and contact person;
2. name and license or place of business number of company(s) and certification numbers of applicators, if contracted;
3. name and certification number of certified commercial applicator(s) of school system;
4. brand name and EPA registration number of all pesticides to be used;
5. for each pesticide to be used list the following:
 - a. pest to be controlled;
 - b. type of application to be used;
 - c. location of application;
 - d. restricted use pesticide or general use pesticide;
6. proposed location and date for noncertified applicator training;
7. other methods of pest control.

C. Any deviation from the integrated pest control management plan submitted shall be submitted in writing to LDAF, Director of PEP 24 hours prior to any application.

D. Records of pesticide applications for grass and weed control and general pest control, shall be maintained in accordance with LAC 7:13157.

E. No pesticides shall be applied for general pest control inside school buildings when students are present or expected to be present for normal academic instruction or extracurricular activity for at least eight hours after application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203, R.S. 3:3242 and R.S. 3:3249.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, LR 21:

All interested persons may submit written comments on the proposed rule through February 24, 1995, to David Fields, Department of Agriculture and Forestry, 5825 Florida Boulevard, Baton Rouge, LA 70806. A public hearing on these proposed rules will be held on March 1, 1995, at 9:30 a.m. at the above address. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at the hearing. No preamble concerning the proposed rules is available.

Bob Odom
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Pesticides In, On, or Around Schools**

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

School boards or schools who use employees to apply pesticides in, on or around schools on a non-fee basis should expect the cost of recertification training to range from \$15 to \$25 per person.

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

The number of certifications is expected to increase slightly resulting in a slight increase in the revenue collections of the state.

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

Instances where school boards or schools choose to hire commercial applicators to apply pesticides in, on, or around schools, rather than use their own employees, would benefit the applicator(s) hired. The exact cost would depend on the number of structures, employees, frequency of application, etc. involved.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition or employment is anticipated.

Richard Allen
Assistant Commissioner
9501#047

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Agriculture and Forestry
Office of Forestry**

**Prescribed Burner Certification
(LAC 7:XXXIX. Chapter 209)**

In accordance with provisions of the Administrative Procedures Act, the Department of Agriculture and Forestry, Office of Forestry, proposes to adopt rules setting forth definitions, procedures, and policies required for the administration of the Certified Prescribed Burner program.

Title 7

AGRICULTURE AND ANIMALS

Part XXXIX. Forestry

Chapter 209. Prescribed Burning

§20901. Definitions

Act—Act 589 of the 1993 Regular Session of the Louisiana Legislature.

Department—Louisiana Department of Agriculture and Forestry.

Prescribed Burning Certificate—document issued by the Department of Agriculture and Forestry certifying that the document holder has completed the requirements of Louisiana R.S. 3:17 and this rule.

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:17.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 21:

§20903. Written Authority

Written authority for a prescribed burn shall consist of a Prescribed Burning Certificate issued to the prescribed burner by the department and signed by the Associate State Forester or the Chief of the Forest Protection Branch of the Office of Forestry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:17.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 21:

§20905. Completion of Prescribed Burn

Prescribed burns performed pursuant to the authority granted by the Act and conducted in accordance with the act and these regulations shall be completed and declared safe when the certified prescribed burn manager who has been present on site from ignition finds:

1. that the ignition process has been safely accomplished;
2. the fire is safely contained within the control lines; and
3. the smoke is acting in a fashion consistent with the weather forecast and the burning prescription for that tract.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:17.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 21:

§20907. Certification Prerequisites and Training

The Department of Agriculture and Forestry shall offer workshops for the Certification of Prescribed Burners. The application for attendance to a certification workshop shall include an affidavit from the applicant stating that:

1. the applicant has participated in a minimum of five prescribed burns as the person in charge of the execution of the burns; and
2. the applicant has completed a university sponsored continuing education prescribed burning course or other program approved by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:17.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 21:

§20909. Certification Procedures

The department shall issue a Prescribed Burning Certificate when the applicant has:

1. met all of the prerequisites on training and experience required by this rule; and
2. completed an application on a form approved by the department; and
3. attended a certification workshop conducted or approved by the department; and
4. scored a passing grade on a certification test administered or approved by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:17.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 21:

§20911. Voluntary Smoke Management Guidelines

The official guidelines for management of smoke from prescribed burns shall be as contained in *Louisiana Smoke Management Guidelines*, published by the Louisiana Department of Agriculture and Forestry. Revisions to the guidelines shall take effect upon their publication by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:17.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 21:

§20913. Suspension and Revocation of Prescribed Burning Certificate

In the event that any Certified Prescribed Burn Manager demonstrates that his practices and procedures during one or more of prescribed burns substantially deviates from accepted

practices and procedures for prescribed burning in effect at the time of certification or at the time of the aforesaid prescribed burn or burns then, in that event, and upon such finding determined after an adjudicatory hearing conducted in accordance with the Administrative Procedure Act, the commissioner may suspend or revoke the certification of any such Certified Prescribed Burn Manager.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:17.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 21:

This rule complies with and is enabled by the Louisiana Prescribed Burning Law, R.S. 3:17.

Interested persons may submit written comments to Cyril LeJeune, Office of Forestry, Box 1628, Baton Rouge, LA 70821-1628. Written comments will be accepted through the close of business on February 24, 1995.

Bob Odom
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Prescribed Burner Certification

- I. **ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
There will be no additional implementation costs or savings to state or local governments required by this action.
- 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 related to implementation of this rule.
- 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)**
This rule will have no effect on competition or employment.

Richard Allen
Assistant Commissioner
9501#048

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Forestry

Timber Stumpage Values (LAC 7:XXXIX.20101)

In accordance with provisions of the Administrative Procedures Act, the Department of Agriculture and Forestry, Office of Forestry, and the Department of Revenue and Taxation proposes to amend rules regarding the value of timber stumpage for calendar year 1995.

**Title 7
AGRICULTURE AND ANIMALS
Part XXXIX. Forestry**

Chapter 201. Timber Stumpage

§20101. Stumpage Values

The Louisiana Forestry Commission, and the Tax Commission, as required by R.S. 47:633, adopted the following timber stumpage values based on current average stumpage market values to be used for severance tax computations for 1995:

1. Pine trees and timber	\$293.44/MBF	\$36.88/ton
2. Hardwood trees and timber	\$181.36/MBF	\$19.09/ton
3. Pine Chip and Saw	\$67.82/cord	\$25.12/ton
4. Pine pulpwood	\$24.35/cord	\$ 9.02/ton
5. Hardwood pulpwood	\$ 10.40/cord	\$ 3.65/ton

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3 and R.S. 3:4343.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Forestry, and the Louisiana Forestry Commission, LR 4:9 (January 1978), amended LR 5:7 (January 1979), LR 6:728 (December 1980), LR 7:627 (December 1981), LR 8:651 (December 1982), LR 9:848 (December 1983), LR 10:1038 (December 1984), LR 11:1178 (December 1985), amended by the Department of Agriculture and Forestry, Office of Forestry, and the Louisiana Forestry Commission, LR 12:819 (December 1986), LR 13:432 (August 1987), LR 14:9 (January 1988), LR 15:5 (January 1989), LR 16:16 (January 1990), LR 17:476 (May 1991), LR 18:6 (January 1992), LR 19:611 (May 1993), LR 20:408 (April 1994), LR 21:

Interested persons may submit written comments to Don Feduccia, Office of Forestry, Box 1628, Baton Rouge, LA 70821-1628. Written comments will be accepted through the close of business on February 24, 1995.

Bob Odom, Commissioner
Agriculture and Forestry

Billy Weaver, Chairman
Louisiana Forestry Commission

Malcolm B. Price, Chairman
Louisiana Tax Commission

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Timber Stumpage Values**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no additional implementation costs or savings to state or local governments required by the implementation of this action.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Since this action adjusts the average stumpage value upward for timber harvested, the severance tax revenue received by state and local governments will increase if 1995 timber production levels equal the five-year average. State revenue would increase by \$223,898 and local government revenues would increase by \$671,696.

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

Although the total tax paid by timber sellers and reported and remitted by wood-using industries will increase as a result of this action, the prevailing severance tax rate for timber harvesting remains constant by statute. No increases in paperwork or procedures will result from this action.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This action is taken on an annual basis and should have negligible effect on competition or employment. The increased tax revenue that will result from the increase in average stumpage prices set by this action may have a positive effect on parish and state government.

Richard Allen
Assistant Commissioner
9501#046

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Economic Development
Economic Development Corporation**

**Contract Loan Assistance Program
(LAC 19:XV.Chapter 1)**

The Louisiana Economic Development Corporation (LEDC) proposes to adopt new rules, LAC 19:XV.Chapter 1, relative to the small business loan guaranty/loan participation program to provide contract financing. Such contracts may be for goods or services to local, state or federal agencies.

Title 19

CORPORATIONS AND BUSINESS

**Part XV. Louisiana Economic Development Corporation
Chapter 1. Contract Loan Program**

§101. Purpose

A. The Louisiana Economic Development Corporation (LEDC) wishes to stimulate the flow of private capital, long-term loans, and other financial assistance for the sound financing of the development, expansion, and retention of small business concerns in Louisiana as a means of providing high levels of employment, income growth, and expanded economic opportunities, especially to disadvantaged persons and within distressed and rural areas.

B. This program will be a pilot program for a period of one year upon which the board of directors of the Louisiana Economic Development Corporation will consider extending the program. The corporation will consider sound loans so long as resources permit. The board of the corporation recognizes that guaranteeing, participating, or lending money carries certain risks and is willing to undertake reasonable exposure.

AUTHORITY NOTE: R.S. 51: 2312(A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 21:

§103. Definitions

Contract—a contract for goods and or services to any federal, state, or local government entity.

Disabled Person's Business Enterprise—a small business concern which is at least fifty-one percent owned and controlled by a disabled person as defined by the federal Americans With Disabilities Act of 1990.

Minority- or Woman-owned Business Enterprise—must be owned or controlled by a socially or economically disadvantaged person which is defined by the SBA as a person(s), regardless of sex or marital status, who is a member of groups whose disadvantage may arise from cultural, racial, chronic economic circumstances or background as stated in R.S. 51:2347 et seq., and must be certified as a minority business enterprise or woman's business enterprise as defined in R.S. 51:2347(B)(1-6).

Small Business Concerns—as defined by SBA for purposes of size eligibility as set forth by 13 CFR 121.

AUTHORITY NOTE: R.S. 51: 2312(A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 21:

§105. Application Process

A. Applicant is required to first contact a financial lending institution that is willing to entertain such a loan with the prospect of additional credit support provided by a LEDC guaranty/participation and complete the application process.

B. Information submitted to LEDC with the application representing the applicant's business plan, financial position, financial projections, personal financial statements and background checks will be kept confidential to the extent allowed under the Public Records Law, R.S. 44:1 et seq. Confidential information in the files of LEDC and its accounts acquired in the course of duty will be used solely by and for LEDC.

C. Submission and Review Policy

1. A completed Louisiana Economic Development Corporation application form, along with the information identified in Attachment A must be submitted with a \$100 application fee. Applications will be processed with decisions confirmed promptly.

2. Minority- and women-owned businesses applying for assistance under that provision will have to submit certification from the Minority and Women's Business Enterprise Office of the Department of Economic Development, along with the request for financial assistance.

3. Businesses applying for consideration under the "disabled persons" provision shall submit adequate information to support the disabled status.

4. LEDC staff will review the applications for completeness and submit only complete packages for analysis. Any applications not receiving approval in the initial analysis process shall be individually reviewed and exceptions to underwriting criteria noted. The LEDC staff will report to the screening committee monthly those applications approved, and those not recommended for approval with reasons.

5. Loans guaranteed/participated in by LEDC must qualify under LEDC pre-approved underwriting criteria using standardized LEDC documentation. The originating bank is

responsible for all loan closing documentation. Closing will occur only after a site visit by a LEDC staff member or designated representative.

6. Only those applicants and/or their designated representatives asked to be present by the LEDC staff need to be present for the screening committee.

7. The board of directors will review the results of all applications processed and screened. Loans recommended for approval by the LEDC staff as exceptions to standard underwriting criteria will be presented to the screening committee of the board for approval. Loans for \$100,000 or less approved under standard underwriting procedures requiring a LEDC guarantee/participation shall be approved jointly by the LEDC executive director and deputy director. In the absence of one of those persons, the president of LEDC, or the secretary/treasurer, could additionally approve the loan. All completed applications recommended by staff on loans in excess of \$100,000 will be approved by the screening committee and the board.

8. The applicant will be notified promptly from date accepted for processing by mail of the outcome of the application.

9. A LEDC commitment letter and standard guaranty or participation agreement will be mailed to the bank promptly after approval by the LEDC staff applying standardized evaluation processes.

AUTHORITY NOTE: R.S. 51: 2312(A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 21:

§107. Eligibility

A. Small business concerns as defined by SBA for purposes of size eligibility as set forth by 13 CFR 121.

B. Small businesses whose owner(s) or principal stockholder(s) shall be a resident of Louisiana and the business is domiciled in Louisiana with preference given to certified minority businesses, women-owned businesses, or businesses owned by disabled persons.

C. An assignable contract for goods or services with a federal, state, or local entity.

AUTHORITY NOTE: R.S. 51: 2312(A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 21:

§109. General Loan Provisions

A. Only one contract loan will be allowed for any one borrower at any one time. A borrower may apply for additional contract loans only after the full repayment of any previous contract loan is complete.

B. The Louisiana Economic Development Corporation will be guided by the following general principles in making loans:

1. Funding requests will only be considered for supporting contracts for goods and services provided to federal, state, or local entities;

2. Proceeds of the loan shall not be used for any of the following purposes:

a. repayment of debt to or the cashing out of any stockholder or principal of the business;

b. repayment of any personal debt;

c. funding for the principal purpose of refinancing

existing debt in excess of 10 percent of the total requested loan amount.

3. The corporation shall not knowingly approve any loan guaranty/participation if the applicant has presently pending, or outstanding, any claim or liability relating to failure or inability to pay promissory notes or other evidence of indebtedness including state or federal taxes, or bankruptcy proceeding; nor shall the corporation approve any loan guarantee/participation if the applicant has presently pending, at the federal, state, or local level, any proceeding concerning denial or revocation of a necessary license or permit.

4. The terms or conditions imposed and made part of any loan guaranty/participation authorized by vote of the corporation board shall not be amended or altered by any member of the board or employee of the Department of Economic Development except by subsequent vote of approval by the board at the next meeting of the board in open session with full explanation for such action.

5. The corporation shall not subordinate its position.

C. Interest Rates. On all loan participations/guarantees the interest rate is to be negotiated between the borrower and the bank but may not exceed four percentage points above New York prime as published in the Wall Street Journal at either a fixed or variable rate.

D. Collateral

1. Collateral to loan ratio will be no less than one to one (1:1).

2. Collateral position shall be negotiated but will be no less than a sole second position.

3. Collateral value determination:

a. the appraiser must be certified by recognized organization in area of collateral;

b. the appraisal cannot be over 90 days old;

c. the percentage of value considered shall be consistent with the underwriting criteria established by the LEDC Board from time to time.

4. Acceptable collateral may include, but not be limited to, the following:

a. fixed assets: real estate, buildings, fixtures;

b. equipment, machinery: used in support of the contract at cost supported by invoice or no more than 75 percent of cost for existing equipment or machinery;

c. inventory: used in support of the contract at cost supported by invoice or no more than 50 percent of cost for existing inventory.

d. personal guarantees are required, however, no value will be assessed towards collateral value. A signed and dated personal financial statement is also required.

e. 85 percent of Accounts Receivable considered collectable with supporting aging schedule.

f. contract with federal, state, or local entity shall be assigned to lender, however, no value will be assessed towards collateral value.

5. Unacceptable collateral may include but not be limited to the following:

a. stock in applicant company and/or related companies;

b. personal items.

E. Equity

1. Will be no less than 10 percent of the loan amount for a start-up operation, an acquisition, or an expansion.

2. Equity is defined to be:

a. cash;

b. paid in capital;

c. paid in surplus and retained earnings;

d. partnership capital and retained earnings;

e. unfunded portion of inventory and receivables.

3. No research, development expense, nor intangibles or contributed assets other than cash of any kind, will be considered equity.

F. Amount

1. For small businesses the corporation's participation shall be no greater than 50 percent of a loan, but in no case shall it exceed \$500,000.

2. For certified minority-owned, women-owned, or owned by disabled persons, the corporation's participation shall be no greater than 60 percent of a loan, but in no case shall it exceed \$500,000.

3. For either a small business or a certified minority-owned, woman-owned, or disabled owned business the corporation's guarantee shall be no greater than 50 percent of the lending institution's portion of the amount of the first draw of the contract. The first draw cannot exceed 50 percent of the total loan amount.

G. Terms. The term may be no longer than 180 days past the completion date of the contract but in no case any greater than one and one half years.

H. Use of Funds. To support a contract for goods and services for a federal, state, or local entity. All proceeds of the contract will be assigned and collected by the lending institution.

AUTHORITY NOTE: R.S. 51: 2312(A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 21:

§111. General Agreement Provisions

A. Participation Agreement

1. The lending institution is responsible for administration and monitoring of the loan.

2. The lead lender may not sell any additional participations in the loan.

3. Should liquidation through foreclosure occur, the bank will sell the collateral and handle the legal proceedings.

4. The bank interest rate may not exceed four percentage points above New York prime as published in the Wall Street Journal at either a fixed or variable rate.

5. Delinquency will be defined according to the bank's normal lending policy and all remedies will be outlined. Notification of delinquency will be made to the corporation in writing and verbally in a time satisfactory to the bank and the corporation.

B. Guaranty Agreement

1. Lending institution is responsible for proper administration and monitoring of loan and proper liquidation of collateral in case of default.

2. If liquidation through foreclosure occurs, the bank sells collateral and handles legal proceedings.

3. The guarantee will commence upon the first draw on

the line of credit and will end upon the advance of the second draw on the line of credit.

4. The guarantee will cover the unpaid principal amount owed only.

5. Delinquency will be defined according to the bank's normal lending policy and all remedies will be outlined in the guarantee agreement. Notification of delinquency will be made to the corporation in writing and verbally in a time satisfactory to the bank and the corporation as stated in the guarantee agreement.

C. Borrower Agreement. At the discretion of LEDC, the borrower will agree to strengthen management skills by participation in a form of continuing education acceptable to LEDC.

AUTHORITY NOTE: R.S. 51: 2312(A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 21:

§113. Confidentiality

Confidential information in the files of the corporation and its accounts acquired in the course of duty is to be used solely for the corporation. The corporation is not obliged to give credit rating or confidential information regarding applicant. Also see Attorney General Opinion Number 82-860.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2341-2347.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 21:

§115. Conflict of Interest

No member of the corporation, employee thereof, employee of the Department of Economic Development, nor members of their immediate families, shall either directly or indirectly be a party to or be in any manner interested in any contract or agreement with the corporation for any matter, cause, or thing whatsoever by reason whereof any liability or indebtedness shall in any way be created against such corporation. If any contract or agreement shall be made in violation of the provisions of this Section the same shall be null and void and no action shall be maintained thereon against the corporation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2341-2347.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 21:

ATTACHMENT "A"

The application for financial assistance should consist of a completed LEDC application form and a comprehensive business plan/loan proposal which contains but is not limited to the following guidelines:

A. A LEDC Contract Loan Application Form;

B. Executive Summary:

1. business description:

- a. name;
- b. location and business facility description;
- c. product or service;
- d. market and competition;
- e. management expertise.

2. business goals, including number of employee jobs to

be saved or created as a result of this loan;

3. uses of loan proceeds;

4. copy of contract: provide name, address and telephone number of awarding agency;

5. projected financial results demonstrating payback capability.

C. Operations

1. board of directors composition;

2. officers: organization chart and responsibilities;

3. list of stockholders with more than 15 percent ownership;

4. resumes of key personnel;

5. staffing plan/number of employees;

6. facilities plan/planned capital improvements;

7. operating plan/schedule of upcoming work for next one to two years;

8. list of work backlog, if any.

D. The originating bank may be asked by LEDC to share additional information on which they based a favorable decision.

E.1. For Sole Proprietorships:

a. last three years personal, federal and state income tax returns complete with all schedules (as available based upon age of business);

b. interim business income statement for the current year;

c. complete personal financial statement.

2. For Partnerships or Corporations:

a. last three years' business financial statements including balance sheets and income statements;

b. interim business financial statements;

c. last three years business income tax returns complete with all schedules;

d. most recent personal income tax returns including all schedules with K1s for each owner, general partner, and/or guarantor.

This proposed rule is to become effective April 20, 1995, or as soon thereafter as is practical upon publication in the *Louisiana Register*.

Written comments concerning these proposed rules will be accepted through the close of business at 5 p.m. on February 28, 1995, and should be addressed to Mike Williams, Executive Director, Louisiana Economic Development Corporation, Box 94185, Baton Rouge, LA 70804-9185.

Michael Williams
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Contract Loan Program

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

There will be no known costs to the state or local government.

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

There will be approximately \$19,050 of annual revenue collections as a result of a \$100 application fee and 12.5 percent interest earning in FY 94/95; \$63,500 annual revenue in FY 95/96 and FY 96/97.

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

The groups affected by the rule will be small and medium sized businesses and financial institutions. The rules call for an application which has to be provided to LEDC. There is a \$100 fee charge associated with application. There is also an interest rate of no more than 4 percent above New York prime associated with the loan. The business will be required to contribute 10 percent equity.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This program is not in competition with the private sector lender because it utilizes them as the vehicle to originate the loans and will not negatively affect private sector employment. Because economic development is the purpose of the program net new jobs will be created through the development of new and expanded businesses.

Michael Williams
Executive Director
9501#016

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1706—Exceptional Children Federal Requirements

In accordance with R.S 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the board approved for advertisement, the federally required changes to Bulletin 1706, Regulations for Implementation of the Exceptional Children's Act submitted by the Department of Education on May 25, 1994. These changes to Bulletin 1706 were adopted as an emergency rule, effective July 1, 1994 and referenced in the June 1994 issue of the *Louisiana Register*.

These federally required changes may be seen in their entirety in the Office of Special Educational Services, State Department of Education, in the Office of the State Board of Elementary and Secondary Education, located on the first floor of the Education Building in Baton Rouge, LA, or at the Office of the State Register, 1051 North Third Street, Capitol Annex, Suite 512, Baton Rouge, LA.

Interested persons may submit comments until 4:30 p.m., March 10, 1995 to: Eileen Bickham, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

AUTHORITY NOTE: R.S. 17:1941-1958.

Carole Wallin
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Bulletin 1706—Federal Requirements

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

Under the FY94 first year of the state plan, the state received \$38,261,977 in federal grant awards to expend. For FY95, we have received a total of \$41,418,455. This increase in costs is due to the increase in the number of children counted to generate the funds.

BESEs estimated cost for printing this policy change and first page of fiscal and economic impact statement in the Louisiana Register is approximately \$100. Funds are available.

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

Adoption of this rule and subsequent approval by the U.S. Department of Education would increase federal revenues by approximately \$3.1 million.

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

Adoption of this rule would provide approximately \$28,029,308 of the IDEA - Part B funds to local school systems (LEAs) to assist in the implementation of their special education programs and approximately \$4,786,365 of the preschool funds to provide local school systems with inservice training, technical assistance and program support. Other changes included in this rule promote greater opportunities for special education students to be included in regular classes, schools, and community settings. Long range benefits of these changes include the reduction in unemployment costs to the Department of Labor and reduction in costs of support services from the Office of Community Services and the Department of Health and Hospitals as these individuals live more independently.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Thirty-eight and one-half administrative (35 IDEA, Part B, 3.5 Preschool) and 42 (40 IDEA, Part B, 2 Preschool) SEA level support positions and eight regional LEA preschool coordinators would be continued which are essential for the coordination of local, state and federal guidelines mandating services for exceptional students. The effect on employment for local school systems personnel is substantial. Local school systems employ needed personnel with flow-through funds based on approval of their local projection applications for IDEA, Part B and preschool funding.

Marlyn Langley
Deputy Superintendent
Management and Finance
9501#045

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

Fee System (LAC 33:III.217,223)(AQ98)

Under the authority of the Louisiana 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.Chapter 2 (AQ98).

The rule proposes changes to the LAC 33:III.217 Late Payment and LAC 33:III.223 Fee Schedule. The rule provides a fee increase of 79 percent for annual maintenance fee, new permit application, and major and minor modified permit fees. The combined Air Quality Division fees generated would increase 33 percent with no change in criteria pollutant, air toxic, asbestos demo and certification, and stage II vapor recovery fees.

The existing fees for the Air Quality Permits and Annual Maintenance of surveillance and enforcement activities are being increased by 79 percent to cover the cost of operating the Air Quality Program. This fee increase is necessary because of new rules and increased surveillance activities associated with the Clean Air Act Amendments of 1990 requiring 20 additional positions at an estimated cost of \$1,114,000, coupled with rising operational costs estimated at \$1,886,000.

These proposed regulations are to become effective upon publication in the *Louisiana Register*.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 2. Rules and Regulations for the Fee System of the Air Quality Control Programs

§217. Late Payment

Fees not received within 15 days of the due date will be charged an additional 10 percent per month of the original assessed fee. The late fee shall be calculated starting from the due date indicated on the invoice.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:612 (September 1988), LR 18:706 (July 1992), LR 21:

§223. Fee Schedule Listing

FEE SCHEDULE LISTING

Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application	Modified Permit Fees	
					Major	Minor
0010	Cotton Gin - Per Bale Ginned Immediate Past Season	0724	0.00	0.63	0.38	0.09
0020	Bituminous Coal and Lignite Mining	1211	906.00	4522.00	2715.00	906.00
0030	Coal Preparation	1211	2263.00	11307.00	6784.00	2263.00
0039	Crude Oil and Natural Gas Production (0-99 T/Yr)	1311	107.00	537.00	322.00	107.00
0040	Crude Oil and Natural Gas Production (100 - 249 T/Yr Source)	1311	181.00	906.00	544.00	181.00
0041	Crude Oil and Natural Gas Production (250 - 499 T/Yr Source)	1311	558.00	2792.00	1675.00	558.00
0042	Crude Oil and Natural Gas Production Greater than 500 T/Yr Source	1311	931.00	3723.00	2792.00	931.00
0050	Natural Gas Liquids Per Unit	1321	453.00	2263.00	1357.00	453.00
0060	Construction Sand and Gravel	1442	181.00	906.00	544.00	181.00
0070	Industrial Sand	1446	181.00	906.00	544.00	181.00
0080	Salt Mining	1476	2263.00	11307.00	6784.00	2263.00
0090	Sulfur Mining	1477	2263.00	11307.00	6784.00	2263.00
0100	Commercial Rice Milling	2044	906.00	4522.00	2715.00	906.00
0110	Animal Feed Preparation	2048	906.00	4522.00	2715.00	906.00
0120	Cane Sugar, Except Refining Only	2061	2263.00	11307.00	6784.00	2263.00
0130	Cane Sugar Refining per 1,000 Lb/Hr Rated Capacity	2062 MIN.	18.08 2234.00	90.47 11170.00	54.27 6702.00	18.08 2234.00
0140	Cottonseed Oil Mill	2074	453.00	2263.00	1357.00	453.00
0150	Soybean Oil Mill	2075	319.00	1584.00	950.00	319.00
0160	Animal & Marine Fats and Oil (Rendering) 10,000 or More Ton/Yr	2077	1085.00	5427.00	3256.00	1085.00
0170	Animal & Marine Fats and Oil (Rendering) Less than 10,000 Ton/Yr	2077	544.00	2715.00	1629.00	544.00
0180	Shortening, Table Oils, Margarine and Other Edible Fats and Oils	2079	226.00	1131.00	678.00	226.00
0190	Malt Beverages	2082	226.00	1131.00	678.00	226.00
0200	Coffee Roasting Per 1,000,000 Lb./Yr Rated Capacity	2095 MIN. MAX.	180.90 429.60 11356.00	904.54 2148.00 56779.00	542.73 1289.00 34067.00	180.90 429.60 11356.00
0210 *NOTE 9*	Sawmill and/or Planing Less than 25,000 Bd Ft/Shift	2421	453.00	2263.00	1357.00	453.00

FEE SCHEDULE LISTING

Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application	Modified Permit Fees	
					Major	Minor
0220 *NOTE 9*	Sawmill and/or Planing More than 25,000 Bd Ft/Shift	2421	1357.00	6784.00	4070.00	1357.00
0230 *NOTE 9*	Hardwood Mill	2426	813.00	4070.00	2443.00	813.00
0240 *NOTE 9*	Special Product Sawmill N.E.C.	2429	813.00	4070.00	2443.00	813.00
0250	Millwork with 10 Employees or More	2431	813.00	4070.00	2443.00	813.00
0260	Hardwood Veneer and Plywood	2435	1810.00	9045.00	5427.00	1810.00
0270	Softwood Veneer and Plywood	2436	1810.00	9045.00	5427.00	1810.00
0280	Wood Preserving	2491	453.00	2263.00	1357.00	453.00
0290	Particleboard/Waferboard Manufacture (O.S.B.)	2492	1810.00	9045.00	5427.00	1810.00
0300	Hardboard Manufacture	2499	1357.00	6784.00	4070.00	1357.00
0310	Furniture and Fixtures - A) 100 or More Employees	2511	573.00	2864.00	1718.00	573.00
0320	Furniture and Fixtures - B) More than 10 and Less than 100 Employees	2511	272.00	1357.00	813.00	272.00
0330	Pulp Mills Per Ton Daily Rated Capacity	2611 MIN.	6.77 4654.00	33.90 23270.00	20.37 13962.00	6.77 4654.00
0340 *NOTE 1*	Paper Mill Per Ton Daily Rated Capacity	2621 MIN.	6.77 4654.00	33.90 23270.00	20.37 13962.00	6.77 4654.00
0350	Paperboard Mills Per Ton Daily Rated Capacity	2631 MIN.	6.77 4654.00	33.90 23270.00	20.37 13962.00	6.77 4654.00
0360	Paper Coating	2641	272.00	1357.00	813.00	272.00
0365	Paper Bag Manufacture	2643	344.00	1718.00	1031.00	344.00
0370	Insulation Manufacture	2649	453.00	2263.00	1359.00	453.00
0375	Folding Paper Board Boxes Per Packaging Press Line	2651 MIN.	453.00 2234.00	2263.00 11170.00	1357.00 6702.00	453.00 2234.00
0380	Corrugated Boxes - Converters (with Boilers)	2653	678.00	3390.00	2037.00	678.00
0381	Corrugated Boxes - Sheet Plant	2653	286.00	1432.00	859.00	286.00
0390	Building Board and Tile	2661	2263.00	11307.00	6784.00	2263.00
0400	Commercial Printing - Black and White Per Press	2752 MIN.	271.00 1203.00	1357.00 6516.00	814.09 3909.00	271.00 1203.00
0410	Commercial Printing - Color Per Press	2752 MIN.	452.28 2234.00	2261.38 11170.00	1356.82 6702.00	452.28 2234.00
0420 *NOTE 2*	Caustic/Chlorine Per 1,000,000 Lb/Yr Rated Cap Posed on Chlorine	2812 MIN.	4.53 2234.00	22.63 11170.00	13.57 6702.00	4.53 2234.00
0440	Industrial Gases	2813	906.00	4522.00	2715.00	906.00
0450	Inorganic Pigments	2816	906.00	4522.00	2715.00	906.00

FEE SCHEDULE LISTING

Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application	Modified Permit Fees	
					Major	Minor
0460	Aluminum Sulfate Production Per 100 Ton/Yr Rated Capacity	2819 MIN.	2.26 1862.00	11.31 9308.00	6.77 5585.00	2.26 1862.00
0470	Alumina Per 1,000,000 Lb/Yr Rated Capacity	2819 MIN.	9.02 1862.00	45.22 9308.00	27.12 5585.00	9.02 1862.00
0480	Catalyst Mfg. and Cat. Regeneration Per Line	2819	2263.00	11307.00	6784.00	2263.00
0490	Fluosilicates	2819	1357.00	6784.00	4070.00	1357.00
0500	Industrial Inorganic Chemicals Mfg. N.E.C. Per 1,000,000 Lb./Yr	2819 MIN.	2.26 1303.00	11.31 6516.00	6.77 3909.00	2.26 1303.00
0510	Industrial Inorganic Acids N.E.C. Per 1,000,000 Lb./Yr Rated Capacity	2819 MIN.	22.63 2234.00	113.07 11170.00	67.84 6702.00	22.63 2234.00
0520	Nitric Acid Manufacture Per 1,000 Ton/Yr Rated Capacity	2819 MIN.	9.02 2234.00	45.22 11170.00	27.12 6702.00	9.02 2234.00
0530	Phosphoric Acid Mfg. Per Ton Daily Rated Cap	2819 MIN.	2.26 1862.00	11.31 9308.00	6.77 5585.00	2.26 1862.00
0540	Sulfuric Acid Manufacture Per Ton Daily Rated Capacity	2819 MIN.	2.26 1862.00	11.31 9308.00	6.77 5585.00	2.26 1862.00
0550	Polyethylene/Polypropolene Manufacture Per 1,000,000 Lb/Yr Rated Capacity	2821 MIN.	18.08 2234.00	90.47 11170.00	54.27 6702.00	18.08 2234.00
0560	PVC Manufacture Per 1,000,000 Lb/Yr Rated Capacity	2821 MIN.	22.63 2234.00	113.07 11170.00	67.84 6702.00	22.63 2234.00
0570	Synthetic Resins Manufacture N.E.C. Per 1,000,000 Lb/Yr Rated Capacity	2821 MIN.	22.63 2234.00	113.07 11170.00	67.84 6702.00	22.63 2234.00
0580	Rubber Mfg. Per 1,000,000 Lb/Yr Rated Capacity	2822 MIN.	22.63 2234.00	113.07 11170.00	67.84 6702.00	22.63 2234.00
0585	Paint Manufacturing and Blending	2851	841.00	4207.00	2524.00	841.00
0590	Charcoal Per Oven	2861	453.00	2263.00	1357.00	453.00
0600	Gum and Wood Chemicals Per Unit	2861	1357.00	6784.00	4070.00	1357.00
0610	Styrene Monomer Per 1,000,000 Lb/Yr Rated Capacity	2865 MIN.	9.02 2234.00	45.22 11170.00	27.12 6702.00	9.02 2234.00
0620	Halogenated Hydrocarbons Per 1,000,000 Lb/Yr Rated Capacity	2869 MIN.	13.57 2234.00	67.84 11170.00	40.70 6702.00	13.57 2234.00
0630	Organic Oxides, Alcohols, Glycols Per 1,000,000 Lb/Yr Rated Capacity	2869 MIN.	9.02 2234.00	45.22 11170.00	27.12 6702.00	9.02 2234.00
0635	Olefins and Aromatics N.E.C. Per 1,000,000 Lb/Yr Rated Capacity	2869 MIN.	9.02 2234.00	45.22 11170.00	27.12 6702.00	9.02 2234.00
0640	Ammonia Manufacture Per Ton Daily Rated Capacity	2873 MIN.	4.51 2234.0	22.63 11170.00	13.57 6702.00	4.51 2234.00

FEE SCHEDULE LISTING

Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application	Modified Permit Fees	
					Major	Minor
0650	Fertilizer Manufacture Per 1,000 Ton/Yr Rated Capacity	2873 MIN.	2.26 1303.00	11.31 6516.00	6.77 3909.00	2.26 1303.00
0660	Urea and Ureaform Per 1,000 Ton/Yr Rated Capacity	2873 MIN.	4.51 1303.00	22.63 6516.00	13.57 3909.00	4.51 1303.00
0670	Pesticides Mfg. Per Train	2879	1810.00	9045.00	5427.00	1810.00
0680	Carbon Black Manufacture Per 1,000,000 Lb/Yr Rated Capacity	2895 MIN.	27.12 2234.00	135.66 11170.00	81.43 6702.00	27.12 2234.00
0690	Chemical and Chemical Prep. N.E.C. Per 1,000,000 Lb/Yr	2899 MIN.	22.63 1862.00	113.07 9308.00	67.84 5585.00	22.63 1862.00
0695	Chemical and Chemical Prep. N.E.C. with Output Less than 1,000,000 Lb/Yr	2899	1289.00	6444.00	3866.00	1289.00
0700	Drilling Mud-Storage and Distribution	2899	453.00	2263.00	1357.00	453.00
0710	Drilling Mud-Grinding	2899	1810.00	9045.00	5427.00	1810.00
0715	Salt Processing & Packaging Per 1,000,000 Lb/Yr	2899 MIN.	0.38 558.00	1.86 2792.00	1.11 1675.00	0.38 558.00
0720 *NOTE 3*	Petroleum Refining Per 1,000 BBL/Day Rated Capacity Crude Thruput	2911 MIN.	113.07 2234.00	565.35 11170.00	339.21 6702.00	113.07 2234.00
0730 *NOTE 4*	Asphaltic Concrete Paving Plants Per Ton/Hr Rated Capacity	2951 MIN.	3.40 930.00	17.00 4654.00	10.20 2792.00	3.40 930.00
0740	Asphalt Blowing Plant (Not to be Charged Separately if in Refinery)	2951	1357.00	6784.00	4070.00	1357.00
0760 *NOTE 5*	Blending, Compounding, or Refining of Lubricants Per Unit	2992	1357.00	6784.00	4070.00	1357.00
0770	Petroleum Coke Calcining Per 1,000 Ton/Yr Rated Capacity	2999 MIN.	18.08 2234.00	90.4711170.00	54.27 6702.00	18.08 2234.00
0775	Plastics Injection Moulding and Extrusion Per Line	3079	453.00	2263.00	1357.00	453.00
0780	Glass and Glass Container Mfg. Natural Gas Fuel Per Line	3229	678.00	3390.00	2037.00	678.00
0790	Cement Manufacture Per 1,000 Ton/Yr Rated Capacity	3241 MIN.	13.57 1862.00	67.84 9308.00	40.70 5585.00	13.57 1862.00
0800	Glass and Glass Container Mfg. Fuel Oil Per Line	3241	1357.00	6784.00	4070.00	1357.00
0810	Brick Manufacture Per 1,000 Ton/Yr Rated Capacity	3251 MIN.	6.77 931.00	33.90 4654.00	20.37 2792.00	6.77 931.00
0815	Concrete Products	3272	458.00	2291.00	1375.00	458.00
0820 *NOTE 12*	Ready-Mix Concrete	3273	1131.00	3437.00	2263.00	1131.00
0830	Lime Manufacture Per 1,000 Ton/Yr Rated Capacity	3274 MIN.	13.57 1303.00	67.84 6516.00	40.70 3909.00	13.57 1303.00

FEE SCHEDULE LISTING

Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application	Modified Permit Fees	
					Major	Minor
0840	Gypsum Manufacture Per 1,000 Ton/Yr Rated Capacity	3275 MIN.	13.57 1303.00	67.84 6516.00	40.70 3909.00	13.57 1303.00
0850	Asbestos Products Per Site or Per Production Unit	3292	2715.00	13570.00	8143.00	2715.00
0860	Clay Kiln	3295	544.00	2715.00	1629.00	544.00
0870	Rock Crusher	3295	498.00	2488.00	1493.00	498.00
0880	Gray Iron and Steel Foundries A) 3,500 or More Ton/Yr Production	3321	725.00	3618.00	2171.00	725.00
0890	Gray Iron and Steel Foundries B) Less than 3,500 Ton/Yr Production	3321	362.00	1810.00	1085.00	362.00
0900	Malleable Iron Foundries A) 3,500 or More Ton/Yr Production	3322	725.00	3618.00	2171.00	725.00
0910	Malleable Iron Foundries B) Less than 3,500 Ton/Yr Production	3322	362.00	1810.00	1085.00	362.00
0920	Steel Investment Foundries A) 3,500 or More Ton/Yr Production	3324	725.00	3618.00	2171.00	725.00
0930	Steel Investment Foundries B) Less than 3,500 Ton/Yr Production	3324	362.00	1810.00	1085.00	362.00
0940	Steel Foundries Not Elsewhere Classified A) 3,500 or More Ton/Yr Production	3325	725.00	3618.00	2171.00	725.00
0950	Steel Foundries Not Elsewhere Classified B) Less than 3,500 Ton/Yr Production	3325	362.00	1810.00	1085.00	362.00
0960	Primary Smelting and Refining of Copper Per 100,000 Lb/Yr Rated Capacity	3331 MIN.	9.02 2234.00	45.22 11170.00	27.12 6702.00	9.02 2234.00
0970	Aluminum Production Per Pot	3334 MIN.	45.22 2234.00	226.15 11170.00	135.66 6702.00	45.22 2234.00
0980	Refining of Non-Ferrous Metals N.E.C. Per 1,000 Lb/Yr Rated Capacity	3339 MIN.	0.05 2234.00	0.43 11170.00	0.25 6702.00	0.05 2234.00
0990	Secondary Smelting of Non-Ferrous Metals Per Furnace	3341 MIN.	1357.00 2792.00	6784.00 13962.00	4070.00 8377.00	1357.00 2792.00
1000	Wire Manufacture	3357	906.00	4522.00	2715.00	906.00
1010	Aluminum Foundries (Castings) Per Unit	3361	362.00	1810.00	1085.00	362.00
1020	Brass/Bronze/Copper-Based Alloy Foundry Per Furnace	3362	453.00	2263.00	1357.00	453.00
1030	Metal Heat Treating Including Shotpeening	3398	272.00	1357.00	813.00	272.00

FEE SCHEDULE LISTING

Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application	Modified Permit Fees	
					Major	Minor
1040	Metal Can Manufacture	3411	906.00	4522.00	2715.00	906.00
1050	Drum Manufacturing and/or Reconditioning	3412	1357.00	6784.00	4070.00	1357.00
1059	Fabricated Structural Steel with 5 or More Welders	3441	906.00	4522.00	2715.00	906.00
1060	Fabricated Plate Work with 5 or More Welders	3443	1146.00	5728.00	3437.00	1146.00
1070	Electroplating, Polishing and Anodizing with 5 or More Employees	3471	272.00	1357.00	813.00	272.00
1080	Sandblasting or Chemical Cleaning of Metal: A) 10 or More Employees	3471	1357.00	6784.00	4070.00	1357.00
1090	Sandblasting or Chemical Cleaning of Metal: B) Less than 10 Employees	3471	678.00	3390.00	2037.00	678.00
1100	Coating, Engraving, and Allied Services: A) 10 or More Employees	3479	498.00	2488.00	1493.00	498.00
1110	Coating, Engraving, and Allied Services: B) Less than 10 Employees	3479	272.00	1357.00	813.00	272.00
1120	Galvanizing and Pipe Coating Excluding All Other Activities	3479	544.00	2715.00	1629.00	544.00
1130	Painting Topcoat Per Line	3479	453.00	2263.00	1357.00	453.00
1140	Potting Per Line	3479	272.00	1357.00	813.00	272.00
1150	Soldering Per Line	3479	272.00	1357.00	813.00	272.00
1160	Wire Coating Per Line	3479	906.00	4522.00	2715.00	906.00
1170	Oil Field Machinery and Equipment	3533	453.00	2263.00	1357.00	453.00
1180	Power Chain Saw Manufacture Per Line	3546	678.00	3390.00	2037.00	678.00
1190	Commercial Grain Dryer	3559	544.00	2715.00	1629.00	544.00
1195	Electric Transformers Per 1,000 Units/Year	3612 MIN.	210.36 573.00	1051.80 2864.00	631.08 1718.00	210.36 573.00
1200	Electrode Manufacture Per Line	3624	634.00	3165.00	1899.00	634.00
1210	Telephone Manufacture Per Line	3661	1584.00	7915.00	4749.00	1584.00
1220	Electrical Connector Manufacture Per Line	3678	813.00	4070.00	2443.00	813.00
1230	Battery Manufacture Per Line	3691	906.00	4522.00	2715.00	906.00
1240	Electrical Equipment Per Line	3694	544.00	2715.00	1629.00	544.00
1245	Automobile, Truck and Van Assembly Per 1,000 Vehicles Per Year Capacity	3711 MIN. MAX	226.15 1432.00 45237.00	1130.67 7160.00 226184.00	678.39 4296.00 135710.00	226.15 1432.00 45237.00

FEE SCHEDULE LISTING

Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application	Modified Permit Fees	
					Major	Minor
1250	Ship and Boat Building: A) 5001 or More Employees	3732	6784.00	33921.00	20352.00	6784.00
1260	Ship and Boat Building: B) 2501 to 5000 Employees	3732	4522.00	22615.00	13570.00	4522.00
1270	Ship and Boat Building: C) 1001 to 2500 Employees	3732	2263.00	11307.00	6784.00	2263.00
1280	Ship and Boat Building: D) 201 to 1000 Employees	3732	1357.00	6784.00	4070.00	1357.00
1290	Ship and Boat Building: E) 200 or Less Employees	3732	453.00	2263.00	1357.00	453.00
1300	Playground Equipment Manufacture Per Line	3949	678.00	3390.00	2037.00	678.00
1310	Grain Elevators: A) 20,000 or More Ton/Yr	4221	1446.00	7237.00	4343.00	1446.00
1320	Grain Elevators: B) Less than 20,000 Ton/Yr	4221	725.00	3618.00	2171.00	725.00
1330 *NOTE 6*	A) Petroleum, Chemical Bulk Storage & Terminal (over 3,000,000 BBL Capacity)	4226	13570.00	67843.00	40706.00	13570.00
1340 *NOTE 6*	B) Petroleum, Chemical Bulk Storage & Terminal (1,000,000-3,000,000 BBL Capacity)	4226	9045.00	45228.00	27136.00	9045.00
1350 *NOTE 6*	C) Petroleum, Chemical Bulk Storage & Terminal (500,001-1,000,000 BBL Capacity)	4226	4522.00	22615.00	13570.00	4522.00
1360 *NOTE 6*	D) Petroleum, Chemical Bulk Storage & Terminal (500,000 BBL Capacity or Less)	4226	2263.00	11307.00	6784.00	2263.00
1361 *NOTE 8*	Wholesale Distribution of Coke and Other Bulk Goods Per 1,000 Ton/Yr Capacity	4463 MIN.	0.91 2234.00	4.53 11170.00	2.69 6702.00	0.91 2234.00
1362	Crude Oil Pipeline - Facility with Less than 100,000 BBLs Storage Capacity	4612	1002.00	5012.00	3007.00	1002.00
1363	Crude Oil Pipeline - Facility with 100,000 to 500,000 BBLs Storage Capacity	4612	1432.00	7160.00	4296.00	1432.00
1364	Crude Oil Pipeline - Facility with Over 500,000 BBLs Storage Capacity	4612	2005.00	10024.00	6014.00	2005.00
1366	Refined Oil Pipeline - Facility with Less than 100,000 BBLs Storage Capacity	4613	859.00	4296.00	2578.00	859.00
1367	Refined Oil Pipeline - Facility with 100,000 to 500,000 BBLs Storage Capacity	4613	1146.00	5728.00	3437.00	1146.00
1368	Refined Oil Pipeline - Facility with Over 500,000 BBLs Storage Capacity	4613	1718.00	8592.00	5155.00	1718.00

FEE SCHEDULE LISTING

Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application	Modified Permit Fees	
					Major	Minor
1370	Railcar/Barge/Tank Truck Cleaning Heavy Fuels Only	4742	453.00	2263.00	1357.00	453.00
1380	Railcar and Barge Cleaning Other Than Heavy Fuels	4742	2263.00	11307.00	6784.00	2263.00
1390	Tank Truck Cleaning Other Than Heavy Fuels	4742	1357.00	6784.00	4070.00	1357.00
1400	A) Electric Power Gen. Per MW (Over 0.7% S in Fuel)	4911 MIN.	21.01 4282.00	105.16 21408.00	63.10 12845.00	21.01 4282.00
1410 *NOTE 7*	B) Electric Power Gen. Per MW (0.7% S or Less in Fuel)	4911 MIN.	12.60 2048.00	63.10 10239.00	37.86 6143.00	12.60 2048.00
1420	C) Electric Power Gen. Per MW (Natural Gas Fired)	4911 MIN.	6.34 1489.00	31.56 7446.00	18.94 4468.00	6.34 1489.00
1430 *NOTE 11*	Natural Gas Comp Per 100 H.P. (Turbines)	4922	9.02	45.22	27.12	9.02
1440 *NOTE 11*	Recip. Nat Gas Comp Per 100 H.P.: A) 50,000 H.P.	4922	40.72	203.54	122.11	40.72
1450 *NOTE 11*	Recip. Nat Gas Comp Per 100 H.P.: B) 20,000 to 50,000 H.P.	4922	45.22	226.15	135.66	45.22
1460 *NOTE 11*	Recip. Nat Gas Comp Per 100 H.P.: C) 5,000 to 20,000 H.P.	4922	54.27	271.36	162.78	54.27
1470 *NOTE 11*	Recip. Nat Gas Comp Per 100 H.P.: D) 2,500 to 5,000 H.P.	4922	63.33	316.56	189.94	63.33
1480 *NOTE 11*	Recip. Nat Gas Comp Per 100 H.P.: E) 1,000 to 2,500 H.P.	4922	67.84	339.21	203.54	67.84
1490 *NOTE 11*	Recip. Nat Gas Comp: F) less than 1,000 H.P.	4922	906.00	2263.00	906.00	906.00
1500 *NOTE 10*	Coal Gassification Per \$100,000 Capital Cost	4925 MIN. MAX	9.02 1432.00 72416.00	45.22 7160.00 362081.00	27.12 4296.00 217249.00	9.02 1432.00 72416.00
1510 *NOTE 10*	Co-Generation Per \$100,00 Capital Cost	4939 MIN. MAX.	9.02 1432.00 45237.00	45.22 7160.00 226184.00	27.12 4296.00 135711.00	9.02 1432.00 45237.00
1520	Incinerators: A) 1,000 Lb/Hr and Greater Capacity	4953	573.00	2864.00	1718.00	573.00
1521	Incinerators: B) Less than 1,000 Lb/Hr Capacity	4953	186.00	931.00	558.00	186.00
1522	Flares, Afterburners, Catalytic Combusters, and Equivalent Thermal Destruction Devices	4953	0.00	573.00	344.00	115.00
1530	Municipal Incinerators	4953	4522.00	22615.00	13570.00	4522.00
1532	Commercial Hazardous Waste Incinerator Per 1,000,000 BTU Per Hour Thermal Capacity	4953 MIN.	2606.00 5728.00	1303.00 28640.00	781.87 17184.00	2606.00 5728.00
1533	Non Commercial Hazardous Waste Incinerator (Per 1,000,000 BTU/Hr Thermal Capacity)	4953 MIN.	130.31 3723.00	652.46 18616.00	390.94 11170.00	130.31 3723.00

FEE SCHEDULE LISTING

Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application	Modified Permit Fees	
					Major	Minor
1534	Commercial Hazardous Waste Disp. Facility, N.E.C.	4953	37232.00	186160.00	111696.00	37232.00
1535	Commercial Hazardous Waste Underground Injection (Surface Facilities) Per Location	4953	7446.00	37232.00	22339.00	7446.00
1536	Recoverable/Re-usable Materials Proc. Facility (Per 1,000,000 BTU/Hr Thermal Capacity)	4953 MIN. MAX.	130.31 3723.00 18616.00	652.00 18616.00 93080.00	390.94 11170.00 55848.00	130.31 3723.00 18616.00
1540	Steam Gen. Units Per 1000 Lbs/Hr Steam Cap-Natural Gas or Comb Non-Fossil Fuels	4961 MIN.	2.26 372.00	11.31 1865.00	6.77 1117.00	2.26 372.00
1550	Steam Gen. Units Per 1000 Lbs/Hr Steam Cap-Fuels with 0.7% S or Less	4961 MIN.	4.53 931.00	22.63 4654.00	13.57 2792.00	4.53 931.00
1560	Steam Gen. Units Per 1000 Lbs/Hr Steam Cap-Fuels with More than 0.7% S	4961 MIN.	6.77 1303.00	33.90 6516.00	20.37 3909.00	6.77 1303.00
1570	Cement (Bulk Distribution)	5052	1810.00	9045.00	5427.00	1810.00
1580	Wholesale Distribution of Coal Per 1,000 Ton/Yr Throughput	5052 MIN.	0.43 1303.00	2.26 6516.00	1.32 3909.00	0.43 1303.00
1590	Automobile Recycling Scrap Per 1000 Ton/Yr	5093 MIN. MAX.	18.62 931.00 45237.00	93.084654.00 226184.00	55.85 2792.00 135711.00	18.62 931.00 45237.00
1600	Floating Bulk Loader: A) Over 100,000 Ton/Yr Throughput	5153	4522.00	22615.00	13570.00	4522.00
1610	Floating Bulk Loader: B) 100,000 or Less Ton/Yr Throughput	5153	2263.00	11307.00	6784.00	2263.00
1611	Dry Bulk Transfer Derrick Crane Barge Up to 25% Annual Grain Transfer	5153	1289.00	6444.00	3866.00	1289.00
1612	Dry Bulk Transfer Derrick Crane Barge Up No Grain Transfer	5153	859.00	4296.00	2578.00	859.00
1620	Grain Elevators-Terminal Per 10,000 Bu/Yr Throughput	5153 MIN.	0.43 2048.00	2.26 10239.00	1.32 6143.00	0.43 2048.00
1630	Wholesale Distribution of Chemicals and Allied Products Per Facility	5161	1131.00	4522.00	3390.00	1131.00
1640	Petroleum Bulk Plants	5171	91.00	453.00	272.00	91.00
1650	Petroleum Bulk Terminal	5171	906.00	4522.00	2715.00	906.00
1660	Petroleum Bulk Station	5171	91.00	453.00	272.00	91.00
1670	Storage Tank	5171	0.00	906.00	453.00	453.00
1680	Crude Oil Distribution	5172	1357.00	6784.00	4070.00	1357.00
1690	Tire Recapping Plant	7534	186.00	931.00	558.00	186.00
1695	Air Stripper, Per Unit, One-time Temporary	9997	90.00	448.00	269.00	90.00

FEE SCHEDULE LISTING						
Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application	Modified Permit Fees	
					Major	Minor
1696	Air Stripper, Per Unit, Permanent or Mobile	9997	179.00	895.00	537.00	179.00
1700	Chemical Waste Disposal Facility for Non Hazardous Waste	9998	4207.00	21036.00	12621.00	4207.00
* * *						
[See Prior Text in 1710-1711]						

ADDITIONAL PERMIT FEES AND ADVF FEES		
Fee Number	Fee Description	Amount
2000	Company Name Change and/or Transfer of an Existing Permit	179.00
2010	The Issuance or Denial of Variances and Exemptions	358.00
* * *		
[See Prior Text in 2020-2030]		
2040	Agent Accreditation for Asbestos: Includes Contractor/Supervisor, Inspector, Management Planner, or Project Designer-Normal Processing (greater than 3 working days after receipt of required documentation and fees)	200.00
2050	Agent Accreditation for Asbestos: Includes Contractor/Supervisor, Inspector, Management Planner, or Project Designer-Emergency Processing (less than or equal to 3 working days after receipt of required documentation and fees)	300.00
2060	Worker Accreditation for Asbestos-Normal Processing (greater than 3 working days after receipt of required documentation and fees)	50.00
2070	Worker Accreditation for Asbestos-Emergency Processing (less than or equal to 3 working days after receipt of required documentation and fees)	75.00
* * *		
[See Prior Text in 2080-2700]		

Explanatory Notes for Fee Schedule

* * *

[See Prior Text in Notes 1-10]

Note 11 - The maximum annual maintenance fee for categories 1430 through 1490 is not to exceed \$45,237 total for any one gas transmission company.

Note 12 - The maximum annual maintenance fee for one location with two or more plants shall be \$2,048.

* * *

[See Prior Text in Notes 13-16]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987, amended LR 14:613 (September 1988), LR 15:735 (September 1989), LR 17:1205 (December, 1991), repromulgated LR 18:31 (January 1992), amended LR 18:706 (July 1992), LR 18:1256 (November 1992), LR 19:1419 (November 1993), LR 19:1564 (December 1993), LR 20:421 (April 1994), LR 21:

A public hearing will be held on February 24, 1995, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA. 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 please 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. Such comments should be submitted no later than Thursday, March 3, 1995, at 4:30 p.m., to Patsy Deaville, Investigations and Regulation Development Division, Box 82282, Baton Rouge, LA, 70884-2282 or to 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA, 70810 or to FAX (504) 765-0486. Commentors should reference this proposed regulation by AQ98.

James B. Thompson, III
Assistant Secretary

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no costs (savings) accruing to the state government as fee collection resources are currently in place.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed fee increase would augment revenues by approximately \$3,000,000.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
The fee increase would be paid mostly by the nongovernment regulated community. Examples of the largest estimated increase would be:

Company	Existing Annual Maintenance Fee	Proposed Increase	Annual Maintenance Fee after Increase
Dow Chemical Company Lake Charles	\$119,889	\$ 94,712	\$214,601
Union Carbide	\$ 59,997	\$ 47,398	\$107,395
LA Power & Light	\$ 53,542	\$ 42,298	\$ 95,840

- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There isn't any anticipated effect on competition and employment. An increase in funds for State Air Pollution programs is expected for all states as a result of the Clean Air Act Amendment of 1990 (Public Law 101-549).

Gus Von Bodungen
Assistant Secretary
9501#032

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

**Comprehensive Toxic Air Pollutant Emission
Control Program (LAC 33:III.5105)(AQ110)**

Under the authority of the Louisiana 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.Chapter 51 (AQ110).

The proposed rule revision would incorporate a special provision for the pulp and paper mill source category. The new provision would require that DEQ promulgate a MACT

determination for this source category, and would establish deadlines for proposal of the MACT standard. The revision would exempt pulp and paper mills from the MACT requirements of Chapter 51 pending a final MACT determination by DEQ. All other requirements of the Louisiana Air Toxics Program continue to apply.

These proposed regulations are to become effective upon publication in the *Louisiana Register*.

**Title 33
ENVIRONMENTAL QUALITY**

Part III. Air

**Chapter 51. Comprehensive Toxic Air Pollutant
Emission Control Program**

**Subchapter A. Applicability, Definitions, and General
Provisions**

§5105. Prohibited Activities and Special Provisions

* * *

[See Prior Text A-B.7]

8. A Louisiana Maximum Achievable Control Technology (MACT) determination for the pulp and paper mill source category, setting forth emission and/or technical control standards and schedules for achieving compliance, shall be promulgated by the administrative authority in accordance with the Louisiana Administrative Procedure Act. The owner or operator of any major source which is a pulp or paper mill shall assist the department in the determination of MACT by providing reasonably available technical and economic data as requested. The administrative authority shall publish and make available for comment the proposed Louisiana MACT determination within six months of promulgation of the federal MACT standards for the pulp and paper source category by USEPA or on December 20, 1997, whichever is sooner. In the event that a state MACT standard is proposed pursuant to this paragraph prior to promulgation of federal MACT standards, the proposed effective date shall be December 20, 1998. Notwithstanding LAC 33:III.5109.A, B.3.c, D, and 5111.B.4 or any contrary provision of this Chapter, until the administrative authority makes a final determination of MACT for pulp and paper mills, major sources in the pulp and paper mill source category are exempt from the MACT provisions of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2060 and R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:2104 (December 1991), amended LR 18:1362 (December 1992), LR 21:

A public hearing will be held on February 24, 1995, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA. 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 please 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. Such comments should be submitted no later than Thursday, March 3, 1995, at 4:30 p.m., to Patsy Deaville, Investigations and Regulation

NOTICE OF INTENT

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

James B. Thompson, III
Assistant Secretary

Fee Schedule (LAC 33:XV.Chapter 25)(NE16)

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Comprehensive Toxic Air Pollutant Emission Control Program

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

There are no anticipated implementation costs or savings to state or local governmental units resulting from this rulemaking. Resources which would have been used to review MACT compliance plans and to make case-by-case determinations will instead be used to develop a source-category MACT determination for the pulp and paper mill industry.

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

There is no effect on revenue collection. The pulp and paper mill sources will continue to pay annual air toxics fees while the MACT exemption is in effect.

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

Affected sources are ten pulp and paper mills currently regulated as major air toxic sources under LAC 33:III.Chapter 51. These sources will incur potential savings in capital expenditures by deferring implementation of Maximum Achievable Control Technology. The Louisiana Pulp and Paper Association estimates the potential savings to be approximately \$140,000,000 for the ten mills combined. This figure represents estimated differences in one-time capital cost needed to comply with MACT as proposed by industry, as compared to MACT currently proposed by USEPA. Estimates of potential savings for individual mills range from \$6 million to \$35 million.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule change would defer capital expenditures for Louisiana mills, placing Louisiana industry on a compliance schedule equivalent to or more closely matching mills in other states. The effect on competition would therefore be positive for Louisiana mills, by placing them on more equal footing with other mills.

Gus Von Bodugen
Assistant Secretary
9501#033

David W. Hood
Senior Fiscal Analyst

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2101 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 Radiation Protection Division Regulations, LAC 33:XV.Chapter 25, (NE16).

This rule proposes an average 25 percent increase in the fees charged by the division. In the interest of equitably distributing the fee increase across the regulated community, some fee restructuring is being performed. A few fees will remain the same, however, the overall effect of the restructuring should be to increase revenue by 25 percent.

This action is necessary for the division to remain mainly self-supporting while continuing to perform those activities mandated by the legislature.

These proposed regulations are to become effective upon publication in the *Louisiana Register*.

Title 33

ENVIRONMENTAL QUALITY Part XV. Radiation Protection

Chapter 25. Fee Schedule

§2510. Late Payment

Fees not received within 15 days of the due date will be charged an additional 10 percent per month of the original assessed fee. The late fee shall be calculated starting from the due date indicated on the invoice.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:719 (July 1992), amended LR 21:

§2512. Effective Date

The fees prescribed herein shall be effective on July 20, 1995 or upon publication in the *Louisiana Register* as adopted.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:719 (July 1992), amended LR 21:

§2513. Multiple Locations

Those persons possessing licenses or registrations that name multiple locations where sources of radiation are stored, used, or otherwise possessed, shall be subject to an additional fee of 10 percent of the annual maintenance fee for each such location within the state of Louisiana, not to exceed an amount equal to the annual maintenance fee.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 21:

APPENDIX A RADIATION PROTECTION PROGRAM FEE SCHEDULE		
	Application Fee	Annual Maintenance Fee
I. Radioactive Material Licensing		
A. Medical licenses:		
1. Therapy		
a. Teletherapy	675	675
b. Brachytherapy	675	675
2. Nuclear medicine diagnostic only	825	825
3. Nuclear medicine diagnostic/therapy	875	875
4. Nuclear pacemaker implantation	325	325
5. Eye applicators	325	325
6. In-vitro studies or radioimmunoassays or calibration sources	325	325
7. Processing or manufacturing and distribution of radiopharmaceuticals	1,300	1,100
8. Mobile nuclear medicine services	1,300	1,100
9. "Broad scope" medical licenses	1,300	1,100
10. Manufacturing of medical devices/sources	1,500	1,125
11. Distribution of medical devices/sources	1,100	950
12. All other medical licenses	350	350
B. Source material licenses		
1. For mining, milling, or processing activities, or utilization which results in concentration or redistribution of naturally occurring radioactive material	6,250	6,250
2. For the concentration and recovery of uranium from phosphoric acid as "yellow cake" (powered solid)	3,125	3,125
3. For the concentration of uranium from or in phosphoric acid	1,575	1,575
4. All other specific "source material" licenses	325	325
C. Special nuclear material (SNM) licenses:		
1. For use of SNM in sealed sources contained in devices used in measuring systems	475	475
2. SNM used as calibration or reference sources	260 325	325
3. All other licenses or use of SNM in quantities not sufficient to form a critical mass, except as in I.A.4, I.C.1, and 2	325	325
D. Industrial radioactive material licenses:		
1. For processing or manufacturing for commercial distribution	6,500	4,750
2. For industrial radiography operations performed in a shielded radiography installation(s) or permanently designated areas at the address listed in the license	1,100	850

APPENDIX A RADIATION PROTECTION PROGRAM FEE SCHEDULE		
	Application Fee	Annual Maintenance Fee
3. For industrial radiography operations performed at temporary jobsite(s) of the licensee	3,100	2,325
4. For possession and use of radioactive materials in sealed sources for irradiation of materials where the source is not removed from the shield and is less than 10,000 Curies	1,600	775
5. For possession and use of radioactive materials in sealed sources for irradiation of materials when the source is not removed from the shield and is greater than 10,000 Curies, or where the source is removed from the shield	3,100	1,550
6. For distribution of items containing radioactive material	1,500	1,500
7. Well-logging and subsurface tracer studies		
a. Collar markers, nails, etc. for orientation		
b. Sealed sources less than 10 Curies and/or tracers less than or equal to 500 mCi	325 975	325 975
c. Sealed sources of 10 Curies or greater and/or tracers greater than 500 mCi but less than 5 Curies	1,600	1,600
d. Field flood studies and/or tracers equal to or greater than 5 Curies	2,350	2,350
8. Operation of a nuclear laundry	6,500	3,100
9. Industrial research and development of radioactive materials or products containing radioactive materials	775	775
10. Academic research and/or instruction	625	625
11. Licenses of broad scope:		
a. Academic, industrial, research and development, total activity equal to or greater than 1 Curie	1,550	1,550
b. Academic, industrial, research and development, total activity less than 1 Curie	925	925
12. Gas chromatographs, sulfur analyzers, lead analyzers, or similar laboratory devices	325	325
13. Calibration sources equal to or less than 1 Curie per source	325	325
14. Level or density gauges	475	475
15. Pipe wall thickness gauges	650	650
16. Soil moisture and density gauges	475	475
17. NORM decontamination/maintenance		
a. at permanently designated areas at the location(s) listed in the license	3,500	3,250
b. at temporary jobsite(s) of the licensee	3,500	3,250
c. involving thermal treatment	5,000	4,000
18. Commercial NORM storage	3,200	3,200

APPENDIX A RADIATION PROTECTION PROGRAM FEE SCHEDULE		
	Application Fee	Annual Maintenance Fee
19. All other specific industrial licenses except as otherwise noted	635	635
20. Commercial NORM treatment	14,400	12,000
E. Radioactive waste disposal licenses:		
1. Commercial waste disposal involving burial	850,000	850,000
2. Commercial waste disposal involving incineration of vials containing liquid scintillation fluids	6,500	3,100
3. All other commercial waste disposal involving storage, packaging and/or transfer	3,100	3,100
F. Civil defense licenses	350	300
G. Teletherapy service company license	1,625	1,625
H. Consultant licenses		
1. No calibration sources	150	90
2. Possession of calibration sources equal to or less than 500 mCi each	225	150
3. Possession of calibration sources greater than 500 mCi	325	225
4. Installation and/or servicing of medical afterloaders	450	350
II. Electronic Product Registration		
1. Medical diagnostic x-ray (per registration)	100	100
2. Medical therapeutic x-ray (per registration)		
a. below 500 kVp	250	250
b. 500 kVp to 1 MeV (including accelerator and Van de Graaf)	500	500
c. 1 MeV to 10 MeV	725	725
d. 10 MeV or greater	975	975
3. Dental x-ray (per registration)	90	85
4. Veterinary x-ray (per registration)	90	90
5. Educational institution x-ray (teaching unit, per registration)	125	90
6. Industrial accelerator (includes Van de Graaf machines and neutron generators)	500	500
7. Industrial radiography (per registration)	240	250
8. All other x-ray (per registration) except as otherwise noted	100	100
III. General Licenses		
A. NORM (Wellhead fee per field shall not exceed \$2000 per operator)		
1. 1-5 wellheads (at least one site in field is contaminated) per NORM contaminated field	125	125
2. 6-20 wellheads (at least one site in field is contaminated) per NORM contaminated field	625	625

APPENDIX A RADIATION PROTECTION PROGRAM FEE SCHEDULE		
	Application Fee	Annual Maintenance Fee
3. >20 wellheads (at least one site in field is contaminated) per NORM contaminated field	1,875	1,875
4. Stripper wells-contaminated (\$625 maximum per field)	125	125
5. NORM locations (other than fields)		
a. gas plants, pipeyards, chemical plant, refinery	1,000	1,000
b. warehouses, pipeline, manufacturing plant, NORM equipment storage site, etc.	360	360
6. Interim container storage per NORM Waste Management Plan of an approved location		
a. 1-20 containers	1,000	1,000
b. greater than 21 containers	3,000	3,000
7. NORM location as otherwise defined in LAC 33:XV.1403 and not exempted by LAC 33:XV.1404, not included in III.A.1-6 of this Appendix	125	125
B. Tritium sign	75	0
C. All other general licenses which require registration	125	125
IV. Reciprocal Recognition		
The fee for reciprocal recognition of a license or registration from another state or the NRC is the annual fee of the applicable category. The fee covers activities in the state of Louisiana for one year from the date of receipt.		
V. Shielding Evaluation (per room)		
A. Diagnostic	150	*
B. Therapeutic (below 500 kVp)	200	*
C. Therapeutic (500 kVp to 1 MeV)	300	*
D. Therapeutic (1 MeV to 10 MeV)	450	*
E. Therapeutic (10 MeV or greater)	950	*
F. Industrial and industrial radiography	400	*
VI. Device, Product, or Sealed Source Evaluation		
A. Device evaluation (each)	1,000	*
B. Sealed source design evaluation (each)	575	*
C. Update sheet	175	*
VII. Testing		
Testing to determine qualifications of employees, per test administered	150	*
VIII. Nuclear Electric Generating Station		
Located in Louisiana		340,000
Located near Louisiana (Plume Exposure Pathway Emergency Planning Zone - includes area in Louisiana)		250,000
Uranium Enrichment Facility		50,000

Rouge, LA, 70810 or to FAX (504)765-0486. Commentors should reference this proposed regulation by NE16.

James B. Thompson, III
Assistant Secretary

APPENDIX A RADIATION PROTECTION PROGRAM FEE SCHEDULE		
	Application Fee	Annual Maintenance Fee
IX. La. Radiation Protection Division Laboratory Analysis Fees		
Sample Type	Analysis	Unit Price
A. Air filters:		
1. Particulate	Gross beta Gamma	70 200
2. Charcoal cartridge	Gamma/I-131	200
B. Milk	Gamma I-131	200 225
C. Water	Gamma I-131 H-3	225 225 75
D. Sediment	Gamma	225
E. Vegetation	Gamma	225
F. Fish	Gamma	225
G. Leak test	Gamma H-3	200 75
H. NORM sample		200
1. Soil	Gamma	
2. Produced water	Gamma	225
* fees are charged one time		
X. Manifest (per form -- minimum of 10)		2.00 per form
XI. Release Survey for unrestricted use (non-refundable should property be determined not releasable) fee includes analysis of up to four samples. Additional samples will be charged according to LAC 33:XV Chapter 25 Appendix A.DX.		1,000

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No significant effect of this proposed rule on implementation costs to this state agency is anticipated. However, other state agencies and local governmental units will face fee increases of approximately 25 percent.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
An average fee increase of 25 percent is proposed for all X-ray registrants, radioactive materials licensees, nuclear power plants and NORM licensees. Very few fees will remain the same. The increases should generate an additional \$815,000 for the division each fiscal year. It should be noted that some of this money will come from other governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
The 25 percent fee increase is projected to cost the directly affected persons, companies and governmental units (state and local) approximately \$815,000.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No significant effect of this proposed rule on competition and employment is anticipated because the fee increase will be imposed on all of the affected industries in the state, and the amount of the increase is not believed to be large enough to cause companies to change current employment levels or to relocate outside of the state.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:719 (July 1992), repromulgated LR 18:956 (September 1992), amended LR 19:624 (May 1993), LR 21:

A public hearing will be held on February 24, 1995, at 1:30 p.m. in the Maynard Ketcham Building, (Room 326), 7290 Bluebonnet Boulevard, Baton Rouge, LA. 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 please contact David Hughes at the address given below or at (504)765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than Thursday, March 3, 1995, at 4:30 p.m., to Patsy Deaville, Investigations and Regulation Development Division, Box 82282, Baton Rouge, LA, 70884-2282 or to 7290 Bluebonnet Boulevard, Fourth Floor, Baton

Gustave Von Bodungen
Assistant Secretary
9501#053

David W. Hood
Senior Fiscal Analyst
9501#053

NOTICE OF INTENT

**Department of Environmental Quality
Office of Solid and Hazardous Waste
Solid Waste Division**

**Fee Increases
(LAC 33:VII.Chapter 3, 5 and 7)(SW15)**

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Solid Waste Division Regulations, LAC 33:VII.Chapter 5 (SW15).

The proposed rule will increase the transporter fee by 100 percent, but eliminate the \$25 charge per vehicle, increase the base fees for Type I and Type II facilities by 67 percent, increase the tonnage fees for Type I and Type II facilities by 67 percent, eliminate the 75,000 ton volume limit to Type II facilities which are also Type I facilities, increase the maximum annual monitoring and maintenance fees per facility for Type I facilities to \$150,000, increase the maximum annual monitoring fees per facility for Type II facilities to \$25,000, institute a \$250 exemption request fee, and institute a \$250 generator annual report fee.

These proposed regulations are to become effective upon publication in the *Louisiana Register*.

Title 33

ENVIRONMENTAL QUALITY

Part VII. Solid Waste

Subpart 1. Solid Waste Regulations

Chapter 3. Scope and Mandatory Provisions of the Program

§307. Exemptions

* * *

[See Prior Text A-A.2]

B. Each request for an exemption must:

1. identify the specific provisions of these regulations from which a specific exemption is sought;
2. provide sufficient justification for the type of exemption sought, which includes, but may not be limited to, the following demonstrations:
 - a. that compliance with the identified provisions would tend to impose an unreasonable economic, technologic, or safety burden on the person or the public; and
 - b. that the proposed activity will have no significant adverse impact on the public health, safety, welfare, and the environment, and that it will be consistent with the provisions of the act;
3. include proof of publication of the notice as required in Subsection C.1 of this Section, except for emergency exemptions; and
4. include the exemption fee as specified in LAC 33:VII.531.

* * *

[See Prior Text in C-E]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 21:

Chapter 5. Solid Waste Management System

Subchapter D. Solid Waste Fees

§527. Closure Plan Review Fee

* * *

[See Prior Text A-B]

C. Permit holders providing closure-plan modifications for Type I, I-A, II, and II-A facilities shall pay a \$500 closure-plan modification review fee, and the fee shall accompany each modification submitted. If the closure plan is contained in a standard permit, the review fee in LAC 33:VII.525.C shall apply.

D. Permit holders providing closure-plan modifications for Type III or beneficial-use facilities shall pay a \$125 closure-

plan modification review fee, and the fee shall accompany each modification submitted. If the closure plan is contained in a standard permit, the review fee in LAC 33:VII.525.C shall apply.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 21:

§529. Annual Monitoring and Maintenance Fee

A. An initial fee of \$200 is charged for the processing of transporter notifications for each transporter location. No fee is assessed for modifying an existing notification form. The fee shall accompany the notification form at the time of its filing.

B. All holders of permits for solid waste processing and/or disposal facilities which have not completed closure, including post-closure activities, in accordance with an approved plan, shall be charged an annual monitoring and maintenance fee for each permit. This annual monitoring and maintenance fee shall be calculated by the following formula: base fee per permit + fee based on tonnage = annual monitoring and maintenance fee.

1. Base fees are as follows:

- a. \$10,000 for Type I facilities (including facilities that handle both industrial and nonindustrial waste);
- b. \$2,500 for Type II facilities; and
- c. \$500 for Type I-A, II-A, III, and beneficial-use facilities.

2. Tonnage fees will be based on the wet-weight tonnage, as reported in the previous year's disposer annual report, and are calculated as follows:

- a. for industrial wastes (Type I facilities, except surface impoundments), \$1/ton;
- b. for nonindustrial wastes (Type II facilities, except surface impoundments), \$0.25/ton for amounts exceeding 75,000 tons; the 75,000-ton limit does not apply to Type II facilities which are also Type I facilities;
- c. for surface impoundments, no tonnage fee;
- d. for publicly operated facilities that treat domestic sewage sludge, no tonnage fee; and
- e. for Type I-A, II-A, III, and beneficial-use facilities, no tonnage fee.

3. The maximum annual monitoring and maintenance fee per facility for Type I facilities (including facilities that handle both industrial and nonindustrial solid wastes) is \$150,000; the maximum fee per facility for Type II facilities is \$25,000 (surface impoundments, as noted above, are assessed only the base fee).

* * *

[See Prior Text in C-D]

E. Fees not received within 15 days of the due date will be charged an additional 10 percent per month of the original assessed fee. The late fee shall be calculated starting from the due date indicated on the invoice.

* * *

[See Prior Text in E-G]

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

HISTORICAL NOTE: Promulgated by the Department of

Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 21:

§531. Exemption Fee

All applicants filing for an exemption shall pay a \$250 exemption review fee which shall accompany each exemption submitted.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 21:

§533. Generator Annual Report Fee

Generators of industrial solid waste shall pay a \$250 annual report review fee which shall accompany the annual report.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 21:

Chapter 7. Solid Waste Standards

Subchapter A. General Standards

§701. Standards Governing Industrial Solid Waste

Generators

A. Annual Reports

1. Generators of industrial solid waste shall submit annual reports to the administrative authority listing the types and quantities, in wet-weight tons per year, of industrial solid waste they have disposed of off-site.

2. The generator's annual report shall name the transporter(s) who removed the industrial solid waste from the generator's site and the permitted solid waste processing or disposal facility or facilities that processed or disposed of the waste. The form to be used shall be obtained from the Solid Waste Division.

3. The reporting period shall be from July 1 through June 30.

4. The report shall be submitted to the administrative authority by August 1 of each reporting year.

5. Generators of industrial solid waste shall maintain, for two years, all records concerning the types and quantities of industrial solid waste disposed of off-site.

6. Generators of industrial solid waste shall submit an annual report review fee in accordance with LAC 33:VII.533.

* * *

[See Prior Text in B-B.3]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 19:1143 (September 1993), LR 19:1316 (October 1993), LR 21:

A public hearing will be held on February 24, 1995, at 1:30 p.m. in the Maynard Ketcham Building, (Room 326), 7290 Bluebonnet Boulevard, Baton Rouge, LA. 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 please 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. Such comments

should be submitted no later than Thursday, March 3, 1995, at 4:30 p.m., to Patsy Deaville, Investigations and Regulation Development Division, Box 82282, Baton Rouge, LA, 70884-2282 or to 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810 or to FAX (504)765-0486. Commentors should reference this proposed regulation by the Log SW15.

James B. Thompson, III
Assistant Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Fee Increases (SW15)**

- I. **ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
There will be no implementation costs to state governmental units as the job functions are already being performed. The cost to local governmental units with solid waste facilities will be \$290,877 in increased monitoring and maintenance fees and volume fees.
- II. **ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
The estimated effect on revenue collections to the state governmental unit will be an increased of \$2,446,382 per year through fee increases to maintenance and monitoring fees, volume fees, fees to Type III solid waste facilities, exemption request fees, and annual report fees.
- III. **ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**
The estimated costs to directly affected persons or nongovernmental groups will be \$2,155,505 through increases to monitoring and maintenance fees, volume fees, and fees to Type III facilities. In addition, new fees are proposed for exemption requests, and annual reporting.
- IV. **ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**
There will be no estimated effect on competition or employment to facilities within the state as the fee increases will apply to all solid waste generators, treaters, disposers, and transporters.

Glenn A. Miller
Assistant Secretary
9501#056

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Environmental Quality
Office of Water Resources**

**Water Pollution Control Fee System
(LAC 33:IX.1309, 1319)(WP17)**

Under the authority of the Louisiana 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 Water Pollution Control

Division Regulations, LAC 33:IX.Chapter 13 (WP17).

Louisiana Water Discharge Permit fees are applicable to all water discharge permits and are assessed for the purpose of funding the operation and activities of the Office of Water Resources of the Department of Environmental Quality in accordance with the Louisiana Environmental Quality Act (LRS 30:2001 et seq.). Annual fee amounts are calculated by multiplying the rating points, computed using the Annual Fee Rating Worksheet, times the rate factor, currently \$170.63 for commercial facilities. This proposal is to amend the Louisiana Water Pollution Control Fee System regulations to incorporate a 40 percent increase to: 1) the commercial rate factor (from \$170.63 to \$238.88) and 2) the maximum annual fee (from \$90,000 to \$126,000) currently assessed to commercial facilities permitted under the Louisiana Water Discharge Permitting System. The proposed amendment also includes revisions of the SIC Code Tables within the regulations in order to more equitably assess fees.

These proposed regulations are to become effective upon publication in the *Louisiana Register*.

Title 33

ENVIRONMENTAL QUALITY

Part IX. Water Quality Regulations

Chapter 13. Louisiana Water Pollution Control Fee System Regulation

§1309. Fee System

* * *

[See Prior Text A]

B. Annual Fee

* * *

[See Prior Text B.1-2]

3. The rate factor shall be \$97.50 per rating point for municipal facilities and \$238.88 per rating point for all other facilities.

4. The annual fee shall be paid each year a facility is subject to regulation under the Louisiana Water Control Law, R.S. 30:20171 et seq. The year shall correspond with the state's fiscal year, July 1 through June 30.

* * *

[See Prior Text B.5-D.4]

E. Minimum and Maximum Annual Fee

1. The minimum annual fee shall be \$227.50.
2. The maximum annual fee shall be \$126,000.

* * *

[See Prior Text F-G]

H. Late Payment Penalty. Fees not received within 15 days of the due date will be charged an additional 10 percent per month of the original assessed fee. The late fee shall be calculated starting from the due date indicated on the invoice.

* * *

[See Prior Text I-M]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2014(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:534 (May 1985), amended LR 14:628 (September 1988), LR 18:735 (July 1992), amended LR 21:

APPENDIX C
TABLE 1 - NUMERICAL LISTING
COMPLEXITY GROUPS FOR SIC CODES

SIC CODE		EFFLUENT GUIDELINES DIVISION DESIGNATIONS		COMPLEXITY
NO.	SIC TITLE	MAJOR INDUSTRY	INDUSTRIAL SUBCATEGORY	DESIGNATION
* * *				
[See Prior Text]				
1311	OIL & GAS EXTRACTION	CRUDE PETROLEUM & NATURAL GAS	EXPLORATION & PRODUCTION, EXCEPT STORMWATER ONLY	III
1321	NATURAL GAS LIQUIDS	RECOVERING/FRACTIONING	NATURAL GAS	II
1389	OIL & GAS FIELD SERVICES	MISCELLANEOUS	RESERVE PIT TREATERS	IV
* * *				
[See Prior Text]				
2911	PETROLEUM REFINING	PETROLEUM REFINING	PETROLEUM REFINING	V
2950	PAVING & ROOFING MATERIALS	PRODUCTS OF PETROLEUM & COAL	ALL EXCEPT 2951	III
2992	MISCELLANEOUS PRODUCTS OF PETROLEUM & COAL	LUBRICATING OILS & GREASES	REREFINING OF OILS OR GREASES	IV
* * *				
[See Prior Text]				
3199	LEATHER GOODS NEC	LEATHER TANNING & FINISHING	LEATHER GOODS, NEC	II
3200	STONE, CLAY, SHELL, GLASS & CONCRETE PRODUCTS	ALL EXCEPT 3271,3272,3273,3290	ALL EXCEPT ABRASIVE, ASBESTOS, ETC. IN 3290 AND CONCRETE PRODUCTS IN 3271,3272,3273	II
3290	ABRASIVE, ASBESTOS & MISC. NONMETALLIC MINERAL PROD.	RUBBER, PAPER, STEEL, ETC.	ALL EXCEPT 3295	IV
* * *				
[See Prior Text]				
4463	WATER TRANSPORTATION	BULK TERMINALS	COAL & COKE TERMINALS	II
4612	PIPELINES, EXCEPT NATURAL GAS	CRUDE PETROLEUM PIPELINES	CRUDE OIL WITH STORAGE	II
4613	PIPELINES, EXCEPT NATURAL GAS	REFINED PETROLEUM PIPELINES	REFINED OIL WITH STORAGE	II
4911	ELECTRIC SERVICES	STEAM ELECTRIC	COOLING TOWER BLOWDOWN (FOSSIL FUELS PLANTS)	IV
* * *				
[See Prior Text]				
4911	ELECTRIC SERVICES	STEAM ELECTRIC	ONCE-THROUGH COOLING WATER (FOSSIL FUEL PLANTS)	III
4922	NATURAL GAS TRANSMISSION	TRANSMISSION AND STORAGE	NATURAL GAS, COMPRESSORS ONLY	II
4931	ELECTRIC & OTHER SERVICES COMBINED	STEAM ELECTRIC	COOLING TOWER BLOWDOWN (FOSSIL FUEL PLANTS)	IV
* * *				
[See Prior Text]				

APPENDIX C
 TABLE 2 - ALPHABETICAL LISTING (MAJOR INDUSTRY TYPE COLUMN)
 COMPLEXITY GROUP FOR EFFLUENT GUIDELINE INDUSTRIAL SUBCATEGORIES

SIC CODE		EFFLUENT GUIDELINES DIVISION DESIGNATIONS		COMPLEXITY
NO.	SIC TITLE	MAJOR INDUSTRY	INDUSTRIAL SUBCATEGORY	DESIGNATION
* * *				
[See Prior Text]				
2875	FERTILIZERS, MIXING ONLY	AGRICULTURAL CHEMICALS	ALL	II
3200	STONE, CLAY, SHELL, GLASS & CONCRETE PRODUCTS	ALL EXCEPT 3271,3272,3273,3290	ALL EXCEPT ABRASIVE, ASBESTOS, ETC. IN 3290 AND CONCRETE PRODUCTS IN 3271,3272,3273	II
3353	ALUMINUM SHEET, PLATE & FOIL	ALUMINUM FORMING	ALL	V
* * *				
[See Prior Text]				
1311	OIL & GAS EXTRACTION	CRUDE PETROLEUM & NATURAL GAS	EXPLORATION & PRODUCTION, EXCEPT STORMWATER ONLY	III
4612	PIPELINES, EXCEPT NATURAL GAS	CRUDE PETROLEUM PIPELINES	CRUDE OIL WITH STORAGE	II
3600	ELECTRICAL & ELECTRONIC MACHINERY, EQUIP. & SUPPLIES	ELEC. PROD., BATTERY MFG,ETC.	ALL	III
* * *				
[See Prior Text]				
2000	FOOD & KINDRED PRODUCTS	PROCESSING FOOD & BEVERAGES	ALL	II
2950	PAVING & ROOFING MATERIALS	PRODUCTS OF PETROLEUM & COAL	ALL EXCEPT 2951	III
2611	PULP MILLS	PULP, PAPER & PAPERBOARD	ALL	III
* * *				
[See Prior Text]				
4013	RAILROAD TRANSPORTATION	RAILROADS	SWITCHING & TERMINAL ESTAB- LISHMENTS	III
1321	NATURAL GAS LIQUIDS	RECOVERING/FRACTIONING	NATURAL GAS	II
4613	PIPELINES, EXCEPT NATURAL GAS	REFINED PETROLEUM PIPELINES	REFINED OIL WITH STORAGE	II
4953	SANITARY SERVICES	REFUSE SYSTEMS	MUNICIPAL LANDFILLS & LANDFARMS	II
* * *				
[See Prior Text]				
3900	MISCELLANEOUS MANUFAC- TURING INDUSTRIES	TOYS, MUSICAL INSTR, CASKETS	ALL EXCEPT 3911	II
4922	NATURAL GAS TRANSMISSION	TRANSMISSION AND STORAGE	NATURAL GAS, COMPRESSORS ONLY	II
3710	MOTOR VEHICLES & MOTOR VEHICLE EQUIPMENT	TRANSPORTATION EQUIPMENT	ALL	III
* * *				
[See Prior Text]				

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2014(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:534 (May 1985), amended LR 14:628 (September 1988), LR 18:735 (July 1992), amended LR 21:

A public hearing will be held on February 24, 1995, at 1:30 p.m. in the Maynard Ketcham Building, (Room 326), 7290 Bluebonnet Boulevard, Baton Rouge, LA. 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 please contact Patsy Deaville at the address given below or at (504)765-0399.

NOTICE OF INTENT

Department of Environmental Quality Office of Water Resources Groundwater Protection Division

Groundwater Fees (LAC 33:XIII.Chapter 13)(GW05)

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than Thursday, March 3, 1995, at 4:30 p.m., to Patsy Deaville, Investigations and Regulation Development Division, Box 82282, Baton Rouge, LA, 70884-2282 or to 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA, 70810 or to FAX (504) 765-0486. Commentors should reference this proposed regulation by the Log Number WP17.

James B. Thompson, III
Assistant Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Water Pollution Control Fee System (WP17)

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

Implementation costs are expected to be negligible since this is a modification of an existing system.

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

Revenues will be affected by two proposed adjustments to the fee system:

1) An increase of approximately \$3,892,000 in revenues will result from the proposed 40 percent increase of the a) commercial (non-municipal facility) rate factor and b) the maximum annual fee. Of the proposed \$3.89M increase in revenues \$1.8M is required to maintain the current level of services (continuation budget). The remaining \$2M is necessary to fund 37 additional personnel to implement state and federal mandates with respect to the surveillance, enforcement, and nonpoint source control activities in Louisiana. 2) A decrease of approximately \$73,484 in revenues will result from the proposed changes in the SIC Code Tables. There are an estimated 34 concrete related facilities that will have their annual fees reduced from \$2,388.80 to \$227.50 (decrease of \$2,161.30 per facility).

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

The proposed amendment will directly affect approximately 1,703 permitted commercial facilities that are currently included in the fee system established by this office. These facilities will be assessed a 40 percent increase in annual fees beginning FY95/96. The fee increases will range from \$682.50 (\$1,706.30 to \$2,388.80) up to \$36,000 (\$90,000 to \$126,000).

Also affected will be those commercial facilities represented by the SIC Codes that will be added or revised in the SIC Code Tables. There are an estimated 34 concrete related facilities that will have their fees reduced from \$2,388.80 to \$227.50 (decrease of \$2,161.30 per facility). A net revenue decrease of approximately \$73,484 will result from these changes.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No impact on competition or employment is expected for industries within the state.

J. Dale Givens
Assistant Secretary
9501#055

David W. Hood
Senior Fiscal Analyst

Under the authority of the Louisiana 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 Groundwater Protection Division Regulations, LAC 33:XIII.Chapter 13 (GW05).

The proposed change in LAC 33:XIII.Chapter 13 will increase the fees which are assessed to cover the agency expenses incurred during review, approval, and oversight of assessment and corrective action activities at sites which have ground water contamination. The revised regulation also includes a new fee to cover the costs of reviewing plans for construction at industrial sites to ensure that the act of construction will not adversely affect the groundwater or prevent or interfere with any present or future assessment and/or remediation activity.

These proposed regulations are to become effective upon publication in the *Louisiana Register*.

Title 33

ENVIRONMENTAL QUALITY

Part XIII. Ground Water Protection

Chapter 13. Groundwater Fees

§1305. Applicability

These rules and regulations apply to facilities which are required under Solid Waste regulations or Hazardous Waste regulations to produce annual reports concerning the groundwater condition at their sites, to facilities which have installed groundwater monitoring systems, and to facilities conducting assessment and/or remediation of groundwater contamination (regardless of whether said contamination originated from a regulated waste management unit or from a non-regulated facility) for which the Ground Water Protection Division is providing oversight. These rules also apply to facilities for which the Ground Water Protection Division reviews construction plans and/or soil and/or groundwater analytical data to ensure that the act of construction will not adversely affect the existing quality of the groundwater nor impede any proposed or ongoing groundwater assessment and/or remediation. These rules and regulations do not apply:

1. to sites over which other divisions or departments, such as the Underground Storage Tanks Division or the Department of Natural Resources, are legitimately exercising oversight and the Ground Water Protection Division does not provide assistance or technical guidance; or
2. to facilities billed under the authority of another part or chapter of Title 33 for the same activity.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, Ground Water Protection Division, LR 18:729 (July 1992), amended LR 21:

§1309. Groundwater Protection Fees

A. Assessment Oversight (Annual). The fee listed below covers the cost of reviewing, evaluating and approving plans and/or reports which assess groundwater contamination and draw conclusions as to the need for further assessment and/or corrective action.

Hazardous Waste Facilities	\$10,000
Solid Waste Facilities	\$7,500
Non-regulated Facilities	\$5,000

B. Corrective Action Oversight (Annual). The fee listed below covers the cost of reviewing, evaluating and approving plans and/or actions to clean-up groundwater that has been contaminated by a facility.

Hazardous Waste Facilities	\$12,500
Solid Waste Facilities	\$10,000
Non-regulated Facilities	\$5,000

C. Annual Report Review Fee. The fee listed below covers the cost of reviewing the groundwater annual report required by both the Hazardous and Solid Waste regulations.

Hazardous Waste Facilities	\$1,250
Solid Waste Facilities	\$500

D. Groundwater Monitoring Systems Installation. The fee listed below covers the cost of reviewing the geology and design of proposed groundwater monitoring systems to ensure compliance with department specifications.

Each well	\$500
-----------	-------

E. Groundwater Monitoring Systems Surveillance Fee (Annual). The fee listed below covers the cost of inspecting monitoring systems to ensure that they are functioning properly and continue to maintain their integrity. The cost also includes other activities, such as the analysis of boring logs and site geology (cross sections, isopachs, etc.). The maximum fee which can be charged for this category is \$5,000.

Each well	\$250
-----------	-------

F. Facility Inspection Fee (Annual). The fee listed below covers the cost of inspecting the various facilities to ensure

compliance with the groundwater protection aspects of the facilities' permits.

Hazardous Waste Facilities	\$1,000
with sampling	\$7,500
Solid Waste Facilities	\$500
with sampling	\$1,500

G. Oversight of Abandonment Procedures. The fee listed below covers the cost of reviewing plans to plug and abandon all nonpermitted groundwater monitoring systems (monitoring wells, piezometers, observations wells, and recovery wells) to ensure that they do not pose a potential threat to groundwater.

Casing pulled	\$100 each well
Casing reamed out	\$200 each well
Casing left in place	\$500 each well

H. Request for Certification. The fee listed below covers the cost of reviewing construction plans and/or soil and/or groundwater analytical data to ensure that the act of construction will not adversely affect the existing quality of the groundwater nor impede any proposed or ongoing groundwater assessment and/or remediation.

Each request for certification	\$300
--------------------------------	-------

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, Ground Water Protection Division in LR 18:729 (July 1992), amended LR 21:

§1311. Method of Payment

A. All fee payments shall be made by check, draft, or money order payable to the Department of Environmental Quality and mailed to the department at the address provided on the invoice. Unless otherwise provided herein, all invoices will have a due date that is 30 days from the date of the receipt.

B. The fee payment for LAC 33:XIII.1309.H shall accompany the request for certification. No request will be processed until the fee is remitted.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, Ground Water Protection Division, LR 18:730 (July 1992), amended LR 21:

§1313. Late Fee

Fees not received within 15 days of the due date will be charged an additional 10 percent per month of the original assessed fee. The late fee shall be calculated starting from the due date indicated on the invoice.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, Ground Water Protection Division, LR 18:730 (July 1992), amended LR 21:

A public hearing will be held on February 24, 1995, at 1:30 p.m. in the Maynard Ketcham Building, (Room 326), 7290 Bluebonnet Boulevard, Baton Rouge, LA. 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 please 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. Such comments should be submitted no later than Thursday, March 3, 1995, at 4:30 p.m., to Patsy Deaville, Investigations and Regulation Development Division, Box 82282, Baton Rouge, LA, 70884-2282 or to 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA, 70810 or to FAX (504)765-0486. Commentors should reference this proposed regulation by the Log GW05.

James B. Thompson, III
Assistant Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Ground Water Fees (GW05)**

- I. **ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
No costs or savings to local governmental units are anticipated. No significant implementation costs to the state are expected.
- II. **ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
It is estimated that an additional \$674,250 will be collected as fees from facilities subject to this regulation. Of that amount, an estimated \$594,500 will come from increases in existing fees, and approximately \$80,000 will come from a new fee.
- III. **ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**
Estimated costs to directly affected persons of nongovernmental groups are \$674,250 per year.
- IV. **ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**
No adverse effect on competition and employment is expected.

J. Dale Givens
Assistant Secretary
9501#059

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Practical Nurse Examiners**

Regular Admissions (LAC 46:XLVII.937)

Notice is hereby given that the Board of Practical Nurse Examiners, under the authority vested in R.S. 37:961-979, plans to amend LAC 46:XLVII.937 Regular Admissions, at its meeting on June 9, 1995 as follows:

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XLVII. Nurses

Subpart 1. Practical Nurses

Chapter 9. Program Projection

Subchapter F. Admissions

§937. Regular Admissions

Regular admissions shall:

1. receive a grade placement of at least 10.5 in mathematics and 11.0 in reading and language on an achievement test approved by the board;
2. provide certification of high school graduation or satisfactory completion of the State Department of Education equivalency examination;
3. provide health certification from a licensed physician;
4. be fingerprinted;
5. meet all admission requirements as set by the board, faculty and administration;
6. be admitted with the regularly scheduled class;
7. provide certified copy of birth certificate or possess a valid United States passport;
8. not be currently serving under any court imposed order of supervised probation, work-release, school release or parole in conjunction with any felony conviction(s), plea agreement or any agreement pursuant to the Louisiana Code of Criminal Procedure, Article 893.

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:969 and 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:197 (April 1977), amended LR 5:65 (March 1979), LR 6:657 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners LR 18:1128 (October 1992), re-promulgated LR 18:1261 (November 1992), LR 21:

Comments should be submitted no later than May 31, 1995, to the Board of Practical Nurse Examiners, 3421 North Causeway Boulevard, Suite 203, Metairie, LA 70002.

Terry L. DeMarcay, R.N.
Executive Director

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

- I. **ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
Amendments proposed are to Section 937, Regular

Admissions, and will not result in costs or savings to any government units.

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

Proposed amendments will have no effect on revenue collections of any governmental units.

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

The amendments will have no estimated costs and/or economic benefits to directly affected persons.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no anticipated effects on competition and employment.

Terry L. DeMarcay, R.N.
Executive Director
9501#017

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Health and Hospitals
Office of the Secretary

Health Care Authority

Annual Service Agreement—1994-95

Under Authority of Act 390 of 1991 and in accordance with the provisions of R.S. 49:950 et seq., the Department of Health and Hospitals proposes to adopt the following rule.

Introduction

This Service Agreement for State Fiscal Year 1994-95 is entered into by the Department of Health and Hospitals (DHH) and the Louisiana Health Care Authority (LHCA) in compliance with R.S. 46:701 et seq., as amended and reenacted by Act 390 of 1991.

I. Definitions

A. *Medically Indigent*—any bona fide resident of the state of Louisiana whose family unit size and gross income is less than or equal to 200 percent of the Federal Poverty Income Guidelines for that size family unit, rounded up to the nearest thousand dollars.

B. *Overcollections*—any monies from Medicare, Medicaid or other third party payor, or from direct patient payments, collected by or on behalf of the medical centers operated by the LHCA in excess of the amounts budgeted in the General Appropriations bill for FY 1994-95, as enacted, for operating expenses, as certified by the commissioner of administration and the Joint Legislative Committee on the Budget.

C. *Licensed Beds*—the number of beds in each medical center licensed by the Bureau of Health Services Financing and certified for participation in the Medicaid and Medicare programs.

II. General Agreement

The Department of Health and Hospitals is authorized by law to provide health and medical services for the uninsured and medically indigent citizens of Louisiana directly, through

the operation of health care facilities, or indirectly by agreement with the Louisiana Health Care Authority.

The LHCA agrees to provide inpatient and outpatient hospital services on behalf of the Department of Health and Hospitals. The LHCA acknowledges that the provision of services to the medically indigent, to the uninsured and to others with problems of access to health care is its highest priority.

DHH agrees to work cooperatively with the Authority to provide acute mental health services at Authority facilities.

III. Provision of Adequate Health Care Services

In accordance with the intent of Act 390 of 1991, the Louisiana Health Care Authority will strive to provide health services of sufficient quality and volume to meet the needs of the uninsured and medically indigent citizens of Louisiana. The LHCA and DHH agree that for FY 1994-95, adequate services shall be considered to consist of the following:

A. Those major services that are available at the medical centers on June 30, 1994 to any bona fide resident and taxpayer of the state of Louisiana determined to be uninsured, underinsured, or medically indigent and that are funded in the General Appropriation bill for FY 1994-95, provided that such appropriated funds are made available to the medical centers.

B. Adequate service provision shall also require that the medical centers maintain policies of access to services governed by the following:

1. The medically indigent or uninsured shall be afforded first priority for admission for any form of treatment available at the particular medical center.

2. Those persons who are determined not to be medically indigent or uninsured shall be admitted on a space available basis and shall be reasonably charged for treatment or service received.

3. Emergency treatment shall not be denied to anyone.

IV. Elimination or Relocation of Services

A. The LHCA shall notify the secretary of DHH at least 60 days in advance of any elimination or relocation to another medical center of any major programs or services, or establishment of centers of excellence that require shifting of major services provided on the date of this agreement.

B. DHH shall notify the chief executive officer of LHCA at least 60 days in advance of any elimination or relocation of its psychiatric units or other DHH programs or services provided in the LHCA medical centers.

C. The LHCA agrees not to construct, operate or fund a health care facility, or substantial portion thereof, which primarily treats insured patients other than those covered by Medicare and Medicaid.

V. Service Improvement and Development

A. The LHCA recognizes the need to improve and expand services in the medical centers in order to more fully meet the health care needs of the uninsured and medically indigent citizens of Louisiana. The Authority will work to improve access to care, placing highest priority on the following:

1. Reduced waiting times for all outpatient services for which there exist medically inappropriate delays in scheduling appointments.

2. Improved access to emergency services.

3. Improved access to prenatal and HIV clinics.

B. LHCA shall not develop new programs or major program expansions in the areas of public health, substance abuse, mental health, or mental retardation without the concurrence of DHH.

C. In accordance with recognized primary care needs, as identified by state and federal criteria, the DHH Primary Care Access Plan, the State Rural Health Care Plan, the LHCA Strategic Plan and other mutually agreed upon priorities, DHH and LHCA will work together to meet those needs. This shall be accomplished by a joint DHH/LHCA Planning Task Force.

VI. Financing Arrangements

A. DHH agrees not to adjust interim Medicaid payment rates, target rates, disproportionate share formulas, or to amend the Medicaid State Plan as it relates to inpatient and outpatient hospital services, without timely notice to the LHCA CEO.

B. LHCA agrees not to submit any budget adjustment (BA-7) request to DOA which increase the expenditure authority of its facilities without prior notice to the secretary of DHH.

C. DHH agrees not to submit any BA-7's to DOA where the means of financing would reflect use of unbudgeted overcollections from the LHCA without prior notice to the LHCA chief executive officer.

D. DHH and LHCA agree that prior to the March meeting of the Joint Legislative Committee on the Budget a meeting will be held to determine the amount of overcollections, if any, to be transferred from the Louisiana Health Care Authority to the Department of Health and Hospitals, as required by law.

E. LHCA agrees to adhere to DHH Policy No. 4600-77 (DHH Liability Limitation Policy), with regard to the liability for payment for services by those inpatients who are classified as self pay, until such time as a revised policy may be promulgated by the Authority through the Administrative Procedure Act.

F. LHCA is to provide a 90-day notice if they intend to cancel any operational service agreement with DHH facilities that could adversely affect the LHCA facilities budget.

G. DHH is to provide a 90-day notice if they intend to cancel any operational service agreement with DHH facilities that could adversely affect the LHCA facilities budget.

VII. Annual Revision of Service Agreement

DHH and the LHCA agree to revise this Service Agreement on annual basis, as required by law, and to promulgate the agreement through the Administrative Procedure Act. The draft annual agreement shall be published in the *Louisiana Register* each year, in order for significant changes to be considered in the budget process for the ensuing fiscal year.

Interested Persons may submit written comments on the proposed rule until 4:30 p.m. February 28, 1995, to Charles F. Castille, Deputy Secretary, Department of Health and Hospitals, Box 629, Baton Rouge, LA 70821-0629.

Rose V. Forrest
Secretary
Health and Hospitals

William A. Cherry, M.D.
Chief Executive Officer
Health Care Authority

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: LHCA/DHH Annual Service Agreement for FY 94-95

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no additional costs associated with this Service Agreement over and above the LHCA or DHH budgets for FY 94-95. The agreement proposes no services in addition to those budgeted for the year.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This Service Agreement will have no impact on revenues.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There are no costs or benefits to nongovernmental persons or entities.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There are no effects on competition or employment.

Rose V. Forrest
Secretary
9501#050

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

Inpatient Psychiatric Services

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

The Bureau of Health Services Financing reimburses inpatient hospital psychiatric services in a variety of hospital settings. The bureau has adopted rules governing the provision of inpatient psychiatric services including "Standards for Payment - Free-Standing Psychiatric Hospitals" on October 20, 1987; "Standards for Payment of Inpatient Psychiatric Services - Distinct Part Psychiatric Units" on March 1, 1994; and "Pre-Admission Certification and Length of Stay Criteria for Inpatient Hospital Services" on July 1, 1994; and "Medical Eligibility Criteria-Inpatient Psychiatric Admission" adopted by emergency rule on November 1, 1994.

The adoption of the November 1, 1994 emergency rule established uniform admission criteria for inpatient psychiatric services, including hospital-based medical detoxification services for alcohol and drug abuse, regardless of the type of facility or inpatient setting involved in the admission, i.e., a free-standing psychiatric hospital, a long term hospital or a

distinct part psychiatric unit. However, pre-admission certification and length of stay assignment requirements existed for inpatient psychiatric services provided in a long term hospital or distinct part psychiatric unit but not for services provided in a free-standing psychiatric hospital. Subsequently, the bureau adopted an emergency rule to ensure medical necessity of all inpatient psychiatric admissions by establishing greater uniformity in the application of the admission criteria by instituting a pre-admission certification and length of stay assignments for free-standing psychiatric hospitals also. In addition this emergency rule also revised regulations contained in the "Standards for Payment - Free-Standing Psychiatric Hospitals" by revising the requirements for the Certification of Need for Psychiatric Hospitalization, repealing the vendor payment policy for temporary absences or leave days and replacing the continued stay criteria for the free-standing psychiatric hospitals. The extension and discharge criteria for all psychiatric services provided in any type of facility or inpatient setting incorporated in this emergency rule also replaced previous extension criteria. The extension and discharge criteria for hospital-based medical detoxification services contained in this emergency rule also replaced the previous continued stay criteria for these services. The extension criteria are formulated according to categories for adults and children and utilizes the *Diagnostic and Statistical Manual of Mental Disorders*. The edition of this manual bearing the most recent publication date and which has been approved for use by the director, Bureau of Health Services Financing, is the manual which will be used by the fiscal intermediary for identifying psychiatric diagnoses.

Proposed Rule

The Bureau of Health Services Financing proposes to adopt the following regulations governing inpatient psychiatric admissions under the Medicaid Program.

A free-standing psychiatric hospital must comply with all of the following requirements except number 2 under the General Provisions in order to receive reimbursement under the Medicaid Program for inpatient psychiatric services,

1. Pre-admission Certification

A pre-admission certification must be obtained from the fiscal intermediary prior to all admissions. The issuance of the pre-admission certification shall be based upon the patient meeting the admission requirements contained in this proposed rule. In addition the certification of need for psychiatric hospitalization must be approved by the fiscal intermediary in order for this pre-admission certification to be issued.

2. Certification of Need for Psychiatric Hospitalization for all Persons under 21 Years of Age

The Certification of Need for Psychiatric Hospitalization requirement for all inpatient admission of persons under 21 years of age contained in the *Standards for Payment - Free-Standing Psychiatric Hospitals* is revised as follows. An independent team or the admitting hospital's interdisciplinary team, dependent upon whether the patient is Medicaid certified at admission must certify that the patient requires inpatient psychiatric services based on the following requirements. Requirements numbered (1), (2), and (3) or number (4) must be met and documented. (1) Ambulatory care resources available in the community have been tried or are inadequate

in meeting the treatment needs of the patient at this time; and (2) proper treatment of the patient's psychiatric condition requires services on an in-patient basis under the direction of a psychiatrist or a physician under the supervision of a psychiatrist; and (3) the services can be expected to improve the patient's condition within a reasonable period of time or prevent further regression to the extent that services will no longer be needed; or (4) the patient's medical condition is in immediate jeopardy due to the need for medically-directed acute detoxification and related treatment. The availability or lack of outpatient resources is not a determining factor for Medicaid reimbursement. This certification of need must be completed no sooner than five days prior to the admission of the patient. This certification of need is required for all admissions, including emergency and court-ordered admissions.

A. The independent team and the admitting hospital interdisciplinary team must consist of a physician licensed in Louisiana and another professional including either a registered nurse, board certified social worker, master social worker, psychologist or professional counselor qualified to perform mental health counseling. No member of the independent team may be employed by or have a consultant relationship with the admitting hospital if the patient is a Medicaid recipient.

B. The date of the last signature of the independent team/admitting hospital interdisciplinary team establishes the earliest possible date for Medicaid reimbursement.

C. Nonemergency Admissions. The certification of need for psychiatric hospitalization must be mailed or FAXed to the fiscal intermediary in time for the approval process to be completed prior to the close of business on the same day as the pre-certification admission approval is requested. Any pre-admission certification granted subject to the receipt and approval of the certification of need will be voided if the certification of need is not received and approved.

D. Emergency Admissions. An emergency admission is an admission of a patient during other than normal business hours which is necessary to prevent his death or the serious impairment of his health based on the determination(s) of the independent team or admitting hospital's interdisciplinary's team. A court-ordered admission, physician's emergency certificate, coroner's emergency certificate does not in itself justify characterizing the admission as an emergency admission. The certification of need must be FAXed to the fiscal intermediary on the next business day following the emergency admission.

3. Admission Procedures

The admission procedures contained in the *Standards for Payment - Free-Standing Psychiatric Hospitals* are no longer applicable and are superseded by the preadmission certification and length of stay requirements administered by the fiscal intermediary. A pre-admission certification must be obtained from the fiscal intermediary prior to all admissions. In addition for all persons under 21 years of age, the certification of need for psychiatric hospitalization must be approved by the fiscal intermediary for the pre-admission certification to be issued. The certification of need for emergency admissions must be FAXed to the fiscal intermediary on the next business

day following the emergency admission.

If the request for a pre-admission certification is denied by the fiscal intermediary, the hospital may request a reconsideration of the decision. The reconsideration process involves a physician to physician consultation between the treating physician or his designee and the physician of the fiscal intermediary within one business day of the denial notification.

If the reconsideration process results in a denial of the admission the patient may initiate a formal appeal in writing to the Department of Health and Hospitals, Bureau of Appeals, in accordance with existing Department of Health and Hospitals' appeal procedures.

A hospital may request a retrospective review for Medicaid reimbursement when the patient's Medicaid eligibility is unknown at the time of admission.

4. Length of Stay Assignment Requirements

An initial length of stay assignment established by the fiscal intermediary is required for all inpatient psychiatric admissions. This period is based on the HCIA Length of Stay Southern Region grand totals and the clinical information provided on the patient. The initial length of stay will be assigned at the 50th percentile based on the admitting diagnosis. A hospital may request an extension of the length of stay assignment when appropriate care of the patient indicates the need for hospital days in excess of the originally-approved number. The extension request must be made no later than the last authorized day or last business day before the last authorized day. Extensions will be considered on a case-by-case basis and shall be determined on clinical information provided by the hospital. The initial approved extension will be assigned up to the 75th percentile. Request for subsequent approved extensions of up to three days may be submitted for consideration.

5. Discontinuation of the Vendor Payment for Leave Days

The vendor payment policy for the payment of leave day(s) due to temporary absence(s) of a recipient from a free-standing psychiatric hospital contained in the *Standards for Payment - Free-Standing Psychiatric Hospitals* is repealed. Medically necessary therapeutic passes as provided for non-psychiatric hospital stays are adopted for psychiatric stays with the same restrictions:

A. Medicaid reimbursement is not allowed for a day of service when the patient is absent from the facility/unit and is therefore unable to receive services. If the patient is absent from the facility/unit for more than 24 hours, the absence shall be considered a noncovered day.

B. The medical necessity for the therapeutic pass must be documented and any pass exceeding 72 hours must be considered a discharge.

All inpatient admissions to any hospital or distinct part psychiatric unit, must comply with the following admission, exclusionary, extension and discharge criteria in order to be reimbursed by the Medicaid Program.

Psychiatric Inpatient Admission

Criteria for Adults

Severity of Illness and Intensity of Service criteria must be met.

Severity of Illness

The patient must meet one or more of 1 or 2 or 3. If category 3 is utilized, the requirements for that category must be met.

1. Patient presents as a danger to self as evidenced by any of the following:

- A. a suicide attempt within the past 72 hours; or
- B. documentation that the patient has a current suicide plan, specific suicide intent, or recurring suicidal ideation; or
- C. documentation of self-mutilative behavior occurring within the past 72 hours; OR

2. Patient presents as a danger to others due to a DSM-III-R Axis I diagnosis as evidenced by any of the following:

- A. dangerously aggressive behavior during the past even days due to a DSM-III-R Axis I diagnosis; or
- B. threats to kill or seriously injure another person with the means to carry out the threat and the threatening behavior is due to a DSM-III-R Axis I diagnosis; or

C. documentation that the patient has a current homicide plan, specific homicidal intent, or recurrent homicidal ideation and this is due to a DSM-III-R Axis I diagnosis; OR

3. Patient is gravely disabled and unable to care for self due to a DSM-III-R Axis I diagnosis as evidenced by the following. If indicator A is selected it must be accompanied by B or C.

A. Documentation of a serious impairment in function as compared to others of the same age in one or more major life role (school, job, family, interpersonal relations, self-care, etc.) due to a DSM-III-R Axis I diagnosis; AND

B. Inability of patient to comply with prescribed psychiatric and/or medical health regimens as evidenced by the following:

1) patient has a history of decompensation without psychotropic medications and patient refuses to use these medications as an outpatient; OR

2) patient is at risk of health or life due to noncompliance with medical regimens (e.g., insulin-dependent diabetes, etc.) and patient refuses these medical regimens as an outpatient; or

C. patient presents with acute onset or acute exacerbation of hallucinations, delusions, or illusions of such magnitude that the patient's well being is threatened.

Intensity of Service

The patient must meet all the criteria below.

1. Ambulatory (outpatient) care resources in the community do not meet, and/or do not exist to meet the treatment needs of the patient, or the patient has been unresponsive to treatment at a less intensive level of care; AND

2. Services provided in the hospital can reasonably be expected to improve the patient's condition or prevent further regression so that the services will no longer be needed by the patient; AND

3. Treatment of the patient's psychiatric condition requires services on an inpatient hospital basis, requiring 24 hour nursing observation, under the direction of a psychiatrist, such as, but not limited to:

A. suicide precautions, unit restrictions, and continual observation and limiting of behavior to protect self or others. The patient requiring this treatment must not be on

independent passes or unit passes without observation or being accompanied by hospital personnel or responsible other;

B. active intervention by a psychiatric team to prevent assaultive behavior. The patient requiring this treatment must not be on independent passes or unit passes without observation or being accompanied by hospital personnel or responsible other;

C. the patient exhibits behaviors that indicate that a therapeutic level of medication has not been reached and this necessitates 24 hour observation and medication stabilization. The patient requiring this treatment must not be on independent passes or unit passes without observation or being accompanied by hospital personnel or responsible other.

Exclusionary Criteria

If the adult meets one or more of the following criteria, Medicaid reimbursement will be denied.

1. Patients with a major medical or surgical illness or injury that would prevent active participation in a psychiatric treatment program. Patients must be medically stable.

2. Patients with criminal charges who do not have a DSM-III-R Axis I diagnosis.

3. Patients whose anti-social behaviors are a danger to others and those anti-social behaviors are characterological rather than due to a DSM-III-R Axis I diagnosis.

4. Patients who have a DSM-III-R Axis II diagnosis of mental retardation without an accompanying DSM-III-R Axis I diagnosis.

Psychiatric Inpatient Admission Criteria for Children

Severity of Illness and Intensity of Service criteria must be met.

Severity of Illness Criteria

Child must meet Criteria 1 or 2 or 3.

1. Child is a danger to self. Indicator A, B or C and D must exist to meet Criteria 1.

A. The child has actually made an attempt to take his/her own life in the last 24 hours. Details of the attempt must be documented; OR

B. The child has demonstrated self-mutilative behavior within the past 24 hours. Details of behavior must be documented; OR

C. The child has a clear plan to seriously harm him/herself, overt suicidal intent, and lethal means available to follow the plan. This information can be from the child or a reliable source. Details of the plan must be documented; AND

D. It is the judgment of a mental health professional that the child is at significant risk of making a suicide attempt without immediate inpatient intervention. OR

2. Child is a danger to others or property due to a DSM-III-R Axis I diagnosis as indicated by: Indicator A, B, or C and D must exist to meet Criteria 2. The criteria must arise from a DSM-III-R Axis I Diagnosis, and include the specific criteria that were met in order to justify that diagnosis.

A. The child has actually engaged in behavior harmful or potentially harmful to others or cause serious damage to property which would pose a serious threat of injury or harm to others within the last 24 hours. Description of the behavior and extent of injury or damage must be documented, as well

as the time the behavior occurred relative to present; OR

B. The child has made threats to kill or seriously injure others or to cause serious damage to property which would pose a threat of injury or harm to others, and has effective means to carry out the threats. Details of the threats must be documented; OR

C. A mental health professional has information from the child or a reliable source that the child has a current plan, specific intent, or recurrent thoughts to seriously harm others or property. Details must be documented; AND

D. It is the judgment of a mental health professional that the child is at significant risk of making a homicide attempt or engaging in other seriously aggressive behavior without immediate inpatient intervention.

3. Child is gravely disabled due to a DSM-III-R Axis I diagnosis as indicated by: Indicator A and either B, C or D must exist to meet Criteria 3. The criteria must arise from a DSM-III-R Axis I Diagnosis, and include the specific criteria that were met in order to justify that diagnosis.

A. The child has serious impairment of functioning compared to others of the same age in one or more major life roles (school, family, interpersonal relations, self-care, etc.) Specific description of the following must be documented:

1) deficits in control, cognition or judgment;

2) circumstances resulting from those deficits in self-care, personal safety, social/family functioning, academic or occupational performance;

3) prognostic indicators which predict the effectiveness of acute treatment; AND

B. The acute onset of psychosis or severe thought disorganization or clinical deterioration has rendered the child unmanageable and unable to cooperate in nonhospital treatment; OR

C. There is a need for medication therapy or complex diagnostic testing where the child's level of functioning precludes cooperation with treatment in an outpatient or nonhospital based regimen, and may require close supervision of medication and/or forced administration of medication; OR

D. A medical condition co-exists with a DSM-III-R Axis I diagnosis which, if not monitored/treated appropriately, places the child's life or well-being at serious risk.

Intensity of Service Criteria

Child must meet Criteria 1 and 2 and 3.

1. Services in the community do not exist or do not meet the treatment needs of the child, or the child has been unresponsive to treatment at a less intensive level of care. The services considered, tried, and/or needed must be documented; AND

2. services provided in the hospital can reasonably be expected to improve the child's condition or prevent further regression so that the services will no longer be needed by the child; AND

3. treatment of the child's psychiatric condition requires services on an inpatient basis, including 24 hour nursing observation, under the direction of a psychiatrist. The child requiring this treatment must not be on independent passes or unit passes without observation or being accompanied by hospital personnel or a responsible other. These services include but are not limited to:

A. suicide precautions, unit restrictions, and continual observation and limiting of behavior to protect self or others or property;

B. active intervention by a psychiatric team to prevent assaultive behavior;

C. twenty-four hour observation and medication stabilization because the child exhibits behaviors that indicate that a therapeutic level of medication has not been reached.

Exclusionary Criteria

If child meets one or more of the following criteria, Medicaid reimbursement will be denied.

1. The child has a major medical or surgical illness or injury that prevents active participation in a psychiatric treatment program.

2. The child has criminal charges and does not meet severity of illness and intensity of service criteria.

3. The child has anti-social behaviors that are a danger to others and does not have a DSM-III-R Axis I diagnosis.

4. The child has a DSM-III-R Axis II diagnosis of mental retardation and does not meet severity of illness and intensity of service criteria.

5. The child lacks a place to live and/or family supports and does not meet severity of illness and intensity of service criteria.

6. The child has been suspended or expelled from school and does not meet severity of illness and intensity of service criteria.

Extension Criteria for Adults Includes both Severity of Illness and Intensity of Service Needs

The extension of stay criteria for psychiatric admissions are formulated according to categories for adults and utilizes the *Diagnostic and Statistical Manual of Mental Disorders*. The edition of this manual bearing the most recent publication date and which has been approved for use by the director, Bureau of Health Services Financing, is the manual which will be used by the fiscal intermediary for identifying psychiatric diagnoses. There is no limit on the number of extensions that can be requested from the fiscal intermediary.

Severity of Illness. The patient must continue to meet one or more of 1, 2 or 3 of the criteria below.

1. Patient presents as a danger to self as evidenced by one or more of the following:

A. documentation that the patient continues to have a current suicide plan, specific suicide intent, recurring suicidal ideation, or suicide attempts;

B. documentation of continuing self-mutilative behavior as a result of a psychiatric disorder.

OR

2. The patient presents as a danger to others due to a DSM-III-R Axis I diagnosis as evidenced by one or more of the following criteria:

A. documentation that patient continues to display dangerously aggressive behavior due to a DSM-III-R Axis I diagnosis;

B. documentation that patient continues to threaten to kill or seriously injure another person with the means to carry out the threat AND the threatening behavior is due to a DSM-III-R Axis I diagnosis;

C. documentation that the patient continues to have a

current homicidal plan, specific homicidal intent, or recurrent homicidal ideation AND this is due to a DSM-III-R Axis I diagnosis.

OR

3. The patient is gravely disabled and unable to care for self due to a DSM-III-R Axis I diagnosis as evidenced by the following. The selection of indicator A must be accompanied by B or C.

A. Documentation of a continuing serious impairment in function as compared to others of the same age in one or more major life roles (school, job, family, interpersonal relations, self-care, etc.) due to a DSM-III-R Axis I diagnosis. AND

B. Documentation of the continuing inability of the patient to comply with prescribed psychiatric and/or medical health regimens as evidenced by one of the following:

1) patient has a history of decompensation without psychotropic medications and continues to refuse these medications; or

2) patient is at risk of health or life due to non-compliance with medical regimens (e.g., insulin-dependent diabetes, etc.) and continues to refuse these regimens.

OR

C. Documentation that patient continues to present with exacerbation of hallucinations, delusions, or illusions of such magnitude that the patient's well being is threatened.

Intensity of Service. The patient must continue to meet all the criteria below.

1. Ambulatory (outpatient) care resources in the community do not meet, and/or do not exist to meet the treatment needs of the client, or the patient has been unresponsive to treatment at a less intensive level of care.

AND

2. Services provided in the hospital can reasonably be expected to improve the patient's condition or prevent further regression so that the services will no longer be needed by the client.

AND

3. Treatment of the patient's psychiatric condition requires services on an inpatient hospital basis, requiring 24-hour nursing observation, under the direction of a psychiatrist, such as, but not limited to:

A. suicide precautions, unit restrictions, and continual observation and limiting of behavior to protect self or others. The patient requiring this treatment must not be on independent passes or unit passes without observation or being accompanied by hospital personnel or responsible other;

B. active intervention by a psychiatric team to prevent assaultive behavior. The patient requiring this treatment must not be on independent passes or unit passes without observation or being accompanied by hospital personnel or responsible other;

C. the patient exhibits behaviors that indicate that a therapeutic level of medication has not been reached and this necessitates 24-hour observation and medication stabilization. The patient requiring this treatment must not be on independent passes or unit passes without observation or being accompanied by hospital personnel or responsible other.

Extension Criteria for Children Includes both Severity of Illness and Intensity of Service Needs

The extension of stay criteria for psychiatric admissions are formulated according to categories for children and utilizes the *Diagnostic and Statistical Manual of Mental Disorders*. The edition of this manual bearing the most recent publication date and which has been approved for use by the director, Bureau of Health Services Financing, is the manual which will be used by the fiscal intermediary for identifying psychiatric diagnoses.

Severity of Illness. The child must continue to meet criteria A, B, or C of the following criteria.

1. Child is a danger to self. Indicator A or B and C must exist to meet criteria 1.

A. Continued documented presence of self-mutilative behavior.

OR

B. The child continues to have a clear plan to seriously harm him/herself, overt suicidal intent, and, if discharged, lethal means to follow the plan. Details of the plan must be documented. AND

C. It is the judgment of a mental health professional that the child is still at significant risk of making a suicide attempt without immediate inpatient intervention.

2. Child is a danger to others or property due to a DSM III-R Axis I diagnosis as indicated by the following. Indicator A or B, or C and D must exist to meet criteria 2. The criteria must arise from a DSM III-R Axis I Diagnosis and include the specific criteria that were met in order to justify that diagnosis.

A. The child continues to engage in behavior harmful or potentially harmful to others or cause serious damage to property which would pose a serious threat of injury or harm to others. Description of the behavior and extent of injury or damage must be documented, as well as the time the behavior occurred relative to present.

OR

B. The child continues to make threats to kill or seriously injure others or to cause serious damage to property which would pose a threat of injury or harm to others, and if discharged has effective means to carry out the threats. Details of the threats must be documented.

OR

C. A mental health professional has information from the child or a reliable source that the child has a current plan, specific intent, or recurrent thoughts to harm seriously others or property. Details must be documented. AND

D. It is the judgment of a mental health professional that the child is at significant risk of making a homicide attempt or engaging in other seriously aggressive behavior without immediate inpatient intervention.

3. Child presents as gravely disabled due to a DSM III-R Axis I diagnosis as indicated by the following. Indicator A and either B, C, or D must exist to meet criteria 3. The criteria must arise from a DSM III-R Axis I Diagnosis and include the specific criteria that were met in order to justify that diagnosis.

A. The child continues to have serious impairment of functioning compared to others of the same age in one or

more major life roles (school, family, interpersonal relations, self-care, etc.) Specific description of the following must be documented:

1) deficits in control, cognition, or judgment;
2) circumstances resulting from those deficits in self-care, personal safety, social/family functioning, academic, or occupational performance;

3) prognostic indicators which predict the effectiveness of acute treatment. AND

B. The acute onset of psychosis or severe thought disorganization or clinical deterioration continues to render the child unmanageable and unable to cooperate in nonhospital treatment.

OR

C. There is a continued need for medication therapy or complex diagnostic testing where the child's level of functioning precludes cooperation with treatment in an outpatient or nonhospital based regimen, and may require close supervision and/or involve forced administration of medication.

OR

D. A medical condition continues to co-exist with a DSM III-R Axis I diagnosis which, if not monitored/treated appropriately, places the child's life or well-being at serious risk.

Intensity of Service. The child must meet criteria 1 and 2 and 3.

1. Services in the community do not exist and/or do not meet the treatment needs of the child or the child has been unresponsive to treatment at a less intensive level of care. Services considered and rationale must be documented.

AND

2. Services provided in the hospital can reasonably be expected to improve the child's condition or prevent further regression so that the services will no longer be needed by the child.

AND

3. Treatment of the child's psychiatric condition requires services on an inpatient basis, including 24-hour nursing observation, under the direction of a psychiatrist. The child requiring this treatment must not be on independent passes or unit passes without observation or accompaniment by hospital personnel or a responsible other. These services include but are not limited to:

A. suicide precautions, unit restrictions, and continual observation and limiting of behavior to protect self or others or property;

B. active intervention by a psychiatric team to prevent assaultive behavior;

C. twenty-four hour observation and medication stabilization because the child exhibits behaviors that indicate that a therapeutic level of medication has not been reached.

Discharge Criteria for Adults and Children

Medicaid payment will cease when patient no longer meets the extension criteria for Severity of Illness and Intensity of Service.

All inpatient admissions to any hospital or distinct part psychiatric unit for hospital-based medical detoxification services for alcoholism and drug abuse must comply with all

of the following admission, exclusionary, extension and discharge criteria in order to be reimbursed by the Medicaid Program.

**Admission Criteria for Hospital-Based
Medical Detoxification Services for
Alcoholism and Drug Abuse
Admission Criteria**

Severity of Illness and Intensity of Service criteria must be met.

Hospital-based medical detoxification services for alcoholism and drug abuse shall comply with both of the following criteria and their accompanying specifications:

1. admit only patients assessed as meeting the criteria for substance use disorder and principle diagnosis of substance abuse as defined by the American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders III-R* or the chapter entitled "Mental Disorders" in the *International Classification of Diseases-9*; AND

2. certify that the patient meets the specifications in one of the dimensions of A, B, or C.

A. Acute alcohol and/or other drug intoxication and/or potential withdrawal. If Indicator 2 below is selected, it must be accompanied by one dimension under Indicator 1 or 3.

1) The patient is assessed as at risk for severe withdrawal syndrome as evidenced by:

a) CIWA-A (Clinical Institute Withdrawal Assessment-Alcohol) score (or other comparable standardized scoring system) greater than or equal to 20;

b) blood alcohol greater than 0.1 gm percent with withdrawal symptoms present, or blood alcohol greater than 0.3 gm percent;

c) pulse greater than 110 or blood pressure higher than 160/110 and CIWA-A or comparable score greater than 10;

d) history of seizures, hallucinations, myoclonic contractions, or delirium tremens when withdrawing from similar amounts of alcohol;

e) seizure, delirium tremens, hallucinations, myoclonic contractions, or hyperpyrexia;

f) daily ingestion of sedative hypnotics for over six months plus daily alcohol use, or regular use of another mind-altering drug known to have its own withdrawal syndrome, and the patient has an accompanying chronic mental/physical disorder;

g) daily ingestion of sedative hypnotics above the recommended therapeutic dosage level for at least four weeks and the patient has an accompanying chronic mental/physical disorder;

h) antagonist medication used in the withdrawal (e.g., pharmacological induction of opiate withdrawal and subsequent management);

i) head trauma or loss of consciousness within 24 hours with resultant need to observe the intoxicated patient closely;

j) a patient with a history of opioid use who exhibits grade two or above opioid withdrawal (e.g., muscle twitching, myalgia, arthralgia, anorexia, nausea, vomiting, diarrhea, extremes of vital signs, dehydration, or "curled up position") requiring acute nursing care for management;

k) drug overdose compromising mental status, cardiac functioning or other vital signs;

1) patient with a history of daily opioid use for at least two weeks before admission and past attempts to stop at similar doses have resulted in one or more of the following withdrawal symptom: muscle twitching, myalgia, arthralgia, abdominal pain, rapid breathing, fever, anorexia, nausea, vomiting, diarrhea.

2) There is a strong likelihood the patient will not complete detoxification as evidenced by:

a) a past history of detoxification at a less intense level of care without completion of detoxification;

b) current use of medications or medical conditions known to interfere with ability to complete detoxification (MAO inhibitors with alprazolam).

3) This is the only available level of care that can provide the needed medical support and comfort for the patient as evidenced by:

a) detoxification regimen or patient's response to the regimen requires monitoring at least every two hours (e.g., clonidine detoxification with opiates or high dose benzodiazepine withdrawal); OR

b) the patient requires detoxification while pregnant;

OR

B. Biomedical conditions and complications due to a primary diagnosis of a substance use disorder; one of the following conditions is required:

1) biomedical complications of addiction requiring medical management and skilled nursing care;

2) concurrent biomedical illness or pregnancy needing stabilization and daily medical management with daily primary nursing interventions;

3) presence of biomedical problems requiring inpatient diagnosis and treatment, such as:

a) liver disease or problems with impending hepatic decompensation;

b) acute pancreatitis requiring parenteral treatment;

c) active gastrointestinal bleeding;

d) cardiovascular disorders requiring monitoring;

e) multiple current medical problems;

4) recurrent or multiple seizures;

5) disulfiram-alcohol reaction;

6) life-threatening symptomatology related to excessive use of alcohol or other drugs (stupor, convulsions, etc.);

7) chemical use gravely complicating previously diagnosed medical conditions;

8) changes in the patient's medical status such as severe worsening of a medical condition making abstinence imperative, or significant improvement in an unstable medical condition allowing response to chemical dependency treatment;

9) demonstrating biomedical problems requiring 24-hour observation and evaluation; OR

C. Emotional/behavioral conditions and complications due to a primary diagnosis of a substance use disorder (one of the following):

1) emotional/behavioral complications of addiction requiring medical management and skilled nursing care;

2) concurrent emotional/behavior illness needing stabilization and daily medical management and primary

nursing interventions;

- 3) uncontrolled behavior endangering self or others;
- 4) co-existing serious emotional/behavioral disorder which complicates the treatment of chemical dependency and requires differential diagnosis and treatment;
- 5) extreme depression presenting in a patient resulting in the patient being a danger to self or others;
- 6) thought process impairment, impairment in abstract thinking, limitation in ability to conceptualize to the degree that the patient's major life areas are severely impaired;
- 7) alcohol and other drug use gravely complicates or exacerbates previously diagnosed psychiatric or emotional/behavioral condition;
- 8) altered mental status with or without delirium as manifested by:
 - a) disorientation to self;
 - b) alcoholic hallucinations;
 - c) toxic psychosis.

Intensity of Services

One or more of the following service needs must be met:

1. intensive treatment with medications for delirium tremens;
2. I.V. medications or total parenteral nutrition (T.P.N.);
3. documented detoxification regime of decreasing drug dosage;
4. neurological checks and vital signs every two hours and "visual checks" every 15 minutes;
5. Environmental control such that the patient is prevented from harming self or others.

Extension Criteria for Hospital-Based Medical Detoxification Services for Alcoholism and Drug Abuse

Severity of illness and intensity of services criteria must be met.

Length of stay will vary with the severity of the illness and the response to treatment. Criteria 1 and 2 or 3 or 4 must be met.

1. The patient continues to meet the diagnostic criteria required for admission.

AND

2. Acute alcohol and/or other drug intoxication and/or potential withdrawal; persistence of acute withdrawal symptomology or detoxification protocol requires continued medical and/or nursing management on a 24-hour basis.

OR

3. Biomedical Conditions and Complications:

A. A continued biomedical problem or intervening medical event which was serious enough to interrupt treatment, but the patient is again progressing in treatment.

OR

B. A biomedical condition that was initially interfering with treatment is improving, yet the patient still requires 24-hour continued medical management for this condition along with the treatment for the addiction.

OR

4. Emotional/behavioral Conditions and Complications:

A. The patient is making progress toward resolution of a concomitant emotional/behavioral problem, but continued medically managed and nursing interventions are needed before transfer can be made to a less intensive level of care.

OR

B. The patient is assessed as having an AXIS I psychiatric condition or disorder according to the current revision of the *American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders*, or its equivalent, which in combination with alcohol and/or other drug use, continues to present a major health risk and is actively being treated (e.g., medication stabilization).

Intensity of Services. One or more of the following criteria must be met.

1. Intensive treatment with medications for delirium tremens.
2. IV medications or total parenteral nutrition (T.P.N.)
3. Documented detoxification regime of decreasing drug dosage.
4. Neurological checks and vital signs every two hours and "visual checks" every 15 minutes.
5. Environmental control such that the patient is prevented from harming self or others.

Discharge Criteria

The patient is considered appropriate for discharge if Criteria 1 or 2 is met.

1. The patient is assessed post-admission as not having met the diagnostic criteria for Psychoactive Substance Use Disorder as defined by the current revision of the *American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders* or the current revision of the *International Classification of Diseases*.

OR

2. The patient must meet one of the following:

A. acute alcohol and/or other drug intoxication and/or potential withdrawal. The patient is assessed as not being intoxicated or in alcohol or other drug withdrawal or the symptoms have diminished sufficiently to be managed in a less intensive level of care, and the patient does not meet any continued stay criteria that indicate the need for further treatment.

OR

B. biomedical conditions or complications:

1) the patient's biomedical problems, if any, have diminished or stabilized to the extent that daily medical and nursing management for the condition is no longer necessary, and the patient does not meet any of the continued stay criteria that indicate the need for further treatment; OR

2) a biomedical condition has arisen or an identified biomedical problem which is being addressed is not responding to treatment and needs treatment in another setting.

OR

C. emotional/behavior conditions and complications:

1) the patient's emotional/behavioral problems have diminished in acuity to the extent that the daily medical and nursing management is no longer necessary, and the patient does not meet any of the continued stay criteria that indicate the need for further treatment.

OR

2) an emotional/behavioral condition has arisen or an identified emotional/behavioral problem which is being addressed is not responding to treatment and needs treatment in another setting.

OR

D. treatment resistance:

the patient consistently refuses continued treatment despite motivating interventions, and the patient does not meet any of the continued stay criteria that indicate the need for further treatment.

GENERAL PROVISIONS

Inpatient admissions for dual Medicare/Medicaid beneficiaries are subject to the requirements when Medicare Part A benefits have been exhausted.

Interested persons may submit written comments to the following address: 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 in the auditorium of the Department of Transportation and Development, 1201 Capitol Access Road, Baton Rouge, LA at 9:30 a.m., Friday, February 24, 1995. At that time all interested parties will be afforded an opportunity to present views or arguments, orally or in writing. The deadline for receipt for all comments is 4:30 p.m., on the day of the public hearing.

Rose V. Forrest
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Inpatient Psychiatric Services

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

The estimated cost savings to the state associated with the implementation of this proposed rule is \$2,714,885 for FY 94-95, \$2,901,939 for FY 95-96 and \$3,018,436 for FY 96-97. The FY 94-95 estimate assumes a full year of savings because of prior publication of emergency rules implementing these provisions.

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

The estimated cost savings will result in a decrease in federal revenue collections of \$7,211,569 for FY 94-95, \$7,421,573 for FY 95-96 and \$7,718,436 for FY 96-97. There is no effect on revenue collections on local governmental units.

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

Payments for inpatient psychiatric services for Medicaid recipients will decrease by a total of \$9,926,454 for FY 94-95, \$10,323,512 for FY 95-96 and \$10,736,453 for FY 96-97. This represents the combined total of the savings to state government and the decreased collections of federal matching funds, as shown above.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment as a result of this rule.

Thomas D. Collins
Director
9501#034

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

Nursing Facilities Services - Requirements
(LAC 50:II.Chapter 101)

The Department of Health and Hospitals, Office of Secretary, Bureau of Health Services Financing is proposing to adopt a rule in the Medicaid Program as authorized by R.S. 46:153. This proposed rule is in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Medicaid Program promulgated Standards for Payment for Intermediate Care Facility I and II Services and Skilled Nursing Facility Services effective October 1, 1985 (*Louisiana Register* Volume 11, No 9, p. 865). Subsequently revisions have been made to these standards but the complete Standards for Payment have not been revised in their entirety. The bureau has determined that these Standards for Payment need to be repealed in their entirety and comprehensive updated requirements adopted to ensure conformity to current federal and state law and regulations, including the Nursing Home Reform Act. Also, adoption of new requirements would ensure that nursing facility services to the elderly and disabled are provided in accordance with currently approved standards of practice applicable to the medical and health disciplines addressed by the regulations including, medical, nursing, pharmacy, ancillary, rehabilitation, dietary, sanitation and social services and activities.

The proposed regulations are entitled "Requirements for Nursing Facilities" and include the following major topical headings: general provisions, administration, resident care services, nurse aide training and competency evaluation program, vendor payments, levels of care, admission review and pre-admission screening, resident rights, transfer and discharge procedures, complaint procedures, sanctions and appeal procedures, and glossary. A copy of the full text of this proposed rule may be obtained from the Office of the State Register, 1051 North Third Street, Capitol Annex Building, Baton Rouge, LA, or the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing at the address below.

Proposed Rule

The Bureau of Health Services Financing proposes to repeal the Standards for Payment for Intermediate Care Facility I and II and Skilled Nursing Facility Services effective October 1, 1985 as published in the (*Louisiana Register*, Volume 11 No. 9 p. 865 and subsequent revisions thereto and to adopt the following regulations governing Medicaid reimbursement for nursing facility services entitled "Requirements for Nursing Facilities" for inclusion in the LAC Title 50 Public Health - Medical Assistance, Part II Medical Assistance Program, Subpart 3 Requirements for Payments.

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

the person responsible for responding to inquiries regarding this proposed rule. A public hearing will be held on this matter at 9:30 a.m. Friday, February 24, 1995 in the DOTD Auditorium, 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 day of the hearing.

Rose V. Forrest
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Requirements for
Nursing Facilities**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of this rule is projected to increase state expenditures by \$1,000 in SFY 1994-95, but no expenditures are projected for SFY 1995-96 and SFY 1996-97.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of this rule will increase federal revenue collections by \$500 in SFY 1994-95, but no increases are projected for SFY 1995-96 and SFY 1996-97.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There are no costs or economic benefits to persons or groups directly affected by this proposed rule.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no known effect on competition and employment.

Thomas D. Collins
Director
9501#051

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Public Safety and Corrections
Board of Parole**

Rules and Regulations (LAC 22:XI)

In accordance with the Administrative Procedure Act, R.S. 49:953(B), R.S. 15:574.2 et seq., R.S. 15:535, et seq., and 15:571, et seq., the Department of Public Safety and Corrections, Board of Parole, hereby gives notice of its intent to amend and readopt the rules, regulations, criteria, policies, procedures and guidelines of the Board of Parole.

Copies of these proposed rules and regulations can be obtained in their entirety from the Office of the State Register, 1051 North Third Street, Room 512, Baton Rouge, LA 70802 and also at the Board of Parole, Box 94304, Baton Rouge, LA 70804-9304.

Interested persons may submit oral or written comments to

Ronald Bonvillian, Chairman, Board of Parole, Box 94304, Baton Rouge, LA 70804-9304, (504) 342-6622. Comments will be accepted through the close of business at 4:30 p.m. on February 20, 1995.

Ronald Bonvillian
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Rules and Regulations**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no implementation costs or savings to state or local governmental units, as these rules are currently in effect.
- 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)
There are no additional costs or economic benefits directly affecting persons or nongovernmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no effect on competition and employment.

Ronald Bonvillian
Chairman
9501#052

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Revenue and Taxation
Sales Tax Division**

**Coke-on-Catalyst Taxation
(LAC 61:I.4401)**

Under the authority of R.S. 47:305(D) and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue and Taxation, Sales Tax Division, proposes to amend LAC 61:I:4401.C pertaining to the exemptions from sales and use tax.

The Supreme Court of Louisiana ruled in the case of *BP Oil Company v. Plaquemines Parish Govt.* (93-CA-1109) in 1994. The court ruled that coke attached to a catalyst, which is used as a fuel, is subject to tax as a fuel. When this coke-on-catalyst is used as boiler fuel, it is eligible for the boiler fuel exemption under R.S. 47:305(D)(1)(h). Our current rule does not specifically address coke-on-catalyst and this proposed rule would include this issue. This proposed change will bring our rule into compliance with the Supreme Court of Louisiana's taxation of coke-on-catalyst and provide a method of computing the taxable value of any taxable coke-on-catalyst.

Title 61

REVENUE AND TAXATION

Part I. Taxes Collected and Administered By the
Secretary of Revenue and Taxation

Chapter 44. Sales and Use Tax Exemptions
§4401. Various Exemptions from the Tax

* * *

C. Specific Exemptions

1. General. In addition to exemptions granted for broad categories of property or transactions, R.S. 47:305(D) grants exemption for a limited number of specific items of property. The sale at retail, use, consumption, distribution or the storage to be used or consumed, of gasoline, steam, electric power or energy, newspapers, natural gas, or fertilizer and containers used for farm products if they are sold directly to the farmer are specifically exempted by this Subsection.

2. In addition to the exemption for electric power or energy in R.S. 47:305(D)(1)(d), the sale and purchase of all materials and energy sources used to fuel the generation of electric power for resale by utility companies, and the sale and purchase of materials and energy sources for use by an industrial manufacturing plant to produce electric power for self-consumption or cogeneration are exempted from the tax imposed by this Chapter.

3. Boiler Fuel

a. Other fuels and specific applications of energy sources are exempted from the tax under this Paragraph. R.S. 47:305(D)(1)(h) exempts all energy sources used for boiler fuel except refinery gas. A boiler, for purposes of this Paragraph, means a pressure-regulated vessel into which water is placed and converted to steam by the application of heat, after which the steam is sold, used for heating purposes, electrical generation, or any other industrial use.

b. This Paragraph, together with R.S. 47:305(D)(1)(g), also provides a limited exemption for refinery gas. The language in these two paragraphs exempts refinery gas from both state and local sales taxes, except when it is used as boiler fuel. Refinery gas, for sales tax purposes, is defined as a "by-product" gas or "waste" gas which is produced in the process of distilling crude petroleum into its refined marketable products. R.S. 47:305(D)(1)(h) also provides the formula by which the cost basis shall be computed annually for use taxation purposes. For the period of July 1, 1985 through December 31, 1985, the value shall be \$.52 per 1,000 cubic feet, or MCF. For each succeeding calendar year thereafter, the cost basis shall be adjusted by multiplying \$.52 by a fraction the numerator of which shall be the posted price for a barrel of West Texas Intermediate Crude Oil on December 1 of the preceding calendar year, and the denominator of which shall be \$29. Each annual cost basis, as computed by the Department of Revenue and Taxation, shall be the maximum value placed upon refinery gas by any local governmental taxing authority.

c. When the product known as coke-on-catalyst is used as a boiler fuel, it will qualify for the exemption under this Paragraph. Coke-on-catalyst is a solid by-product of the refining process that accumulates on a catalyst during the process of cracking crude oil. In order to continue to use this catalyst, the coke is removed from the catalyst by burning. If

coke-on-catalyst needs to be valued for sales and use tax purposes (i.e., suspension of state exemptions), the value of the coke must be computed using the cost of all materials contained in the coke. Due to the complexities involved in calculating all the cost components that must be included in the "cost price" of the coke-on-catalyst, the department will allow the use of an alternate formula designated in this Section.

d. The alternate formula will utilize the value of refinery gas determined under R.S. 47:305(D)(1)(h) and adjust this value on the basis of the heating value of refinery gas and coke-on-catalyst. Refinery gas is measured in MCFs and coke-on-catalyst is measured in pounds and tons, but the heating value of each can be measured in BTUs. The alternate formula will contain two computations. The first calculation is to determine the number of refinery gas equivalent heating units in a ton of coke-on-catalyst. This calculation will compare the BTU content of one MCF of refinery gas to the BTU content of a ton of coke-on-catalyst. This calculation will produce the number of refinery gas equivalent heating units in a ton of coke-on-catalyst that needs to be valued. The second calculation is to determine the usage value of each heating unit of coke-on-catalyst. A heating unit of refinery gas is easier to use than a heating unit of coke-on-catalyst. The department has determined that the usage value of refinery gas is approximately four times greater than the usage value of coke-on-catalyst. This factor will remain constant in applying any alternate calculation for coke-on-catalyst.

i. The computation for the number of available refinery gas equivalent heating units in a ton of coke-on-catalyst is the number of BTUs available in a ton of coke-on-catalyst divided by the number of BTUs in one MCF of refinery gas. The formula is as follows:

(BTUs available in a ton of coke-on-catalyst divided by the number of BTUs in one MCF of refinery gas)

ii. The calculation for the usage value of each heating unit of coke-on-catalyst is the value of refinery gas determined under R.S. 47:305(D)(1)(h) divided by four. The formula is as follows:

(value of an MCF of refinery gas divided by 4)

iii. The alternate cost price of a ton of coke-on-catalyst will be computed by multiplying the available refinery gas equivalent heating units in a ton of coke-on-catalyst (see i above) and the usage value of the heating unit of coke-on-catalyst (see ii above). The following is an example of the computation of the alternate cost price:

Refinery gas value for 1995 is \$.32 per MCF
1,100,000 BTUs = 1 MCF of refinery gas
30,800,000 BTUs available in a ton of coke-on-catalyst

Usage value = \$.08 (\$.32 divided by 4)
Available units = 28 (30,800,000 BTUs divided by 1,100,000 BTUs)
Value of a ton of coke-on-catalyst = \$2.24 (\$.08 multiplied by 28)

e. The alternative formula on coke-on-catalyst must be recomputed annually based upon the annual value of refinery gas.

4. A newspaper is defined as an unbound publication

appearing at regular intervals, having a second class mailing privilege, having a bona fide paid circulation to actual subscribers, publishing a substantial part of its content as news matter, and containing reports of happenings of recent occurrence of a varied character, such as political, social, moral and religious subjects and designed for the information of the general reader. This exemption for newspapers includes all printed matter that goes into the making-up of a newspaper if such printed matter is distributed with and as a part of the newspaper, including inserts. This definition does not include magazines and does not include any other printed matter, regardless by whom printed, that is not a part of and is not distributed with a newspaper. Thus, printed matter that goes into a newspaper and is distributed with it is exempt from sales tax while the same printed matter that does not go into a newspaper or is not distributed with it is not exempt.

5. Water (but not including mineral water or carbonated water) is also exempt provided it is not placed in a container such as a jug, bottle, or carton.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:305.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, LR 13:107 (February 1987), amended by the Sales Tax Division, LR 21:

All interested persons may submit data, views, or arguments, in writing to Raymond Tangney, Director of the Sales Tax Division, Department of Revenue and Taxation, Box 3863, Baton Rouge, LA 70821. All comments must be submitted by 4:30 p.m., Wednesday, March 1, 1995. A public hearing will be held on Thursday, March 2, 1995, at 11 a.m. in the Department of Revenue and Taxation secretary's conference room, 330 North Ardenwood Drive, Baton Rouge, LA.

Ralph Slaughter
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Taxation of Coke-on-Catalyst**

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

This amendment will not result in any substantial implementation costs or savings to state or local governmental units. The amendment will not require the state or local governments to modify any tax returns, but will only require the governmental units to notify taxpayers of the change in the taxation of coke-on-catalyst. This notification can be accomplished through existing publications. Some additional notifications may be required to specific taxpayers, but this can be accomplished with existing resources.

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

This amendment provides for an optional formula for valuing coke-on-catalyst. It is not known if the formula will increase or decrease the tax collections for state and local governments. The formula will allow for the ease of assigning a value of coke-on-catalyst and therefore make it easier on the taxpayers in Louisiana.

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

This amendment will have no effect on costs or economic benefits. The amendment does not affect the taxation of coke-on-catalyst, but allows taxpayers an optional method of valuing coke-on-catalyst.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This amendment will have no effect on competition or employment.

Ralph Slaughter
Secretary
9501#049

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

**Homeless Trust Fund Advisory Council
(LAC 48:I.Chapter 18)**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Department of Social Services intends to adopt the following rule to amend Part I of Title 48 of the Louisiana Administrative Code by establishing a procedure to disburse funds from the Louisiana Trust Fund.

**Title 48
PUBLIC HEALTH**

Part I. General Administration

Chapter 18. Homeless Trust Fund

§1801. Definitions

In this Chapter:

Council—the Homeless Trust Fund Advisory Council.

Fund—the "Louisiana Homeless Trust Fund" established by R.S. 46:591-46:595.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:591 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, LR 21:

§1803. Application Requests

A. To receive an application, an organization that aids the homeless must submit a written request to the council containing the following information:

1. name of the organization;
2. mailing address of the organization;
3. phone number of the organization;
4. contact person within the organization; and
5. proof of the organization's nonprofit and tax exempt status or of nonprofit application pending.

B. An organization that submits an application request will be added to the council's mailing list and the council shall mail the organization information about application requirements and deadlines.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:591 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 21:

§1805. Application Requirements and Deadlines

A. The application for funds must contain:

1. name and mailing address of the organization;
2. names and addresses of the organization's board of directors;
3. certification of the organization's nonprofit and tax exempt status or of nonprofit application pending;
4. brief history of the organization and its programs;
5. description of the proposed use of the requested funds;
6. description of the unmet needs of the homeless in the organization's community, including the source of the information;
7. itemized budget and budget justification for the Trust Fund proposal;
8. summary of organization's annual budget and sources of income;
9. documentation of the availability of matching funds for the proposal.

B. The council will issue solicitations for grant applications after the end of the state fiscal year when the balance in the Fund is determined. The solicitation for grant applications will outline application deadlines and describe the eligible projects that the council will fund.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:591 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 21:

§1807. Review of Applications

A. The council will review complete applications in the order the applications are received.

B. The council shall evaluate each application according to the following factors:

1. the extent to which the proposal meets the needs of the homeless in the organization's service community, as identified by the most recent report of the Louisiana Interagency Council on the Homeless;
2. the extent to which the organization requires Homeless Trust Fund monies as an equivalent match for other homeless assistance funding;
3. the demonstrated success of the program in meeting the needs of the homeless, if the proposal concerns an existing program;
4. the extent to which the proposal provides for direct services or housing needs, rather than administrative services; and
5. other factors as identified in the council's annual solicitation for grant applications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:591 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 21:

§1809. Notification and Appeals

A. The council shall notify applicants of award decisions no later than 30 days after the date of the council's decision.

B. An organization shall notify the council in writing and by mail of whether the organization accepts the award no later than 30 days after the date the organization received the council's notification.

C. The council shall publish annually in the *Louisiana Register* a list of all projects funded during the previous state fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:591 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 21:

§1811. Emergency Grants

At any time, the council may authorize an emergency grant of up to \$2,000 to an organization that aids the homeless, as long as funding is available in accordance with §1813 of this rule. A request for an emergency grant must state the immediate nature of the request and comply with §1805.A of this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:591 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 21:

§1813. Residual Funds in the Homeless Trust Fund

The council will retain not less than \$5,000 in the fund. The availability of funds for disbursement will be determined by the council, but will not deplete the fund below this amount.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:591 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 21:

A public hearing on the proposed rule will be held at 10 a.m., Wednesday, March 1, 1995 in Room 806, 333 Laurel St., Baton Rouge, LA 70801. 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, telephone (504) 342-4120 (Voice and TDD).

Gloria Bryant-Banks
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Homeless Trust Fund

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

Rule is to establish procedure for disbursement of monies contributed to Homeless Trust Fund for support of homeless assistance activities within local communities in Louisiana. Estimated disbursements for State Fiscal Year 1994-95 will not exceed \$50,000 from monies presently deposited in Trust Fund for this purpose.

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

Rule is not anticipated to have any effect on revenue collections of state or local government units as monies to be disbursed are from dedicated source constituting donations of monies from amounts due to taxpayers as refund of state income taxes.

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

Trust Fund dollars will be beneficial as match for federal funds available under the McKinney and National Affordable Housing Acts, as seed money or leveraging resource to attract private sponsorship for collaborative homeless and affordable housing projects, and as grant resources to support new or enhanced activities by local organizations to prevent homelessness and to assist homeless people to become self-sufficient.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Rule will have no effect on competition and employment in private enterprise sector. Trust Fund implementation may have a positive effect on employment through support of local programs promoting self sufficiency and employment readiness for homeless and destitute individuals and families.

Robert J. Hand
Division Director
9501#042

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Social Services
Office of Family Support**

**Individual and Family Grant Program
(LAC 67:III.6501-6502)**

The Department of Social Services, Office of Family Support, proposes to amend the Louisiana Administrative Code, Title 67, Part III, Subpart 10, Individual and Family Grant (IFG) Program.

Pursuant to Public Law 93-288 which prescribes that grant amounts and related flood insurance amounts be adjusted annually, and to prevent the necessity of publishing rules every year, the department will revise language in appropriate sections. Whereas the IFG Program is effective only with federal disaster declarations, the Federal Emergency Management Agency, well known as FEMA, advises the department of the annual adjustments on, or about, October 1 of each year.

**Title 67
SOCIAL SERVICES**

Part III. Office of Family Support

**Subpart 10. Individual and Family Grant Program
Chapter 65. Application, Eligibility, and Furnishing Assistance**

**Subchapter C. Need and Amount of Assistance
§6501. Maximum Grant Amount**

The maximum grant amount in the IFG Program is adjusted at the beginning of each federal fiscal year to reflect changes in the *Consumer Price Index for All Urban Consumers* as published by the U. S. Department of Labor.

AUTHORITY NOTE: Promulgated in accordance with 44 CFR 206.131, P.L. 93-288 and F.R. 54:58378.

HISTORICAL NOTE: Promulgated by the Department of Social

Services, Office of Eligibility Determinations, LR 15:444 (June 1989), LR 15:744 (September 1989). Amended by the Department of Social Services, Office of Family Support, LR 17:474 (May 1991), LR 17:766 (August 1991), LR 17:888 (September 1991), LR 18:939 (September 1992), LR 18:1352 (December 1992), LR 19:167, 213 (February 1993), LR 19:606 (May 1993), LR 19:784 (June 1993), LR 20:449 (April 1994), LR 21:

§6502. Flood Insurance

B. The dollar value of the required flood insurance policy for housing and personal property grants where the applicant resides in a flood zone is also adjusted at the beginning of each federal fiscal year to reflect changes in the *Consumer Price Index for All Urban Consumers*.

AUTHORITY NOTE: Promulgated in accordance with 44 CFR 206.131 and P.L. 93-288.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Eligibility Determinations, LR 15:444 (June 1989), LR 15:744 (September 1989). Amended by the Department of Social Services, Office of Family Support, LR 17:474 (May 1991), LR 17:766 (August 1991), LR 17:888 (September 1991), LR 18:939 (September 1992), LR 18:1351 (December 1992), LR 19:167, 213 (February 1993), LR 19:606 (May 1993), LR 19:784 (June 1993), LR 20:449 (April 1994), LR 21:

Interested persons may submit written comments within 30 days to the following address: Howard L. Prejean, Assistant Secretary, Office of Family Support, Box 94065, Baton Rouge, LA, 70804-9065. He is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on the proposed rule will be held on February 24, 1995 in the 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).

Gloria Bryant-Banks
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Individual and Family Grant Program**

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

The only implementation cost to state government is the approximate \$140 charge for publishing this notice and final rule as the IFG Program incurs costs only in the event of a disaster declaration. This action will save the agency the costs associated with annual rulemaking. There are no savings to the state. The rule has no economic impact on local governmental units.

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

There will be no effect 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 cost or economic benefit to any persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The rule will have no impact on competition or employment.

Howard L. Prejean
Assistant Secretary
9501#041

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Social Services Rehabilitation Services

Grant Policy (LAC 67:VII.Chapter 15)

In accordance with the provisions of R.S. 49:953, the Administrative Procedure Act, the Department of Social Services, Louisiana Rehabilitation Services (LRS) proposes to adopt a new Grant Policy.

The purpose of this notice is to propose a rule governing Louisiana Rehabilitation Services' Grant Policy to ensure uniformity in grants administration.

Title 67

SOCIAL SERVICES

Part VII. Louisiana Rehabilitation Services

Chapter 15. Grant Policy

§1501. Grant Program Policy Manual

LRS Grant Policy Manual, fiscal year 1995, provides uniform requirements for the Administration of Louisiana Rehabilitation Services (LRS) grants and the principles for determining costs applicable to activities assisted by LRS grants for grants to institutions of higher education, hospitals, nonprofit organizations, and state and local government.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.6 and R.S. 36.477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, LR 21:

§1503. Federal Financial Participation

A. The total Federal financial participation in expenditures for construction of facilities for community rehabilitation program purposes for each year can not exceed 10 percent of LRS's allotment of Section 110 Funds for that year.

B. For each fiscal year, LRS' expenditures for rehabilitation services under the state plan, other than for construction and establishment of community rehabilitation program facilities, will at least equal the expenditures for vocational rehabilitation services for the second prior fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.6 and R.S. 36.477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, LR 21:

§1505. Community Rehabilitation Program

A community rehabilitation program is a program that

provides directly or facilitates the provision of one or more of the following vocational rehabilitation services to individuals with disabilities to enable those individuals to maximize their opportunities for employment, including career advancement:

1. medical, psychiatric, psychological, social, and vocational services that are provided under one management;
2. testing, fitting, or training in the use of prosthetic and orthotic devices;
3. recreational therapy;
4. physical and occupational therapy;
5. speech, language, and hearing therapy;
6. psychiatric, psychological, and social services, including positive behavior management;
7. assessment for determining eligibility and vocational rehabilitation needs;
8. rehabilitation technology;
9. job development, placement, and retention services;
10. evaluation or control of specific disabilities;
11. orientation and mobility services for individuals who are blind;
12. extended employment;
13. psychosocial rehabilitation services;
14. supported employment services and extended services;
15. services to family members if necessary to the vocational rehabilitation of the individual;
16. personal assistance services; and
17. services similar to the services described in paragraphs 1-16 of this Subsection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.6 and R.S. 36.477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, LR 21:

§1507. General Provisions

LRS will accept solicited and unsolicited grant proposals from institutions of higher education, hospitals, nonprofit organizations, and state and local governments for the establishment of Community Rehabilitation Program Facilities and construction of Community Rehabilitation Program Facilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.6 and R.S. 36.477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, LR 21:

§1509. Establishment of Community Rehabilitation Program Facilities.

A. Federal financial participation is available in expenditures for the establishment, development, or improvement of a public or nonprofit community rehabilitation program for the following types of expenditures:

1. The establishment, development, or improvement of a public or nonprofit community rehabilitation program.
2. Staffing, if necessary to establish, develop, or improve a community rehabilitation program for a maximum period of four years, with Federal financial participation available at the applicable matching rate for the following levels of staffing costs:
 - a. 100 percent of staffing costs for the first year;
 - b. 75 percent of staffing costs the second year;

- c. 60 percent of staffing costs the third year; and
- d. 45 percent of staffing costs the fourth year.

3. Other start-up expenditures related to the establishment, development, or improvement of a community rehabilitation program that are necessary to make the program functional or increase its effectiveness not including operating expenditures of the program.

B. Federal financial participation is available in expenditures for the establishment of a facility for community rehabilitation program purposes for the following types of expenditures:

- 1. the acquisition of an existing building, and if necessary the land in connection with the acquisition, if the building has been completed in all respects for at least one year prior to the date of acquisition and the Federal share of the cost of the acquisition is not more than \$300,000;
- 2. the remodeling or alteration of an existing building, provided the estimated cost of remodeling or alteration does not exceed the appraised value of the existing building;
- 3. the expansion of an existing building, provided that:
 - a. the existing building is complete in all respects;
 - b. the total size in square footage of the expanded building, notwithstanding the number of expansions, is not greater than twice the size of the existing building;
 - c. the expansion is joined structurally to the existing building and does not constitute a separate building; and
 - d. the costs of the expansion do not exceed the appraised value of the existing building;
- 4. architect's fees, site survey, and soil investigation, if necessary in connection with the acquisition, remodeling, alteration, or expansion of an existing building; or
- 5. the acquisition of fixed or movable equipment, including the costs of installation of the equipment, if necessary to establish, develop, or improve a community rehabilitation program.

C. Funds made available to a private nonprofit agency for the establishment of a rehabilitation facility must be expended by that agency in accordance with procedures and standards equivalent to those of the State unit in making direct expenditures for similar purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.6 and R.S. 36.477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, LR 21:

§1511. Construction Of Community Rehabilitation Program Facilities

A. Federal financial participation is available in expenditures for the construction of a facility for community rehabilitation program purposes for the following types of expenditures:

- 1. acquisition of land in connection with the construction of a new building for a community rehabilitation program;
- 2. acquisition of existing buildings;
- 3. remodeling, alteration or renovation of existing buildings;
- 4. construction of new buildings and expansion of existing buildings;
- 5. architect's fees, site surveys, and soil investigation, if necessary, in connection with the construction project;

6. initial fixed or movable equipment of any new, newly acquired, newly expanded, or newly renovated buildings that are to be utilized for community rehabilitation program purposes; and

7. other direct expenditures appropriate to the construction project, except costs of off-site improvements.

B. The amount of Federal financial participation in the construction of a rehabilitation facility may not be more than 50 percent of the total cost of the project.

C. Funds made available to a private nonprofit agency for the construction of a rehabilitation facility must be expended by that agency in accordance with procedures and standards equivalent to those of the State unit in making direct expenditures for similar purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.6 and R.S. 36.477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, LR 21:

§1513. Financial Administration

A. Standards for Financial Management Systems. A grantee must expand and account for grant funds in accordance with state laws and procedures for expending and accounting for its own funds. Fiscal control and accounting procedures must be sufficient to:

- 1. Permit preparation of reports required by LRS and the statutes authorizing the grant.
- 2. Permit the tracing of funds to a level of expenditures adequate to establish that such funds have not been used in violation of the restrictions and prohibitions of applicable statutes.
- 3. The financial management system of the grantee must also meet the following standards:

a. **Financial Reporting.** Accurate, current, and complete disclosure of the financial results of financially assisted activities must be made in accordance with the financial reporting requirements of the grant.

b. **Accounting Records.** Grantees must maintain records which adequately identify the source and application of funds provided for financially-assisted activities. These records must contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and income.

c. **Internal Control.** Effective control and accountability must be maintained for all grant cash, real and personal property, and other assets. Grantees must adequately safeguard all such property and must assure that it is used solely for authorized purposes.

d. **Budget Control.** Actual expenditures or outlays must be compared with budgeted amounts for each grant. Financial information must be related to performance or productivity data, including the development of unit cost information whenever appropriate or specifically required in the grant agreement. If unit cost data are required, estimates based on available documentation will be accepted whenever possible.

e. **Allowable Cost.** Applicable OMB cost principles applicable state laws and regulations, agency program regulations, and the terms of grant agreement will be followed in determining the reasonableness, allowability, and

allocability of costs.

f. **Source Documentation.** Accounting records must be supported by such source documentation as cancelled checks, paid bills, payrolls, time and attendance records, contract and grant award documents, etc.

g. **Cash Management.** Procedures for minimizing the time elapsing between the transfer of funds from the State Treasury and disbursement by grantees must be followed whenever advance payment procedures are used.

4. LRS may review the adequacy of the financial management system of any applicant for financial assistance as part of a preaward review or at any time subsequent to award.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.6 and R.S. 36.477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, LR 21:

§1515. Payment Requirements

A. If progress and/or completion of services are provided to the satisfaction of LRS, payments are to be made as specified in the contract agreement, stipulating rate or standard of payment, billing intervals, and invoicing provisions.

B. Withholding of Payments.

1. Payments for proper charges incurred by grantees will not be withheld unless:

- a. the grantee has failed to comply with reporting requirements or,
- b. the grant is suspended.

2. Cash withheld for failure to comply with reporting requirements, but without suspension of the grant will be released to the grantee upon subsequent compliance. When a grant is suspended payment adjustments will be made in accordance with §1533.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.6 and R.S. 36.477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Louisiana Rehabilitation Services, LR 21:

§1517. Cost Principles

Recipients shall adhere to applicable cost principles dependent on its organizational type. All project costs charged to this grant will be reasonable, necessary, allowable, and allocable according to the applicable cost principles.

Institutions of Higher Education - OMB Circular A-21

Hospitals - 34 CFR PART 74, Appendix E

NonProfit Organizations - OMB Circular A-122

State, Local or Indian Tribal Government - OMB Circular A-87

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.6 and R.S. 36.477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, LR 21:

§1519. Cost Sharing Or Matching

A. **Nonprofit Facilities.** Cost sharing or matching means the grantees share of the costs of a grant-supported project or program. The grantee's match funds must be certified as non-federal monies and will be required up-front in the form of a check payable to LRS. LRS will then reimburse 100 percent of the grant to the grantee.

1. Percentages of matching funds are as follows:

- a. establishment grant—21.3 percent cash match is mandatory;

b. construction grant—50 percent cash match is mandatory.

B. **Public Facilities.** Cost sharing or matching means the grantees share of the costs of a grant-supported project or program. The grantee's match funds must be certified as non-federal monies and set-aside (dedicated) for the grant. Only cash expended after the grant's effective date and before the expiration date will be considered as grantee's match.

1. Percentages of matching funds are as follows:

a. establishment grant—21.3 percent cash match is mandatory;

b. construction grant—50 percent cash match is mandatory.

2. A cost sharing or matching requirement may not be met by costs borne by another Federal grant. Costs financed by general program income shall not count towards satisfying a cost sharing or matching requirement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.6 and R.S. 36.477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, LR 21:

§1521. Program Income

Program income means gross income received by the grantee directly generated by a grant supported activity, or earned only as a result of the grant agreement during the grant period. During the grant period is the time between the effective date of the award and the ending date of the award. When authorized program income shall be retained by the recipient and used for costs which are in addition to the allowable costs of the project or program but which nevertheless further the objectives of the grant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.6 and R.S. 36.477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, LR 21:

§1523. Property

A. Title to real property and equipment acquired under a grant shall vest, upon acquisition, in the grantee.

1. **Real Property.** Land including land improvements, structures and appurtenances thereto, but excluding movable machinery and equipment.

a. The property shall be used for the originally authorized purpose as long as needed for that purpose. When no longer so needed, approval of the director of LRS may be requested to use the property for other purposes. Use for other purposes shall be limited to projects or programs serving LRS' clients.

b. When real property is no longer to be used for the originally authorized purpose, the disposition instructions of LRS shall be followed. Those instructions will provide for one of the following alternatives:

i. The property shall be sold and LRS shall be paid an amount computed by multiplying the Federal share of the property times the proceeds from sale. Proper sales procedures shall be used that provide for competition to the extent practicable and result in the highest possible return.

ii. The recipient can retain title. If title is retained, LRS shall be paid an amount computed by multiplying the market value of the property by the Federal share of the property.

iii. The recipient shall transfer the title to an eligible non-federal party named by LRS.

The grantee shall be entitled to be paid an amount computed by multiplying the market value of the property by the non-federal share of the property.

2. Equipment. Tangible personal property having an acquisition cost of \$100 or more per unit.

Equipment shall be used by the recipient in the project or program for which it was acquired as long as needed. When no longer needed for the original project or program, the recipient shall use the equipment in other projects or programs currently or previously sponsored by LRS. When the recipient can no longer use the equipment it shall be made available to other recipients of LRS grants.

3. Disposition of Equipment. When equipment is no longer to be used in projects or programs sponsored by LRS, disposition of the equipment shall be made according to LRS property control procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.6 and R.S. 36.477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, LR 21:

§1525. Equipment Management Requirements

A. Requirements for managing equipment until transfer, replacement or disposition takes place shall, as a minimum meet the following requirements:

1. Property records shall be maintained accurately. (Retention and access requirements for these records are explained in §1525).

For each item of equipment, the records shall include:

- i. a description of the equipment including manufacturer's model number, if any;
- ii. an identification number, such as the manufacturer's serial number;
- iii. identification of the grant under which the recipient acquired the equipment;
- iv. information needed to calculate the Federal share of the equipment;
- v. acquisition date and unit acquisition cost;
- vi. location, use, and condition of the equipment and the date the information was reported; and
- vii. all pertinent information on the ultimate transfer, replacement, or disposition of the equipment.

2. A physical inventory of equipment shall be taken and the results reconciled with the property records at least once a year to verify the existence, current utilization, and continued need for the equipment. Any differences between quantities determined by the physical inspection and those shown in the accounting records shall be investigated to determine the causes of the differences.

3. A control system shall be in effect to insure adequate safeguards to prevent loss, damage, or theft of equipment. Any loss, damages, or theft of equipment shall be investigated and fully documented.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.6 and R.S. 36.477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, LR 21:

§1527. Procurement Standard

A. Code of Conduct. The recipient shall maintain a code of standards of conduct that shall govern the performance of its officers, employees or agents engaged in the awarding and administration of contracts. The code or standards shall provide for disciplinary actions to be applied for violations of the code or standards by the recipient's officers, employees, or agents.

B. The recipient's officers, employees or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or potential contractors. This is not intended to preclude bona-fide institutional fund raising activities.

C. No employee, officer, or agent of a nongovernmental recipient shall participate in the selection, award, or administration of a contract where, to his or her knowledge, any of the following has a financial interest in that contract:

1. the employee, officer, or agent;
2. any member of his or her immediate family;
3. his or her partner;
4. an organization in which any of the above is an officer, director, or employee; and
5. a person or organization with whom any of the above individuals is negotiating or has any arrangement concerning prospective employment.

D. The recipient shall follow the Louisiana Procurement Code for all purchases comprised of R.S. 39:1551 - 1771.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.6 and R.S. 36.477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, LR 21:

§1529. Monitoring

A. Monitoring by recipients. Recipients shall monitor the performance of grant supported activities. They shall review each program function, or activity to assure that adequate progress is being made towards achieving the goals of the grant. A performance report will be required quarterly to be submitted to LRS. A final performance report shall be due 30 days after the termination of the grant. The performance report shall conform to any instructions issued by LRS including:

1. a comparison of actual accomplishments to the goals established for the period;
2. the reasons for slippage if established goals were not met;
3. other pertinent information including, when appropriate, analysis and explanation of unexpectedly high overall or unit costs.

B. Performance Reports Under Construction Grants. Formal performance reports shall be required only if considered necessary by LRS.

C. Significant Developments Between Scheduled Reporting Dates. Between the scheduled performance reporting dates, events may occur which have significant impact upon the grant supported activity. In such cases, the recipient shall inform LRS as soon as the following types of conditions become known:

1. problems, delays or adverse conditions which will materially impair the ability to attain the objective of the

award. This disclosure shall be accompanied by a statement of the action taken, or contemplated, and any assistance needed to resolve the situation;

2. favorable developments which enable meeting time schedules and goals sooner or at less cost than anticipated.

D. Site Visits. Site visits will be made as necessary by LRS to:

1. review program accomplishments and management control systems;

2. provide such technical assistance as may be required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.6 and R.S. 36.477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, LR 21:

§1531. Retention And Access Requirements For Records

A. All financial and programmatic records, supporting documents, statistical records and other records of recipients under grants shall be retained for three years after expiration date of grant.

B. Equipment Records. The retention period for the equipment records starts from the date of the equipment disposition or replacement or transfer at the direction of LRS.

C. Records for Income Transactions After Grant. LRS' requirement concerning the disposition of program income will be satisfied by applying the income to costs incurred after expiration or termination of grant support for the activity giving rise to the income. The retention period for the records pertaining to the costs starts from the end of the recipients fiscal year in which the costs are incurred.

D. Access to Record. LRS, or any of their authorized representatives, shall have the right of access to any books, documents, papers, or other records of the grantee which are pertinent to the grant. This includes records of subgrantees, contractors and subcontractors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.6 and R.S. 36.477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, LR 21:

§1533. Programmatic Changes And Budget Revisions

A. When requesting a prior approval, grantees shall address their request to the responsible LRS grants officer. Approvals shall not be valid unless they are in writing and signed by the authorized LRS official. Within 30 days from the date of receipt of a request for approval, the approval authority shall review the request and notify the recipient of its decision.

B. Requirements For Prior Approval:

1. Changes to Project Scope or Objectives. The recipient shall obtain prior approval for any change to the scope or objectives of the approved project. (For construction projects any material change in approved space utilization or functional layout shall be considered a change in scope.)

2. Changes in Key People. The recipient of a grant shall obtain prior approval:

a. To continue the project during any continuous period of more than three months without the active direction of an approved project director.

b. To replace the project director (or any other persons named and expressly identified as key project people in the grant) or to permit any such people to devote substantially less

effort to the project than was anticipated when the grant was awarded.

3. Other Programmatic Changes. The following shall require prior approval except to the extent explicitly included in the project plan as approved by LRS at the time of the award: Transferring to a third party by contracting or other means, the actual performance of the substantive programmatic work. The term "substantive programmatic work" means activities which are central to carrying out the purpose of the project, and not merely incidental.

C. Budget Revisions. The recipient of a grant having an approved budget shall obtain prior approval for any budget revision which will:

1. involve transfer of amounts budgeted for indirect costs to absorb increases in direct costs;

2. involve transfer of amounts previously budgeted between budget categories;

3. result in a need for the award of additional funds.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.6 and R.S. 36.477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, LR 21:

§1535. Contract Provisions

A. All contracts shall contain sufficient provisions to define a sound and complete agreement.

B. Contracts shall contain suitable provisions for termination by Louisiana Rehabilitation Services.

C. Audit Requirements. Circular A-128 - Audits of State and Local Governments; Circular A-133 - Audits of Institutions of Higher Education and other Non-profit Institutions.

D. The grantee shall furnish LRS with three copies of an audit covering funds awarded under this contract. Such audit shall be conducted by an independent certified public accountant or the Legislative Auditor of the State of Louisiana. The audit shall be conducted with generally accepted auditing standards contained in the Governmental Auditing Standards - Standard for Audit of Government Organizations Programs Activities and Functions, issued by the United States General Accounting Office; P.L. 98-502 (Single Audit Act of 1984), the provisions of the Office of Management and Budget Circular A-128, audits of State and Local government. Non-profit organizations should refer to the Office of Management and Budget Circular A-133. The audit shall be sent within 30 days after the completion of the audit, but no later than six months after the termination of the grant/contract.

E. Federal Assurances. Grants contracts for construction, alteration, and/or repair in excess of \$2,000 must comply with the requirements of the Davis Bacon Act. (40 U.S.C. §276 A-7)

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.6 and R.S. 36.477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, LR 21:

§1537. Insurance

Recipients shall observe LRS's requirements and practices with respect to bonding and insurance as specified in contract agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.6 and R.S. 36.477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, LR 21:

§1539. Grant Closeout

A. Each grant shall be closed out as promptly as is feasible after termination. In closing out grants, the following shall be observed:

1. Upon request LRS shall promptly pay the grantee for any allowable reimbursable costs not covered by previous payments.

2. The grantee shall immediately refund any unobligated balance of cash advance to the grantee.

3. The grantee shall submit within 30 days of the date of termination, an financial, performance, and other reports required by the terms of the grant.

B. The closeout of a grant does not affect the retention period for, or LRS's rights of access to grant records. If a grant is closed out without audit, LRS retains the right to disallow and recover an appropriate amount after fully considering any recommended disallowances resulting from an audit which may be conducted later. The closeout of a grant does not affect the grantee's responsibilities with respect to property under §1519, or with respect to any program income for which the grantee is still accountable under §1517.

C. Violation Of Terms. When a grantee has materially failed to comply with the terms of a grant, LRS may suspend the grant in whole or in part. The notice of suspension will state the reasons for the suspension, any corrective action required of the grantee, and the effective date. Suspensions shall remain in effect until the grantee has taken corrective action satisfactory to LRS or given evidence satisfactory to LRS that such corrective action will be taken or until LRS terminates the grant. New obligations incurred by the grantee during the suspension period will not be allowed unless LRS expressly authorizes them in the notice of suspension or an amendment to it. Necessary and otherwise allowable costs which the grantee could not reasonably avoid during the suspension period will be allowed if they result from obligations properly incurred by the grantee before the effective date of the suspension and not in anticipation of suspension or termination.

D. Termination for Cause. LRS may terminate any grant in whole or in part, at any time before the date of expiration, whenever LRS determines that the grantee has materially failed to comply with the terms of the grant. LRS shall notify the grantee in writing of the determination and the reasons for the termination together with the effective date. (All notification for termination shall be given 30 days prior to the effective termination date.)

E. Termination on Other Grounds. Grants may also be terminated in whole or in part only as follows:

1. by LRS with the consent of the grantee, in which case the two parties shall agree upon the termination conditions, including the effective date and in the case of partial terminations, the portion to be terminated, or

2. by the grantee, upon written notification to LRS, setting forth the reasons for such termination, the effective date, and in the case of partial terminations, the portion to be terminated.

F. Termination Settlements. When a grant is terminated,

the grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. LRS will allow full credit to the grantee for the Federal share of the noncancelable obligations properly incurred by the grantee prior to termination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.6 and R.S. 36.477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, LR 21:

Public hearings will be conducted on February 27, 1995 in Shreveport at 10 a.m. and 3 p.m. in Alexandria. On March 1, 1995, the public hearing will be held in New Orleans beginning at 10 a.m. The hearing locations are as follows: Shreveport, at 1525 Fairfield; Alexandria, at 900 Murray Street; New Orleans, at 2026 St. Charles Avenue.

Individuals with disabilities who require special services should contact Louisiana Rehabilitation Services at least seven days prior to the hearing they wish to attend. For assistance call 504-925-4131 or 1-800-737-2958 or for Voice and TDD, 1-800-543-2099.

Interested persons may submit written comments by March 3, 1995, to May Nelson, Louisiana Rehabilitation Services, 8225 Florida Boulevard, Baton Rouge, LA 70806. She is responsible for responding to inquires regarding the proposed rule. The entire policy manual may be viewed at the address above; at any of the nine regional offices of the LRS; or at the Office of the State Register, 1051 North Third Street, Suite 512, Baton Rouge, LA 70802.

Gloria Bryant-Banks
Secretary

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is an estimated \$500,000 of expenditures that will be funded with self-generated funds.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is an estimated \$500,000 of self-generated revenue that will be collected.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There is no estimated cost or economic benefit.
- 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
9501#054

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Social Services Office of Rehabilitation Services

Voter Registration (LAC 67:VII.101)

In accordance with the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, the Department of Social Services, Louisiana Rehabilitation Services (LRS) proposes to revise its policy to allow for the provision of voter registration services to applicants and clients.

The purpose of this notice of intent is to advise of LRSs intent to adopt a rule to ensure that applicants/clients are afforded an opportunity to register to vote by mail.

Pursuant to the National Voter Registration Act of 1993 and Act 10 of the 1994 Third Extraordinary Session of the Louisiana Legislature, the department will provide to applicants/clients of LRSs programs the opportunity to register to vote. LRS is a designated voter registration agency.

In accordance with the guidelines of federal and state voter registration acts, regional offices shall provide to applicants and participants of these programs the opportunity to register to vote and shall further provide assistance to registrants as requested.

Regional offices shall accept and mail, or otherwise submit, state voter registration forms to their appropriate registrar of voters.

Title 67

SOCIAL SERVICES

Part VII. Louisiana Rehabilitation Services

Chapter 1. General Provisions

§105. Policy Manual

LRS Policy Manual provides opportunities for employment outcomes and independence to individuals with disabilities through vocational and other rehabilitation services. Its policy manual guides its functions and governs its actions within the parameters of federal law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.6 and R.S. 36:477.

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

A public hearing beginning at 10 a.m. will be conducted on February 24, 1994, in Baton Rouge, at LRSs State Office, 8225 Florida Boulevard.

Individuals with disabilities who require special services should contact Louisiana Rehabilitation Services at least seven working days prior to the hearing they wish to attend. For assistance call 504-925-4131 or 1-800-737-2958 or for Voice and TDD, 1-800-543-2099.

Interested persons may submit written comments by March 3, 1995, to May Nelson at the address below. She is responsible for responding to inquiries regarding the proposed rule.

Copies of the entire text of the revised policy manual may be obtained at Louisiana Rehabilitation Services headquarters, 8225 Florida Boulevard, Baton Rouge, LA, at each of its nine

regional offices, and at the Office of the State Register, 1051 North Third Street, Room 512, Baton Rouge, LA.

Gloria Bryant-Banks
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Voter Registration

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is an estimated \$1,500 needed for the printing of revised application forms.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect 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 is no estimated cost or economic benefit.
- 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
9501#040

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Transportation and Development Office of General Counsel

Sunshine Bridge and Statewide Ferries (LAC 70:I.513)

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 "Sunshine Bridge and Statewide Ferries—Exemption from Tolls—Students", in accordance with R.S. 17:157.

Title 70

TRANSPORTATION

Part I. Office of General Counsel

Chapter 5. Tolls

§513. Sunshine Bridge and Statewide Ferries

A. Purpose

In addition to free passage of students in clearly marked school busses as is now provided, any motorized vehicle operated by a student attending a school, which includes universities, colleges, and secondary schools, shall have free passage over the Sunshine Bridges, and statewide ferries during the hours of 6 a.m. through 9:30 a.m., and 2:30 p.m. through 9:30 p.m., for traveling to and from school.

B. Application

1. Students who are majors, or in the case of a minor student the legal parent or guardian, shall apply to the Office of the Sunshine Bridge or the district where the statewide ferry is located for each student for each school year, and shall certify to the following:

- a. the address of the student's domicile;
- b. the address of the school attended by the student;
- c. the student regularly operates a private vehicle to travel to and from school;
- d. the geographic location of the school in relation to the student's domicile requires travel across the facilities stated in the above paragraph pertaining to "Purpose".

2. The appropriate school official, the registrar of the college or university attended by the student, or the principal, headmaster, or administrator of the school attended by the student, shall certify on the application as to the enrollment of the student at the school and the length of the school year.

C. Vehicle Passes

1. Upon approval of an application, the appropriate Department of Transportation and Development office shall issue vehicle passes for use by the student.

2. The vehicle passes shall be for the personal use of the student, while operating a motor vehicle, and are not transferable.

3. The vehicle passes shall not be used for any other purpose than crossing the bridges or ferries for required attendance at school.

4. Lost, stolen, or damaged passes will not be replaced.

D. Loss of Privilege

Any prohibited use of student vehicle passes will result in the loss of the privilege to obtain and use passes and/or actions provided by law.

AUTHORITY NOTE: Promulgated in accordance with, R.S. 17:157(A).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of General Counsel, LR 21:

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 this notice of intent. Such comments should be submitted to Alan J. Lavesseur, Executive Director, Crescent City Connection, Department of Transportation and Development, Box 6297, New Orleans, LA 70174-6297, telephone (504)364-8100.

Jude W.P. Patin
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Sunshine Bridge and Statewide Ferries**

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

The implementation of this rule which will provide for free trips over the Sunshine Bridge and statewide ferries by student drivers will cost approximately [\$10,000 (Sunshine) \$5000 (ferries)] \$15,000. This amount will cover the printing of passes and forms.

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

The proposed rule will result in an increase in toll revenues at these locations because all students have been allowed free passage in the past. Now, only student drivers who attend universities, colleges and secondary schools are allowed free passage. However, a 50 percent reduction in tolls is now available to all users of the Sunshine Bridge and statewide ferries. Assuming that the students which would no longer be entitled to free passage would choose the discount rate, the revenue increase should be approximately \$3,000 per year.

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

The proposed rule will continue to save student drivers \$1/\$.50 per trip across the Sunshine Bridge and statewide ferries. Students who are not licensed drivers will have to pay.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will have no impact on competition or employment.

Jude W.P. Patin
Secretary
9501#044

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Transportation and Development

Utility Companies to Subscribe to Regional Notification Center Requirement (LAC 70:III.Chapter 17)

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 "Requirement for Utility Companies to Subscribe to Louisiana Regional Notification Center" in accordance with R.S. 48:381.

Title 70

TRANSPORTATION

Part III. Highways

Chapter 17. Requirement for Utility Companies to Subscribe to Louisiana Regional Notification Center

§1701. General

No underground facility shall be permitted within highway right-of-way under the jurisdiction of the Louisiana Department of Transportation and Development unless and until the facility owner subscribes to the services of the Louisiana Regional Notification Center as provided for in R.S. 40:1749. et. seq. This subscription must be continued throughout the duration of the permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 21:

§1703. Exceptions

A. Owners of utility distribution facilities serving less than 100 customers shall be exempt from the requirement of

subscription to the Regional Notification Center for purposes of installation in rights-of-way controlled by the Department of Transportation and Development.

B. The Department of Transportation and Development Headquarters Utility and Permit Engineer may exempt owners of utility distribution facilities within highway project limits when said owners are required to relocate their facilities in order to accommodate highway construction. This exemption shall be determined on a project-by-project basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 21:

§1705. Sanctions

Unless specifically exempted, each owner of utility distribution facilities who does not comply with the requirements set forth herein shall be unable to obtain a permit for activity within highway rights-of-way under the jurisdiction and control of the Department of Transportation and Development. This suspension of the permitting process may be lifted if the owner comes into compliance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 21:

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 this Notice of Intent to: John Collins, Utility and Permit Engineer, Department of Transportation and Development, Box 94245, Baton Rouge, LA 70804-9245, telephone (504)379-1509.

Jude W.P. Patin
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Requirement for Utility Companies to Subscribe to Regional Notification Center

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

There will be no additional cost to the Department of Transportation and Development. The Department of Transportation and Development has sufficient staff to implement this rule.

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

There will be no effect on revenue collections for the Department of Transportation and Development.

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

All parties affected are already required by law to members of a "call-before-you-dig" service, so there will be no increase in cost to nongovernmental groups. The cost to subscribe to the Louisiana Regional Notification Center is \$30 per month.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition or employment.

Jude W.P. Patin
Secretary
9501#024

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Treasury Board of Trustees of the State Employees Group Benefits Program

Plan Document—Payment of Benefits

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and R.S. 42:871(C) and 874(A)(2), vesting the Board of Trustees with the sole responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, notice is hereby given that the Board of Trustees intends to adopt the following amendments to the plan document in order to avoid disruption or curtailment of services to state employees and their dependents who are covered by the State Employees Group Benefits Program.

The purpose, intent, and effect of these amendments are:

1. to clarify that all prescription drugs and medicines dispensed by a licensed pharmacist or pharmaceutical company and not administered to a covered person as an inpatient hospital patient or as an outpatient surgical patient will be subject to the additional prescription drug deductible and will never be eligible for 100 percent reimbursement;

2. to add "angioplasty with or without stenting" as a condition for which cardiac rehabilitation therapy will be considered as an eligible expense;

3. to clarify the schedule of frequency for which a screening mammographic examination will be considered as an eligible expense; and

4. to clarify the schedule of frequency for which a routine physical examination by a physician will be considered an eligible expense.

The full text of this proposed rule may be viewed in its entirety in the emergency rule section of this issue of the *Louisiana Register*.

Interested persons may present their views, in writing, to James R. Plaisance, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m., Friday, February 24, 1995.

James R. Plaisance
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Plan Document—Payment of Benefits**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no implementation costs (savings) to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Revenue collections of state or local governmental units will not be affected.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There will be no costs and/or economic benefits to the plan members of the State Employees Group Benefits Program as these rule changes are being made to place in the plan document those procedures that are currently being followed in the processing of health claims.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
Competition and employment will not be affected.

James R. Plaisance
Executive Director
9501#021

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Treasury
Board of Trustees of the State Employees Group Benefits
Program**

Retiree 100 Rate Change

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and R.S. 42:871(C) and 874(A)(2), vesting the Board of Trustees with the sole responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, notice is hereby given that the Board of Trustees intends to adopt the following rule relative to the rate for Retiree 100 coverage in order to avoid disruption or curtailment of services to members of the State Employees Group Benefits Program who are enrolled for this optional coverage.

The purpose, intent, and effect of this rate adjustment is to reduce the amount paid by retirees for this optional coverage.

Effective immediately, the rate for the Retiree 100 coverage option with the State Employees Group Benefits Program (available only to retirees with Medicare) will be \$39 per person per month. There is no employer contribution for Retiree 100. The full premium is payable by the plan member/covered person.

Interested persons may present their views, in writing, to James R. Plaisance, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m., Friday, February 24, 1995.

James R. Plaisance
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Retiree 100 Rate Change**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no implementation costs (savings) to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Revenue collections by the State Employees Group Benefits Program will be reduced by \$17,200 per month as a result of this rule change.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
This rule change will reduce the cost of the Retiree 100 health care option from \$73.56 per person per month to \$39 per person per month. This health care option is "employee pay all" and will not affect funds appropriated for health and life insurance benefits.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
Competition and employment will not be affected.

James R. Plaisance
Executive Director
9501#020

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Treasury
Bond Commission**

Multi-family Housing Applications (HS2-1993) (LAC 71:III)

Whereas, the State Bond Commission (the "commission") has found it necessary to address the concerns of very low, low and/or moderate income families in multi-family housing units financed with tax exempt and/or taxable municipal bonds subject to the approval of the commission.

The commission hereby proposes to adopt the following rule which shall apply to all such applications submitted to the commission for new construction, acquisition and/or rehabilitation, or refunding of multi-family housing units.

Multi-family housing applications must include defined tenant benefit programs for those units set-aside for very low, low and/or moderate income families. Those applications that do not include evidence of such programs will not be docketed for consideration.

The staff of the State Bond Commission shall use the following criteria when evaluating defined tenant benefit programs.

A. Nonspecial Needs Multifamily Housing. A developer shall select at a minimum two of the seven options listed below for the set-aside units.

1. Material Rent Differentials. In order to be deemed material, a rent differential must satisfy the federal tax credit

guidelines which specify that rent for set-aside units should not exceed 30 percent of the imputed income limit for the set aside unit.

2. **Deposit Waivers and/or Application Fee Waivers.** Deposit or application fee waivers may be applied to either an application fee, a security deposit, or both.

3. **Rent Cap.** Rent caps may be applied which limit the dollar and/or percentage of increase in rent upon renewal of a lease. Such rent caps must be equal to or less than one-half the scheduled rent increase for such lease renewal.

4. **Rent Deferral.** Rent deferral programs would apply to those tenants which become unemployed during the term of their lease. Rent deferral programs can reschedule rent payments at reduced amounts or have a 100 percent deferral either until six months after the resident is no longer receiving unemployment compensation. This program may be funded with a reserve set aside for this specific purpose and clearly delineated in the bond documents.

5. **Educational Programs or Other Socialization Programs.** These programs may include literacy or tutorial programs, re-education assistance for the unemployed or other such assistance which would increase opportunities for the targeted income class.

6. **Day-care Related Programs.** These programs may either be located on site or subsidized off site day care centers. Programs may include after school care and/or supervision for the children of working parents.

7. **Other such benefit programs as may be proposed by the developer, such as:**

- a. tenant security programs;
- b. energy conservation programs.

B. **Special Needs Multifamily Housing.** The commission recognizes the development of special needs housing for the elderly, disabled, homeless, etc., is essential to the welfare of the citizens of the state. Therefore, the criteria for the defined tenant benefit program shall be based on the total package to be offered to the special needs group, including, but not limited to the following:

1. **Meals Programs.** Depending upon the special needs group targeted, this benefit can include one or more meals provided in a central dining area or some other meal program included as part of the total benefit package.

2. Transportation Assistance
3. On-site Health Services
4. House Keeping Services
5. Social Activities
6. Trained and Certified Staff
7. Rent Differentials

C. **Multifamily Housing in Qualified Redevelopment Areas.** The commission recognizes the importance of encouraging the redevelopment and/or revitalization of urban and inner city areas. Therefore, additional consideration will be given to the following:

1. **A Qualified Redevelopment Area.** A qualified redevelopment area shall be defined by the governing authority of the local jurisdiction and as approved by the State Bond Commission.

2. **Project Plan.** The project plan must include whether it is new construction or a redevelopment of an existing

property. The plan must also include a defined tenant benefit package if the project targets a special income class. If the project requires the relocation of current residents, the plan must show how the relocation will be addressed.

In all instances, the final decision as to the acceptance of the defined tenant benefit package shall rest with the commission. Inclusion of a defined tenant benefit package does not guarantee approval. Other factors will be considered including: the total financial package; other means of financing including historical and housing tax credits; the nature (for profit or nonprofit), experience and track record of the developer; and, the experience and track record of the proposed property manager.

A complete application must be filed with the Office of the State Bond Commission no later than 20 working days prior to the meeting date at which the application is to be considered in accordance with the rules of the commission.

Interested persons are invited to submit written comments on this proposed rule. Such comments should be submitted no later than Friday, February 17, at 4:30 p.m., to Rae Logan, State Bond Commission, Box 44154, Baton Rouge, LA, 70804.

Mary Landrieu
State Treasurer

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Amendment to Rule HS2-1993**

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

This amendment to HS2-1993 will not result in a cost or savings to state or local government units.

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

This amendment will not 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)

This amendment will provide better quality living for very low and moderate income families who reside in privately owned multi-family housing developments. Developers can access tax-exempt dollars.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no direct impact on competition and employment.

Rae W. Logan
Director
9501#057

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Treasury Bond Commission

Reimbursement Contracts

The Omnibus Bond Authorization Act, in order to facilitate the funding of capital improvements by certain governmental units and political subdivisions of the state, has authorized the issuance of general obligation bonds contingent upon the applicable management board, governing body or state agency entering into and executing a reimbursement contract with the State Bond Commission pertaining to the reimbursement payments and reimbursement reserve account payments for such projects.

The execution of such reimbursement contracts does not in any way affect, restrict or limit the pledge of the full faith and credit of the State of Louisiana to the payment of the general obligation bonds issued pursuant to the authority of such Act.

The State of Louisiana is obligated to the general obligation bondholder regardless of the existence of any reimbursement contracts between the state and any of its governmental units or political subdivisions, and likewise the governmental unit or political subdivision is obligated to make payment to the state of the money loaned under the reimbursement contracts, regardless of the current status of any general obligation bonds.

In some instances the prepayment of such reimbursement contracts can result in savings to such governmental units and political subdivisions, and to that end a clear and orderly process for entering into and prepaying reimbursement contracts will benefit both the state and the governmental units and political subdivisions utilizing such tax-exempt funds by insuring that funds are handled in such a manner as to maintain the tax-exempt status of any bonds issued in connection with the transaction. Therefore, the following is proposed as the policy of the Department of the Treasury, office of the State Bond Commission relative to reimbursement contracts:

Title 71

TREASURY

Part III. Bond Commission

1. Any governmental entity or political subdivision borrowing money from the proceeds of a state general obligation bond issue shall, at the time the money is borrowed from the state, enter into a reimbursement contract as provided in the Omnibus Bond Authorization Act pursuant to which the bonds were issued, which reimbursement contract shall provide for the terms and conditions under which these funds shall be repaid by the governmental entity or political subdivision. At the time a reimbursement contract is executed for the underlying tax-exempt obligation, an IRS Form 8038G or Form 8038GC shall be prepared by the attorney general and shall be executed by the recipient of the bond proceeds.

2. Any governmental unit or political subdivision which has entered into a reimbursement contract shall be allowed to prepay the reimbursement contract if the prepayment would result in a minimum net present value savings in accordance

with Schedule A. In addition, all of the other conditions of this policy and procedure must be met in order to qualify for prepayment.

3. A governmental unit or political subdivision wishing to prepay a reimbursement contract shall make such request in writing to the office of the State Bond Commission. The staff shall determine the amount due for prepayment, including principal and interest due plus the redemption premium, if any, and less the amount of any reimbursement reserves.

4. The staff of the office of the State Bond Commission shall then send written notification to the chief financial officer or other appropriate official for the entity requesting prepayment setting forth the amount owed for prepayment. Copies of the notice shall be forwarded to the fiscal officer of the Department of the Treasury, the attorney general, and the Division of Administration. The chief financial officer or other official to whom the notice is sent shall verify in writing that they concur with the figures submitted in the written notice.

5. If application is made to the State Bond Commission for the issuance of refunding bonds, the proceeds of which are to be used for the prepayment of a reimbursement contract, a copy of the notification submitted pursuant to Section 4 above must be attached to the application. Upon receipt of such an application, the state debt analyst shall be immediately notified. The total amount due in order to prepay the reimbursement contract must be verified by the state debt analyst and made a part of the file. Once the amounts have been verified the usual procedure for approval of bond applications shall be followed.

6. After the recipient's refunding bonds have been sold, the applicant must contact the office of the State Bond Commission to arrange payment of the reimbursement contract. Prepayments must be accompanied by a certificate of the chief financial officer or bond counsel for the prepaying entity attesting to the correct arbitrage yield on the refunding bonds.

7. Upon delivery of the prepayment check, the state debt analyst shall fill out the Parish and Local Government Reimbursement Contract Prepayment Receipt Log showing receipt of the money, where it is to be deposited and whether it is to be yield restricted to the rate of arbitrage yield certified to by the bond counsel for the prepaying entity (in the case of prepayments funded by a tax-exempt bond issue) or to the rate of the state bond issue (in the case of prepayments not funded with the proceeds of a tax-exempt bond issue, such as those funded from tax revenues or user fees). The proceeds received as prepayment of reimbursement contracts shall be deposited by the Fiscal Office, Department of the Treasury, into the State Treasury in accordance with the designation shown on the form and shall be placed in the Capital Outlay Escrow Fund. Such funds shall be yield restricted as indicated above or yield reduction payments shall be made as necessary until such funds are expended in accordance with law. All interest earnings on such funds shall remain in the Capital Outlay Escrow Fund and shall be restricted to the same yield as the original prepayment deposit or yield reduction payments shall be made as necessary until all such earnings are expended along with the principal prepayment amount.

8. Upon deposit of the prepayment proceeds, the Fiscal Control Section of the Department of the Treasury shall notify the Division of Administration that funds are now available to be used in accordance with the Capital Outlay Bill for the current fiscal year. Such notification shall include a copy of the Reimbursement Prepayment Receipt Form.

9. The Division of Administration shall notify the Fiscal Control Section of the Department of Treasury when these funds have been allocated to a particular project. Such notification shall include the name of the project and the amount allocated.

THE APPROPRIATE THRESHOLD OF SAVINGS THAT SHOULD EXIST FOR AN ECONOMIC REFUNDING:

Months To Call	Minimum Present Value Savings To Refund
0 — 12	Net Present Value Savings > 0
13 — 24	Net Present Value Savings > 1.5%
25 — 48	Net Present Value Savings > 3.0%
> 48	Net Present Value Savings > 5.0%

CHECKLIST FOR COMPLIANCE WITH POLICY AND PROCEDURES FOR PREPAYMENT OF REIMBURSEMENT CONTRACTS

1. Name of entity _____
2. Identifying information on reimbursement contract
 Name _____
 Series _____ Issue Date _____
 Amount of Original Issue _____
 Principal and Interest Payment Dates: P _____ I _____
3. IRS Form 8038G or 8038GC executed? Yes _____ No _____
4. Net present value savings _____
5. Date request for prepayment approval received _____
6. Forwarded to State Debt Analyst II (date) _____
7. Cost of prepayment:
 - a. Principal \$ _____
 - b. Interest \$ _____
 - c. Redemption premium, if any \$ _____
 - d. Less Reserves \$ _____
 - e. Total amount due for prepayment \$ _____
8. Request for verification forwarded to Chief Financial Officer _____
 (Copies to Division of Administration; Attorney General; Fiscal Control Section)
9. Verification received from Chief Financial Officer _____
10. Prepayment received on (date) _____
11. Arbitrage yield certificate attached Yes _____ No _____
12. Reimbursement Prepayment Receipt Form completed _____
13. Funds deposited into Capital Outlay Escrow Account on _____
14. Yield restricted to rate of _____
15. Division of Administration notified of deposit on _____

CHECKLIST FOR BOND APPLICATIONS WHEN BOND PROCEEDS ARE TO BE USED FOR PREPAYMENT OF REIMBURSEMENT CONTRACTS

1. Name of entity _____
2. Identifying information on reimbursement contract to be prepaid with bond proceeds
 Name _____
 Series _____ Issue Date _____
 Amount of Original Issue _____
 Principal and Interest Payment Dates: P _____ I _____
3. State Debt Analyst notified of bond application (date) _____
4. Verification of prepayment amount received from SDA (date) _____

NOTIFICATION OF AMOUNT DUE FOR PREPAYMENT OF REIMBURSEMENT CONTRACT

YOU ARE HEREBY NOTIFIED THAT THE OFFICE OF THE STATE BOND COMMISSION HAS RECEIVED YOUR REQUEST FOR PREPAYMENT OF THE FOLLOWING REIMBURSEMENT CONTRACT:

1. Name of entity _____
2. Identifying information on reimbursement contract to be prepaid with bond proceeds
 Name _____
 Series _____ Issue Date _____
 Amount of Original Issue _____
 Principal and Interest Payment Dates: P _____ I _____

A REVIEW OF OUR RECORDS INDICATES THAT THE FOLLOWING AMOUNTS ARE DUE IN ORDER TO PREPAY THE REIMBURSEMENT CONTRACT ON OR BEFORE THE FOLLOWING DATE _____

Cost of prepayment:

- a. Principal \$ _____
- b. Interest \$ _____
- c. Redemption premium, if any \$ _____
- d. Less Reserves \$ _____
- e. Total amount due for prepayment \$ _____

IF YOU CONCUR WITH THE ABOVE FIGURES, SIGN AND RETURN THE ORIGINAL OF THIS NOTICE TO THE ADDRESS SHOWN ABOVE. IF YOU DISAGREE WITH THE ABOVE FIGURES, CONTACT THE FOLLOWING PERSON AT THE STATE BOND COMMISSION:

 State Debt Analyst

 Chief Financial Officer

**PARISH AND LOCAL GOVERNMENT
REIMBURSEMENT CONTRACT PREPAYMENT
RECEIPT LOG**

NOTICE OF INTENT

**Department of Wildlife and Fisheries
Office of Fisheries**

Commercial Fisherman's Sales Card; Dealer Receipt Form
(LAC 76:VII.201)

The secretary of the Department of Wildlife and Fisheries hereby expresses intent to amend the full implementation date of the Dealer Receipt Form from January 1, 1995 to January 1, 1996.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 2. General Provisions

§201. Commercial Fisherman's Sales Card; Dealer Receipt Form

* * *

F. Effective date of Subsections A and B of this Section is upon publication in the *Louisiana Register*. Effective date for Subsections C, D and E of this Section will be January 1, 1996.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:303.7(B) and 306.4(E).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR 18:81 (January 1992), repromulgated LR 18:198 (February 1992), amended LR 20:323 (March 1994), amended Department of Wildlife and Fisheries, Office of Fisheries, LR 21:

Interested persons may submit written comments on the proposed amendment before February 28, 1995, to: Joseph Shepard, Programs Manager, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

Joe L. Herring
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Dealer Receipt Form**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation costs for fiscal year 95/96 are expected to be approximately \$534,701. The cost is a result of extending the implementation date to fiscal year 95/96.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There should be no effect.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There should be no effect.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There should be no effect.

Fredrick J. Prejean, Sr.
Undersecretary
9501#012

David W. Hood
Senior Fiscal Analyst

1. Name of prepaying entity _____
2. Identifying information on reimbursement contract to be prepaid
Name _____
Series _____ Issue Date _____
Amount of Original Issue _____
Principal and Interest Payment Dates: P _____ I _____
3. Check No. _____
4. Dated _____
5. Amount Received _____
6. Date Received _____
7. Deposited into: _____
(Account Name)
8. Yield restricted or yield reduction payments owed in accordance with the following rates:
Rate of arbitrage yield for prepaying entity _____
Rate of arbitrage yield for state bond issue _____
9. Source of Funding
a. Local Bond Issue? _____
b. Tax-Revenue? _____

Interested persons are invited to submit written comments on this proposed rule. Such comments should be submitted no later than Friday, February 17 at 4:30 p.m. to Rae Logan, State Bond Commission, Box 44154, Baton Rouge, LA, 70804.

Mary L. Landrieu
State Treasurer

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
An interest savings to local government may result from the prepayment of their reimbursement agreements.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Local governments interest savings could result in an increase in cash flow from the funds dedicated to pay the state reimbursement. The state will realize a return of bond proceeds to recycle into new projects.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
The savings realized because of interest savings could be passed on to the taxpayers.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no direct impact on competition and employment.

Rae W. Logan
Director
9501#058

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Wildlife and Fisheries
Office of Fisheries**

**Commercial Fisherman's Sales Report Form
(LAC 76:VII.203)**

The secretary of the Department of Wildlife and Fisheries hereby expresses intent to amend the full implementation date of the Commercial Fisherman's Sales Report Form from January 1, 1995 to January 1, 1996.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 2. General Provisions

§203. Commercial Fisherman's Sales Report Form

* * *

D. The effective date of this Section is January 1, 1996.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:345(B).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR 18:82 (January 1992), repromulgated LR 18:198 (February 1992), amended LR 20:323 (March 1994), amended Department of Wildlife and Fisheries, Office of Fisheries, LR 21:

Interested persons may submit written comments on the proposed amendment before February 28, 1995, to: Joseph Shepard, Programs Manager, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

Joe L. Herring
Secretary

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

RULE TITLE: Commercial Fisherman's Sales Report Form

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation costs for fiscal year 95/96 are expected to be approximately \$10,400. The cost is a result of extending the implementation date to fiscal year 95/96.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There should be no effect.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There should be no effect.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There should be no effect.

Fredrick J. Prejean, Sr.
Undersecretary
9501#011

David W. Hood
Senior Fiscal Analyst

ADMINISTRATIVE CODE UPDATE

**CUMULATIVE ADMINISTRATIVE CODE UPDATE
January, 1994 through December, 1994**

LAC Title	Part.Section	Effect	Location LR 20 Month Page
1	I.501	Amended	Jun 657
4	V.1525-1565	Repealed	May 512
	V.Chapter 41	Repromulgated	Apr 374
	VII.125	Amended	Jan 29
	VII.905,911	Amended	Jan 48
	VII.915	Adopted	Mar 294
	VII.1239	Amended	May 543
	VII.1243	Repromulgated	Jan 48
7	V.1735	Adopted	Jul 782
	XIII.Chapter 87	Amended	Jun 642
	XIII.8725	Amended	Nov 1257
	XXI.Chapter 117	Amended	Apr 405
	XXI.11765	Amended	Nov 1257
	XXI.11771	Amended	Aug 863
	XXI.11775	Amended	Nov 1258
	XXI.11776	Amended	Nov 1258
	XXIII.Chapter 131	Amended	Jun 641
	XXV.Chapter 141	Amended	Jun 644
	XXVII.14727	Repromulgated	Feb 154
	XXIX.Chapter 151	Amended	Jun 639
	XXIX.15111	Amended	Feb 153
	XXXI.Chapter 161	Amended	Apr 398
	XXXV.17502	Repromulgated	Jan 28
	XXXIX.20101	Amended	Apr 408
	XLIII.Chapter 311	Adopted	Apr 393
10	IX.301,303	Adopted	Oct 1093
	XV.301-321	Amended	Feb 154
	XV.303	Repromulgated	Mar 280
	XV.Chapter 9	Adopted	Apr 412
	XV.1133	Adopted	Oct 1095
	XIX.321	Amended	Feb 199
13	I.723,725,727	Repealed	Feb 160
	I.Chapter 15	Amended	Aug 864
16	I.101	Adopted	Apr 438
22	I.Chapter 3	Adopted	Jan 58
	IX.Chapters 1-4	Amended	Jul 786
	XIII.Chapters 1-5	Adopted	May 537
25	I.Chapter 1	Amended	Apr 409
	III.103	Amended	Jul 783
	III.105	Amended	Jul 784

28	I.111	Amended	Jun 648		XV.102	Amended	Jun 649
	I.111	Amended	Sep 998		XV.Chapter 3	Amended	Feb 178
	I.313	Amended	Nov 1262		XV.Chapters 4,5,10	Amended	Jun 653
	I.901	Adopted	Nov 1261		XV.575	Amended	Sep 999
	I.902	Repromulgated	Jun 647		XV.578, 579	Adopted	Sep 1000
	I.903	Amended	Feb 162				
	I.903	Amended	Mar 282	34	III.201	Amended	Feb 185
	I.903	Amended	Mar 285		III.701	Amended	Jan 47
	I.903	Repromulgated	May 536		V.103	Amended	May 542
	I.906	Amended	Apr 416	35	I.1709	Adopted	Feb 160
	I.912	Adopted	Oct 1097		I.1503	Repealed	Jun 645
	I.917	Repromulgated	Jan 28		I.1722	Repealed	Jun 645
	I.917	Amended	Aug 870		IX.9503	Amended	Jun 644
	I.920	Repromulgated	Jun 646				
	I.920	Amended	Dec 1369	37	III.711,713	Amended	Apr 432
	I.921	Amended	Nov 1260				
	I.921	Amended	Nov 1262	40	I.Chapter 21	Amended	Nov 1295
	I.933	Amended	Nov 1262		I.2142,2133	Committee Report	Dec 1455
	I.939	Adopted	Aug 870		I.Chapters 25-53	Amended	Nov 1298
	I.1709	Amended	Jun 647		VII.103	Amended	Aug 897
	V.Chapter 3	Amended	Aug 871				
31	II.Chapter 5	Amended	Dec 1372	42	I.1785,1789	Amended	Apr 448
					XIII.704	Adopted	Jun 672
					XIII.709	Amended	Jun 672
33	I.3905-3931	Amend/Repromul	Feb 181				
	III.223	Amended	Apr 421	43	XIII.Chapters 1-29	Amended	Apr 442
	III.223	Amended	Nov 1263		XV.Chapters 1-73	Amended	Apr 447
	III.501	Amended	Nov 1280		XIX.1101-1105	Amended	Oct 1127
	III.501-533	Amended	Dec 1374		XIX.3701-3709	Amended	Oct 1126
	III.919	Amended	Oct 1101				
	III.1319	Repealed	Oct 1098				
	III.1401-1415	Adopted	Nov 1268	46	I.1101	Repromulgated	Nov 1259
	III.1431-1499	Adopted	Nov 1278		I.1105	Amended	May 534
	III.1951-1973	Adopted	Nov 1263		I.Chapters 1-15	Amended	Sep 995
	III.2103	Amended	Dec 1376		III.1503	Adopted	Dec 1367
	III.2116	Adopted	Oct 1106		III.2103,2105	Repealed	Dec 1367
	III.2116	Repromulgated	Nov 1279		III.2501	Adopted	Dec 1367
	III.2117	Amended	Mar 289		V.2801	Adopted	Apr 415
	III.2120	Adopted	May 537		V.3303	Amended	May 535
	III.2122	Adopted	Oct 1102		V.3303	Repromulgated	Jun 645
	III.2122	Repromulgated	Nov 1279		XXI.511	Adopted	Sep 997
	III.2201-2205	Adopted	Feb 162		XXI.603	Amended	Apr 412
	III.2203	Repromulgated	Mar 288		XXIII.Chapter 1-9	Amended	Jun 656
	III.2501,2511,2521	Adopted	Oct 1098		XXVII.310	Adopted	Apr 433
	III.2531	Adopted	Oct 1107		XXXIII.301	Amended	Jun 657
	III.Chapter 6	Adopted	Aug 873		XXXIII.506	Adopted	Jun 662
	III.611	Adopted	Aug 881		XXXIII.Chapter 15	Adopted	Jun 658
	III.Chapter 27	Amended	Jun 649		XXXIII.Chapter 16	Adopted	Jun 661
	III.Chapter 31	Amended	Mar 289		XXXVII.709	Adopted	Dec 1378
	III.5139	Adopted	May 536		XXXVII.1107	Amended	Feb 191
	III.5151	Amended	Nov 1277		XXXVII.1107	Amended	Dec 1380
	III.5191	Repealed	Oct 1098		XLIII.703,704	Amended	Aug 864
	III.Chapter 53	Adopted	Apr 430		XLIV.Chapters 1-63	Adopted	Sep 1002
	III.Chapter 59	Adopted	Apr 421		XLIV.Chap. 1-63	Repromulgated	Oct 1111
	V.10303,10305	Amended	Jan 58		XLV.Chapter 19	Amended	Sep 1002
	V.Chapters 1-43	Amended	Oct 1109		XLV.3501-3543	Adopted	Nov 1284
	V.Chapter 301	Amended	Apr 439		XLV.Chapter 42	Adopted	Oct 1111
	V.Chapters 1-49	Amended	Sep 1000		XLIX.301-305	Amended	Jul 790
	VII.Chapters 151-163	Amended	Jun 654		XLIX.503-511	Amended	Jul 789
	VII.721-725	Amended	Sep 1001		XLIX.711	Amended	Oct 1110
	VII.Chapter 105	Amended	Sep 1001		XLIX.701	Amended	Jul 790
	IX.1123	Amended	Apr 431		XLIX.905,907,1101	Amended	Jul 788
	IX.Chapter 11	Amended	Aug 883		XLIX.1101	Amended	Oct 1110
	XI.301	Amended	Mar 294		XLVII.306	Repeal/Repromul	Jun 663

	XLVII.307	Adopted	Jun 665
	XLIX.1107	Amended	Sep 1002
	LVI.101	Adopted	Aug 868
	LX.Chapter 21	Amended	May 544
	LXI.105	Amended	Aug 901
	LXXXV.103,803	Amended	Dec 1380
	LXXXV.1005	Amended	Dec 1380
	LXXXV.505	Amended	Oct 1114
	LXXXV.Chapter 7	Amended	Dec 1381
	LXXXV.700	Amended	Jun 666
	LXXXV.704	Adopted	Jun 666
48	I.2109	Amended	Nov 1295
	I.2301	Amended	Mar 307
	I.2315-2323	Adopted	Feb 193
	I.2371-2395	Adopted	Jun 669
	I.2400-2428	Adopted	Aug 895
	I.2430	Adopted	Oct 1126
	I.3903	Amended	Aug 895
	I.Chapter 49	Adopted	Aug 885
	I.Chapter 53	Amended	Apr 450
	I.Chapter 53	Adopted	Oct 1130
	I.Chapter 137	Adopted	Sep 1010
	I.17101-17125	Adopted	Apr 434
	V.6303	Amended	Dec 1386
	V.12315	Adopted	Dec 1382

	XI.1309	Adopted	Jun 667
55	III.127	Adopted	Oct 1128
	VII.317	Amended	Jun 671
	VII.701	Adopted	Jun 671
	IX.107,113	Amended	Dec 1400
	IX.137,153	Repealed	Dec 1402
	IX.157,161	Repealed	Dec 1402
	IX.163-181	Adopted	Dec 1402
	IX.Chapters 3,5	Repealed	Dec 1404
	IX.Chapters,7,9,11	Repealed	Dec 1405
	IX.1225	Adopted	Dec 1405
	IX.Chapter 13	Repealed	Dec 1405

61	I.2903	Amended	Oct 1129
	I.2903	Repromulgated	Nov 1299
	I.4307	Amended	Mar 316
	I.4910	Amended	Jun 673
	I.5301	Adopted	Feb 197
	V.Chapters 1-35	Amended	Feb 198

67	I.Chapter 1	Amended	Apr 459
	I.101,107	Amended	Jul 794
	I.101-103	Amended	Aug 899
	III.1503	Amended	Sep 1019
	III.2005	Amended	Aug 899
	III.2801,2802	Amended	Apr 449
	III.2902	Amended	Feb 199
	III.2916	Amended	Jul 793
	III.2916	Amended	Oct 1130
	III.6501,6502	Amended	Apr 449
	V.1103	Amended	Feb 198
	V.401	Adopted	Aug 898
	V.3503	Amended	Aug 898
	VII.101	Amended	Mar 317
	VII.1501	Amended	Jun 673

	70	I.Chapter 1	Adopted	Jul 795
		I.509	Adopted	Jul 795
		III.Chapter 13	Adopted	Mar 317
		III.1501,1503	Adopted	Mar 318
		III.1503	Amended	Sep 1019
	73	I.309,311,313	Amended	Apr 463
		I.561,571	Amended	Apr 463
		I.901	Adopted	Mar 318
	76	V.701	Amended	Mar 321
		VII.101	Adopted	Oct 1135
		VII.149	Amended	Jul 796
		VII.171	Adopted	Jul 797
		VII.175	Adopted	Nov 1300
		VII.201	Amended	Mar 323
		VII.203	Amended	Mar 323
		VII.335	Amended	Jul 797
		VII.903	Amended	Sep 1022
		XV.173	Adopted	Oct 1135

POTPOURRI

POTPOURRI

Department of Environmental Quality Office of Air Quality and Radiation Protection

Pointe Coupee Parish Redesignation

Under the authority of the Louisiana 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 a change in the "State Implementation Plan" for ozone abatement procedures has been initiated as follows:

Redesignation of Pointe Coupee Parish to ozone attainment status is being proposed by Louisiana. Pointe Coupee Parish was previously designated as serious. Guidelines provided to the state by EPA were followed in preparing the 1979 submittal with the result that the Revised State Implementation Plan was approved by EPA. Sufficient improvement in ozone monitoring data in this parish has been shown in the intervening years to qualify for attainment status. In addition, to nonattainment redesignation, we are requesting a change in the nonattainment boundary for the Baton Rouge area.

The public hearing to receive comments on this proposed redesignation previously scheduled for 7 p.m. on Wednesday, January 25, 1995, has been canceled and rescheduled for 7 p.m. on Friday, February 24, 1995, in the Pointe Coupee Parish Police Jury Meeting Room, 160 E. Main Street, New Roads, LA.

Interested persons are invited to attend and submit oral comments on the proposal. All interested persons are also invited to submit written comments concerning the SIP change. Such comments should be submitted no later than

March 3, 1995, to Annette Sharp, LDEQ, at the following address: Air Quality Regulatory Division, Box 82135, Baton Rouge, LA, 70884-2135. Telephone: (504)765-0914. A copy of the SIP changes may be viewed from 8 a.m. to 4:30 p.m., Monday through Friday, at:

- (1) DEQ Headquarters, Air Quality Regulatory Division, 7290 Bluebonnet, Second Floor, Baton Rouge, LA;
- (2) State Library of Louisiana, the Louisiana Section, 760 North Third Street, Baton Rouge, LA; or,
- (3) DEQ Capital Regional Office, 11720 Airline Highway, Baton Rouge, LA.

The redesignation package is also distributed to 25 other depository libraries throughout the state, which includes the East Baton Rouge Parish Library, 7711 Goodwood Boulevard, Baton Rouge, LA, the LSU Hill Memorial Library, Baton Rouge, LA, and the Southern University Law Library, Baton Rouge, LA. Please contact those libraries for viewing times.

Gus Von Bodungen
Assistant Secretary

9410#060

POTPOURRI

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

Lead Hazard Reduction, Licensure, Certification
(LAC 33:III.Chapter 28) (AQ100)

The Department of Environmental Quality, Office of Air Quality and Radiation Protection is announcing the withdrawal of the previously proposed rule, AQ100. This regulation was referenced in the November 20, 1994 *Louisiana Register*. The rule has been withdrawn because of the subsequent publication of EPA's proposed lead rule, which will be incorporated into the state rule. The department will propose this rule again at a later date.

James H. Brent, Ph.D
Administrator

9501#061

POTPOURRI

**Office of the Governor
Division of Administration
Office of Community Development**

State Consolidated Plan—HUD Funding

Under new regulations from the U.S. Department of Housing and Urban Development (HUD), state agencies administering certain HUD funded programs shall incorporate their planning processes into one master state plan called the

Consolidated Plan. This plan shall comprehensively describe in one document the state's intentions for use of allocated federal funds for community planning and development programs, as well as for housing programs.

State agencies participating in this consolidated planning process include the Division of Administration/Office of Community Development - Small Cities Community Development Block Grant Program, the Louisiana Housing Finance Agency - HOME Affordable Housing Program, the Department of Social Services/Office of Community Services - Emergency Shelter Grants Program, and the Department of Health and Hospitals/HIV Program Office - Housing Opportunities for People with AIDS Program. As authorized by Executive Order EWE 94-35, the Division of Administration/Office of Community Development is the state agency responsible for coordinating the planning process and for submission of the Consolidated Plan to HUD on behalf of the state.

The development of the plan requires active community and citizen participation. The state agencies responsible for implementation of the plan will conduct public meetings to inform, solicit input and to present a draft version of the Consolidated Plan for public comment before its submission to HUD. Following are brief descriptions of the involved programs, the schedule of public meetings, and program contact persons for further information about the Consolidated Plan.

**Small Cities Community Development Block
Grant Program (CDBG)**

[FY 95 Estimated funds: \$38,941,000]

The CDBG Program provides financial assistance to parishes of less than 200,000 population and small municipalities (population under 50,000) in their community development efforts to provide a suitable living environment, decent housing, essential community facilities and expanded economic opportunities. Eligible activities include community infrastructure systems such as water, sewer and street improvements, housing rehabilitation, and economic development assistance in the form of grants and loans. Funding is for projects that principally benefit persons of low and moderate income.

For further information about the Small Cities CDBG Program call Dotty Tapscott at (504) 342-7412, or write to the Office of Community Development, Box 94095, Baton Rouge, LA 70804-9095.

HOME

Affordable Housing Program

[FY 95 Estimated funds: \$12,599,000]

The objectives of the HOME program are: To expand the supply of decent and affordable housing, particularly rental housing, for low and very low-income Americans, to stabilize the existing deteriorating homeowner-occupied and rental housing stock through rehabilitation, to provide financial and technical assistance to recipient/subrecipients, including the development of model programs for affordable low-income housing, and to extend and strengthen partnerships among all levels of government and the private sector, including for-profit and nonprofit organizations, in the production and operation of affordable housing.

POTPOURRI

Department of Natural Resources
Office of Conservation

Orphaned Oilfield Sites

Office of Conservation records indicate that the Oilfield Sites listed in the table below have met the requirements as set forth by Section 91 of Act 404, R.S. 30:80 et seq., and as such are being declared Orphaned Oilfield Sites.

Operator	Field	Well Name	Well Number	Serial Number
Alliance Operating Corp.	Breton Sound Block 53	SL 8342	001	168526
Alliance Operating Corp.	Breton Sound Block 53	SL 8342	002	174637
Alliance Operating Corp.	Breton Sound Block 53	SL 8342	003	205071
Bethlan Production Corp.	Dehlco	Pendleton	001	178058
Bethlan Production Corp.	Monroe	J 2 Ranch	006	171638
Bethlan Production Corp.	Monroe	J 2 Ranch	007	171639
Bethlan Production Corp.	Monroe	Osterland	004	172342
Bethlan Production Corp.	Monroe	Osterland	005	172343
Bethlan Production Corp.	Monroe	Osterland	001	172363
Bethlan Production Corp.	Monroe	Osterland	006	172364
Bethlan Production Corp.	Monroe	Osterland	008	172550
Bethlan Production Corp.	Monroe	Osterland	007	172551
Bethlan Production Corp.	Monroe	Osterland	002	172552
Bethlan Production Corp.	Monroe	Osterland	003	172804

For further information about the HOME Program, contact Edgar Carrere, Louisiana Housing Finance Agency, Phone: (504) 342-1320, or write to LHFA, 200 Lafayette Street, Suite 300, Baton Rouge, LA 70801.

Emergency Shelter Grants Program (ESGP)
[FY 95 Estimated funds: \$1,689,000]

The purpose of the ESG Program is to help local governments and community organizations to improve and expand shelter facilities serving homeless individuals and families, to meet the costs of operating homeless shelters, to provide essential services, and to perform homeless prevention activities. For more information about the ESGP, contact Keyth Devillier at (504)342-2277, Box 3318, Baton Rouge, LA 70821.

Housing Opportunities for People with AIDS (HOPWA)
[FY 95 Estimated funding: \$804,000]

The purpose of the HOPWA Program is to provide localities with the resources and incentives to devise and implement long-term comprehensive strategies for meeting the housing needs of persons with acquired immune-deficiency syndrome (AIDS) or related diseases and their families. For more information, contact Kim Winder, HIV Program Office, at (504) 568-7474, 1542 Tulane Avenue, New Orleans, LA 70112.

Public hearings on the state's Consolidated Plan for HUD funding will be held on Thursday, February 9, 1995, at 2 p.m. and 7 p.m. at the Pineville City Hall, 910 Main Street, Pineville, LA, and on Wednesday, February 15, 1995, at 2 p.m. and 7 p.m. at the State Police Academy Auditorium, 7901 Independence Boulevard, Baton Rouge, LA.

Written comments on the proposed plan may be submitted beginning February 6 and will be accepted until March 10, 1995, to the Office of Community Development, State Capitol Annex, Box 94095, Baton Rouge, LA 70804-9095.

Raymond Laborde
Commissioner of Administration

9501#064

Bethlan Production Corp.	Monroe	Osterland	009	173382
Bethlan Production Corp.	Monroe	Osterland	010	173384
Bethlan Production Corp.	Monroe	Lucas et al	001	175049
Bethlan Production Corp.	Monroe	Lucas et al	002	175050
Bethlan Production Corp.	Monroe	Lucas et al	004	175109
Bethlan Production Corp.	Monroe	Lucas et al	003	175110
Bethlan Production Corp.	Monroe	Mae Powell	001	175269
Bethlan Production Corp.	Monroe	Mae Powell	002	175270
Bethlan Production Corp.	Monroe	Fiddler	001	175273
Bethlan Production Corp.	Monroe	J 2 Ranch B	001	177667
Bethlan Production Corp.	Monroe	J 2 Ranch B	003	178212
M. R. Byerley	Caddo Pine Island	Byerley	001	086045
M. R. Byerley	Caddo Pine Island	Byerley	002	091112
D-P Enterprises	Erath	Broussard RB SUA; Isarel	001	065083
D-P Enterprises	Erath	DER RA SUB; Isarel	001-D	067287
East Texas Royalty Corp.	Big Creek	Charles D Ware	001	175196
East Texas Royalty Corp.	Big Creek	Charles D Ware	002	175444
East Texas Royalty Corp.	Big Creek	Charles D Ware	003	175445
F & D Oil Company	Homer	Gill	001	201536
GDR Company	Monroe	J-2 Ranch	003	189449

Genesis Energy Corp.	Red River-Bull Bayou	R F Marston	002	077673
Genesis Energy Corp.	Red River-Bull Bayou	R F Marston	033	155982
Genesis Energy Corp.	Red River-Bull Bayou	R F Marston	031	156017
Genesis Energy Corp.	Red River-Bull Bayou	R F Marston	032	156078
Genesis Energy Corp.	Red River-Bull Bayou	R F Marston	034	165595
Global Industries	Monroe	Mashaw	001	178194
Harry Hanburg	Shreveport	Feist et al	001	022290
F. E. Hargraves & Sons Drig. Co., Inc.	Minden	Crisler	001	102303
J & A Oil Company	Caddo Pine Island	Fuller	001	186391
J & A Oil Company	Caddo Pine Island	Fuller	002	186392
J & A Oil Company	Caddo Pine Island	Fuller	003	186393
J & A Oil Company	Caddo Pine Island	Fuller	004	188874
J & A Oil Company	Caddo Pine Island	Fuller	005	199826
J & A Oil Company	Caddo Pine Island	Fuller	006	199827
J & A Oil Company	Caddo Pine Island	Fuller	007	199828
J & A Oil Company	Caddo Pine Island	Fuller SWD	001	971601
Johnson & Johnson Operating Inc.	Grogan	Boise Southern	005	185254
Johnson & Johnson Operating Inc.	Pleasant Hill	Tarver	001	211132
Johnson & Johnson Operating Inc.	San Miguel Creek	LAF RA SUY; Emily Dillard	001	176533
Jones Oil Company	Shreveport	PET SUR; City of Shreveport	001	047309

Konantz, Inc.	Coquille Bay	I R Price et al	016	042370
Konantz, Inc.	Coquille Bay	I R Price et al	003	044568
Konantz, Inc.	Coquille Bay	I R Price et al	001	047041
Konantz, Inc.	Coquille Bay	I R Price et al	022	103991
Konantz, Inc.	Coquille Bay	I R Price et al	022-D	105519
Konantz, Inc.	Lake Long	Octave Aucoin	001	202570
L. B. Production	Gillis English Bayou	Ida B Castle et al	002	076592
L. B. Production	Gillis English Bayou	Ida Castle B SWD	003	158019
L & L Supply	Sarepta	CC Gish SWD	001	172300
L & L Supply	Sarepta	CC Gish	002	175498
L & L Supply	Sarepta	Horace Morgan	001	178007
L & L Supply	Sarepta	CC Gish	004	179711
L & L Supply	Sarepta	Horace Morgan	002	180290
L & L Supply	Sarepta	Horace Morgan	003	181924
L & L Supply	Sarepta	Slack SWD	001	182564
L & L Supply	Sarepta	Paul D Slack Est	002	184657
L & L Supply	Sarepta	Nations	001	185516
L & L Supply	Sarepta	Paul Slack	005	186048
L & L Supply	Sarepta	Lemay	001	195447
LA Nap Inc. Lanlock Res Inc.	Richie	John Ruppert	001	202776
LA Nap Inc. Lanlock Res Inc.	Richie	VUA; John Ruppert	002	206508
LA-NAP Oil & Gas Inc.	East Lake Verret	MA 2 RB SUA; Dolese	001	207747

LA-NAP Oil & Gas Inc.	North Crowley	Anna C Habetz et al	001	186895
King W. Lanaux	Frenier	Lutcher Moore Cyp Lbr SWD	001	138901
King W. Lanaux	LaPlace	White et al	001	164158
King W. Lanaux	LaPlace	White-McIlhenney - Phillips SWD	001	137974
King W. Lanaux	LaPlace	Gulf States Land & Ind	001	137205
Marion Interests Inc.	Murphy Lake	MARG V RA SUC; Dow-Norman	001	188370
Marion Interests Inc.	Murphy Lake	Dow-Norman SWD	001	971525
May Petroleum	Duson	MARG 2 RB SUA; A B Ware	001	169092
Mullins & Prichard	Lake St. Catherine	L & N Railroad	001	158992
New Hope Oil & Gas	Caddo Pine Island	Goodwin	001	026119
New Hope Oil & Gas	Caddo Pine Island	Goodwin	002	026661
New Hope Oil & Gas	Caddo Pine Island	Goodwin	003	037530
New Hope Oil & Gas	Caddo Pine Island	Goodwin	004	038143
New Hope Oil & Gas	Caddo Pine Island	Goodwin	005	042765
New Hope Oil & Gas	Caddo Pine Island	Goodwin	006	053960
New Hope Oil & Gas	Caddo Pine Island	Goodwin	007	057293
New Hope Oil & Gas	Caddo Pine Island	Goodwin	008	061000
New Hope Oil & Gas	Caddo Pine Island	Goodwin	009	064203
New Hope Oil & Gas	Caddo Pine Island	Goodwin	010	067998
New Hope Oil & Gas	Caddo Pine Island	Goodwin	011	074375
New Hope Oil & Gas	Caddo Pine Island	Heilperin	001	039291
New Hope Oil & Gas	Caddo Pine Island	Bruce N Lynn	002	061411

New Hope Oil & Gas	Caddo Pine Island	Bruce N Lynn	007	102428
New Hope Oil & Gas	Caddo Pine Island	Bruce N Lynn	008	102429
New Hope Oil & Gas	Caddo Pine Island	Bruce N Lynn SWD	001	970267
J. P. Owen	Grand Coulee	Floyd Miller	001	147640
J. P. Owen et al	Bayou Rambio	Harry Bourg	002	114062
H. I. Patterson & R. E. Williams	Longwood	Hammock	001	082854
R. W. Resources, Inc.	Lapice	Evan Belle Corp	001	190492
Raine Oil & Gas	Lake Washington	SL 7817	001	172508
Allen Reed & Associates Inc.	Big Lake	VUA; J C Hebert	001	202887
Relmm Corp.	Bracky Branch	NAC RA SUL; Pritchard	001	155070
Relmm Corp.	Bracky Branch	NAC RA SUI; Intl Paper Co	003	155757
Son-Dad Oil & Gas	West Catahoula Lake	Davis	001	112464
Son-Dad Oil & Gas	West Catahoula Lake	WX A RA SU66; Urania Lbr Co	001	157610
Son-Dad Oil & Gas	West Catahoula Lake	Davis SWD	001	970173
Son-Dad Oil & Gas	South Prichard	T L SUV; La Cip	B-5	076655
Son-Dad Oil & Gas	South Prichard	T L SUAA; La Cip	B-7	077455
Son-Dad Oil & Gas	South Prichard	T L SUO; La Cip	B-12	095706
Son-Dad Oil & Gas	Stokes Creek	T L SUB; La Cip	001	094463
Son-Dad Oil & Gas	Stokes Creek	T L SUI; La Cip	A-3	095398
Son-Dad Oil & Gas	Stokes Creek	T L SUC; La Cip D	001	204651
Talleco Oil & Gas Inc.	Monroe	Brown-Milner	020	147299

Talleco Oil & Gas Inc.	Monroe	Brown-Milner	021	148111
Talleco Oil & Gas Inc.	Monroe	Brown-Milner	022	148170
Talleco Oil & Gas Inc.	Monroe	Brown-Milner	005	148171
Talleco Oil & Gas Inc.	Monroe	Brown-Milner	006	148172
Talleco Oil & Gas Inc.	Monroe	B B Handy Jr	001	148307
Talleco Oil & Gas Inc.	Monroe	B B Handy Jr	002	148308
Talleco Oil & Gas Inc.	Monroe	Vance Trichel	002	148309
Talleco Oil & Gas Inc.	Monroe	Harrell SU828; Brown-Milner	007	148320
Talleco Oil & Gas Inc.	Monroe	Vance Trichel	001	148330
Talleco Oil & Gas Inc.	Monroe	Harrell SU997; Vance Trichel	003	148710
Talleco Oil & Gas Inc.	Monroe	B B Handy Jr	003	148711
Talleco Oil & Gas Inc.	Monroe	D W Pipes	001	148712
Talleco Oil & Gas Inc.	Monroe	B B Handy Jr	004	148919
Talleco Oil & Gas Inc.	Monroe	B B Handy Jr	005	148920
Talleco Oil & Gas Inc.	Monroe	B B Handy Jr	006	148921
Talleco Oil & Gas Inc.	Monroe	Pipes et al	001	148922
Talleco Oil & Gas Inc.	Monroe	Vance Trichel	004	148925
Talleco Oil & Gas Inc.	Monroe	Vance Trichel	005	148926
Talleco Oil & Gas Inc.	Monroe	Brown-Milner	008	149237
Talleco Oil & Gas Inc.	Monroe	Pipes et al	004	149239
Talleco Oil & Gas Inc.	Monroe	Pipes et al	005	149240
Talleco Oil & Gas Inc.	Monroe	Pipes et al	006	149241
Talleco Oil & Gas Inc.	Monroe	Pipes et al	008	149243
Talleco Oil & Gas Inc.	Monroe	Vance Trichel	006	149244

Talleco Oil & Gas Inc.	Monroe	Vance Trichel	007	149245
Talleco Oil & Gas Inc.	Monroe	Vance Trichel	008	149246
Talleco Oil & Gas Inc.	Monroe	Vance Trichel	009	149247
Talleco Oil & Gas Inc.	Monroe	Brown-Milner	010	149475
Talleco Oil & Gas Inc.	Monroe	Vance Trichel	010	149476
Talleco Oil & Gas Inc.	Monroe	Brown-Milner	011	149592
Talleco Oil & Gas Inc.	Monroe	H H Land III	001	150346
Talleco Oil & Gas Inc.	Monroe	Bert E Gambrell	001	150347
Talleco Oil & Gas Inc.	Monroe	Harrell SU 827; Brown Milner	001	150823
Talleco Oil & Gas Inc.	Monroe	John M Coats IV	001	153670
Talleco Oil & Gas Inc.	Monroe	Pipes et al	007	153906
Talleco Oil & Gas Inc.	Monroe	Pipes et al	009	153907
Talleco Oil & Gas Inc.	Monroe	Pipes et al	010	153908
Talleco Oil & Gas Inc.	Monroe	Brown-Milner	001-D	154146
Talleco Oil & Gas Inc.	Monroe	Brown-Milner	008-D	154389
Talleco Oil & Gas Inc.	Monroe	Ann B Padgett et al	001	156068
Talleco Oil & Gas Inc.	Monroe	Mary D Pugh	001	156070
Talleco Oil & Gas Inc.	Monroe	Mary D Pugh	003	156240
Talleco Oil & Gas Inc.	Monroe	Pipes et al	011	157275
Talleco Oil & Gas Inc.	Monroe	Harrell SU996; Brown-Milner	012	157276
Talleco Oil & Gas Inc.	Monroe	Pipes et al	012	157326
Talleco Oil & Gas Inc.	Monroe	Brown-Milner	012-D	157611
Talleco Oil & Gas Inc.	Monroe	Ann B Padgett et al A	004	157775
Talleco Oil & Gas Inc.	Monroe	D W Pipes	002	157776

Talleco Oil & Gas Inc.	Monroe	B B Handy Jr	007	159729
Talleco Oil & Gas Inc.	Monroe	Harrell SU999; B B Handy Jr	008	160385
Talleco Oil & Gas Inc.	Monroe	Bert E Gambrell A	001	162059
Talleco Oil & Gas Inc.	Monroe	H H Land III et al	001	162078
Talleco Oil & Gas Inc.	Monroe	Bert E Gambrell A	002	162079
Talleco Oil & Gas Inc.	Monroe	J W Spier A	002	163281
Talleco Oil & Gas Inc.	Monroe	Pipes et al	013	164492
Talleco Oil & Gas Inc.	Monroe	Brown-Milner	013	164493
Talleco Oil & Gas Inc.	Monroe	Harrell SU913; K E Gewin et al	001	164982
Talleco Oil & Gas Inc.	Monroe	Brown-Milner	014	165721
Talleco Oil & Gas Inc.	Monroe	Annona RA SUN; K E Gewin et al	002	165722
Talleco Oil & Gas Inc.	Monroe	Dunn et al	001	168262
Talleco Oil & Gas Inc.	Monroe	Dunn et al	002	172229
Talleco Oil & Gas Inc.	Monroe	Harrell SU914; Ambrose Meeks	001	172262
Talleco Oil & Gas Inc.	Monroe	Dunn et al	003	174628
Talleco Oil & Gas Inc.	Monroe	Annona RA SUA; Robert Hodges	001	177634
Talleco Oil & Gas Inc.	Monroe	Annona RA SUK; B B Handy Jr	009	177635
Talleco Oil & Gas Inc.	Monroe	Annona RA SUI; Dunn	001	178493
Talleco Oil & Gas Inc.	Monroe	Brown-Milner	015	178976
Talleco Oil & Gas Inc.	Monroe	Annona RA SUM; Pipes et al	014	178977
Talleco Oil & Gas Inc.	Monroe	Annona RA SUH; Brown-Milner	002	179099
Talleco Oil & Gas Inc.	Monroe	Vance Trichel	011	179374

Talleco Oil & Gas Inc.	Monroe	Annona RA SUM; Pipes et al	015-ALT	179375
Talleco Oil & Gas Inc.	Monroe	Annona RA SUL; Brown-Milner	016	179376
Talleco Oil & Gas Inc.	Monroe	Harrell SU824; Cities Service	002	182001
Talleco Oil & Gas Inc.	Monroe	Cities Service	001	182055
Talleco Oil & Gas Inc.	Monroe	Brown-Milner	004	184404
Talleco Oil & Gas Inc.	Monroe	Harrell SU826; Vance Trichel	012-ALT	184574
Talleco Oil & Gas Inc.	Monroe	Annona RA SUK; Vance Trichel	014-ALT	184627
Talleco Oil & Gas Inc.	Monroe	Cities Service	004	185850
Talleco Oil & Gas Inc.	Monroe	Cities Service	005	185932
Talleco Oil & Gas Inc.	Monroe	Harrell SU824; Cities Service	006-ALT	189108
Talleco Oil & Gas Inc.	Monroe	Harrell SU 728; Snyder	001	191543
Talleco Oil & Gas Inc.	Monroe	VUA; Weaver	001	191604
Talleco Oil & Gas Inc.	Monroe	Harrell SU733; Griffin	001	191850
Talleco Oil & Gas Inc.	Monroe	Harrell SU732; Griffin	002	191929
Talleco Oil & Gas Inc.	Monroe	Harrell SU734; Brown-Vance	001	193778
Talleco Oil & Gas Inc.	Monroe	Harrell SU685; Williams	001	195321
Talleco Oil & Gas Inc.	Monroe	Harrell SU780; Cities Service	008	195775
Talleco Oil & Gas Inc.	Monroe	Annona VUB; Vance Trichel	017	197899

Talleco Oil & Gas Inc.	Monroe	Harrell SU826; Vance Trichel	015	197902
Talleco Oil & Gas Inc.	Monroe	Annona RA SUJ; Vance Trichel	016	197922
Talleco Oil & Gas Inc.	Monroe	Harrell SU825; Dunn et al	004	197923
Talleco Oil & Gas Inc.	Monroe	Annona RA SUG; Brown-Milner	019	197926
Talleco Oil & Gas Inc.	Monroe	Harrell SU779; Vance Trichel	019	198079
Talleco Oil & Gas Inc.	Monroe	Griffin	004	198817
Talleco Oil & Gas Inc.	Monroe	Cities Service	007	201777
Talleco Oil & Gas Inc.	Monroe	Cities Service	017	202282
Talleco Oil & Gas Inc.	Monroe	Griffin	005	204869
George Tarver Oper.	Lamar	Baker Heirs	001	206245
Taylor Britt Company, Inc.	Holly	N F Wilson	001	050185
Taylor Britt Company, Inc.	Ajax	Evans Fee	001	181459
Vicki Thrash & Kentwood Expl.	Caddo Pine Island	Spillman	001	199312
Transamerican Energy/Toce Oil	Plumb Bob	St Martin Land Co	001	205231
Transamerican Energy/Toce Oil	Plumb Bob	St Martin Land Co	002	205232
Frank Vuci Oil Co.	Wildcat-NO LA Shreveport District	Woodard Walker	001	134664
Waskom Oil & Gas	Greenwood-Waskom	M G Bell B	001	061109
Waskom Oil & Gas	Greenwood-Waskom	M G Bell B	004	177420

Waskom Oil & Gas	Greenwood -Waskom	M G Bell B	005	177421
Waskom Oil & Gas	Greenwood -Waskom	Bell E	001	166517
White & Ellis Drilling Inc.	Bethany-Longstreet	P SUT; Bagley	001	163207
Woodrow Wilson	Monroe	Woodrow Wilson et al	001	156988
Woodrow Wilson	Monroe	Wilson	001	177278
Woodrow Wilson	Monroe	Wilson	002	177279
Woodrow Wilson	Monroe	Wilson	003	177280
Woodrow Wilson	Monroe	Wilson	004	177281
Zackery Energy	Rodessa	S A Grunden	002	214707

Ernest A. Burguières, III
Assistant Secretary

9501#063

POTPOURRI

Department of Natural Resources Office of Conservation Injection and Mining Division

Hearing Notice
Docket No. IMD 95-01

Pursuant to the provisions of the laws of the state of Louisiana and particularly Title 30 of the Louisiana Revised Statutes of 1950 as amended, and the provisions of the Statewide Order No. 29-B, notice is hereby given that the Commissioner of Conservation will conduct a hearing at 6 p.m. Thursday, February 23, 1995 in the St. Mary Parish Council Room (fifth floor), located on 500 Main Street, in Franklin, Louisiana.

At such hearing, the commissioner, or his designated representative will hear testimony relative to the application of Allwaste Oilfield Services, Inc., 3341 Highway 90 East, Broussard, LA 70518. The applicant intends to drill, construct and operate two Class II nonhazardous oilfield waste fluids injection wells in Section 40, Township 13 South, Range 9 East, St. Mary Parish to be used in conjunction with an existing permitted commercial nonhazardous oilfield waste facility.

The application is available for inspection by contacting Pierre Catrou, Office of Conservation, Injection and Mining Division, Room 253 of the Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana, or by visiting the St. Mary Parish Council in Franklin, Louisiana. Verbal information may be received by calling Pierre Catrou at 504/342-5515.

All interested persons will be afforded an opportunity to present data, views of arguments, orally or in writing, at said public hearing. Written comments which will not be presented at the hearing must be received no later than March 2, 1995, at the Baton Rouge Office. Comments should be directed to: Office of Conservation, Injection and Mining Division, Box 94275, Baton Rouge, LA 70804-9275, Re: Docket No. IMD 95-01, St. Mary Parish.

Ernest A. Burguières, III
Commissioner

9501#062

CUMULATIVE INDEX
(Volume 21, Number 1)

1995	
Pages	Issue
1 — 112	January

AGRICULTURE AND FORESTRY

Agricultural and Environmental Sciences, Office of

Boll Weevil, 17R
Pesticide, 38N

Forestry, Office of

Prescribed burner, 39N
Timber stumpage, 5ER, 40N

ECONOMIC DEVELOPMENT

Certified Shorthand Reporters, Board of Examiners of

Certificate, 21R

Economic Development Corporation

Contract loan, 41N

EDUCATION

Elementary and Secondary Education, Board of

Bulletin 1525
Personnel evaluation, 6ER
Bulletin 1706
Exceptional children, 45N
Bulletin 1868
Personnel Manual, 7ER
Vocational education, 7ER

ENVIRONMENTAL QUALITY

Air Quality and Radiation Protection

Fee schedule (NE16), 58N
Fee system (AQ98), 46N
Fee system (AQ101), 22R
Lead hazard (AQ100), 102P
Naturally Occurring Radioactive Material (NORM) (NE14), 23R
Pointe Coupee Parish, 101P
Toxic air pollutant (AQ110), 57N
Volatile Organic Compound (VOC) (AQ103), 22R

Secretary, Office of

Waste tire, 8ER

Solid and Hazardous Waste, Office of

Fee increase (SW15), 61N

Water Resources, Office of

Groundwater (GW05), 67N
Water pollution fee (WP17), 63N

EXECUTIVE ORDERS

EWE 94-44—Statewide Wetlands Advisory Task Force, 4
EWE 94-45—Allocation of Bond, 4
EWE 94-46—Allocation of Bonds, 5

GOVERNOR'S OFFICE

Administration, Division of

Community Development, Office of
HUD funding, 102P

HEALTH AND HOSPITALS

Practical Nurse Examiners, Board of

Regular admission, 69N

Secretary, Office of

Annual service agreement, 70N
NSF check, 32R
Nursing facility, 9ER, 79N
Psychiatric service, 71N
Vaccine, 12ER
Voter registration, 8ER

JUSTICE

Attorney General, Office of

Deceptive pricing, 32R

LABOR

Workers' Compensation, Office of

Insurance cost, 36R

LOUISIANA ADMINISTRATIVE CODE UPDATE

Cumulative

January 1994 - December 1994, 99

LOUISIANA HEALTH CARE AUTHORITY

Annual service agreement, 70N

NATURAL RESOURCES

Conservation, Office of

Hearing, 109P
Orphaned oil field, 103P

PUBLIC SAFETY AND CORRECTIONS

Fire Marshal, Office of

Building inspection, 13ER
New construction, 13ER

Parole, Board of

Rules, 80N

State Police, Office of

Bingo, 14ER

REVENUE AND TAXATION

Sales Tax Division

Coke-on-catalyst, 80N

Tax Commission

Timber stumpage, 5ER, 40N

SOCIAL SERVICES

Community Services, Office of

Homeless Trust Fund, 82N

CR—Committee Report

ER—Emergency Rule

N—Notice of Intent

PPM—Policy and Procedure Memorandum

EO—Executive Order

L—Legislation

P—Potpourri

R—Rule

Family Support, Office of
Individual/family grant, 84N
Rehabilitation Services
Grant policy, 85N
Voter registration, 15ER, 91N

TRANSPORTATION AND DEVELOPMENT

General Counsel, Office of
Ferries, 91N
Sunshine Bridge, 91N

Highways, Office of
Utilities, 92N

TREASURY

Bond Commission
Multi-family housing, 94N
Reimbursement contract, 96N
State Employees Group Benefits Program, Board of Trustees of the
Plan document, 15ER, 93N
Retiree 100, 94N

WILDLIFE AND FISHERIES

Fisheries, Office of
Commercial fisherman, 16ER, 16ER, 98N, 99N
Wildlife and Fisheries Commission
Mullet, 37R
Oyster, 17ER
Red Snapper, 17ER

CR—Committee Report
ER—Emergency Rule
N—Notice of Intent
PPM—Policy and Procedure Memorandum

EO—Executive Order
L—Legislation
P—Potpourri
R—Rule

CR—Committee Report
ER—Emergency Rule
N—Notice of Intent
PPM—Policy and Procedure Memorandum

EO—Executive Order
L—Legislation
P—Potpourri
R—Rule