

CONTENTS

I. EXECUTIVE ORDERS	
BR 89-30—Rescinds Section 2 of BR 89-27 in its entirety	788
BR 89-31—Expands membership of Governor’s Commission on Medical Malpractice (See BR 89-23)	788
BR 89-32—Establishes a Land Acquisition Task Force	788
II. EMERGENCY RULES	
Economic Development Department:	
Racing Commission—Arabian Horse Racing (LAC 35:I.801)	789
Dangerous substance abuse testing (LAC 35:I.1791)	789
Jockey fee schedule (LAC 46:XLI.725)	790
Education Department:	
Board of Elementary and Secondary Education—Alternative Post-Baccalaureate Certification Scholarship Program	790
Appeals for waivers of minimum standards	791
Certification requirements for principals (revised) (Bulletin 746)	792
Governor’s Office:	
Governor’s Special Commission on Education Services—Guaranteed Student Loan Program	793
Health and Hospitals Department:	
Board of Certification of Substance Abuse Counselors—General Provisions; Certification; Code of Ethics (LAC 46:LXXX Chapters 1-7)	793
Board of Veterinary Medicine—Places layman equine dentistry under veterinarian supervision	799
Sodium Pentobarbital storage/inventory	800
Office of Human Services—Group homes for recovering substance abusers	800
Office of the Secretary, Bureau of Health Services Financing—MAP-Eliminates the closed restricted drug formulary	803
MAP-Allows state-operated facilities to be reimbursed for SNF and ICF I and II services based on Medicare principles	804
MAP-Pregnant women reporting income changes	804
MAP-Title XIX spousal impoverishment	805
MAP-Title XIX transfer of resources	805
Public Safety and Corrections Department:	
Office of State Police-Division of Charitable Gaming—License; worker compensation	805
Social Services Department:	
Office of Eligibility Determinations—Child support award guidelines	807
Income assignment on child support cases	809
Wildlife and Fisheries Department:	
Wildlife and Fisheries Commission—Black Drum	809
Oyster season (1989-90)	810
III. RULES	
Agriculture and Forestry Department:	
Office of Animal Health Science-Livestock Sanitary Board—Auction Market requirements (LAC 7:XXI.11735)	810
Definitions (LAC 7:XXI.11701)	811
Official permanent animal identification (LAC 7:XXI.11702)	812
Poultry slaughtering and testing (LAC 7:XXI.11769)	812
Reporting contagious diseases (LAC 7:XXI.11717)	812
Video auction market requirements (LAC 7:XXI.11710)	813
Economic Development Department:	
Real Estate Appraisal Subcommittee—Appraiser certification (LAC 46:LXVII. Chapter 101-103)	814
Education Department:	
Board of Elementary and Secondary Education—Adult Education State Plan (1989-1993)	818
Bulletin 741-Adds courses to elementary elective/exploratory class list	818
Bulletin 741-Flexible time requirements in scheduling elementary classes	819
Bulletin 741-Vocational Agriculture I and II	819
Bulletin 746-Upper elementary teacher certification requirements	819
Vocational Education State Plan (FY 89-91)	820
Governor’s Office:	
Division of Administration—Commissioner’s Office—Travel Regulations-PPM No. 49 (LAC 4:V. Chapter 15)	820
Community Development Section—LCDBG final statement (FY 1989)	828
Property Assistance Agency—Property Control (LAC 34:VII)	830

This public document was published at a total cost of \$8,112.50. 1,100 copies of this public document were published in this monthly printing at a cost of \$6,112.50. The total cost of all printings of this document including reprints is \$8,112.50. This document was published by Bourque Printing, Inc., 13112 South Choctaw Drive, Baton Rouge, LA 70815, as a service to the state agencies in keeping them cognizant of the new rules and regulations under the authority of R.S. 49:950-970. 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.

Health and Hospitals Department:	
Board of Examiners of Professional Counselors—License; adjudication (LAC 46:LX. Chapter 13)	837
Office of Public Health-Handicapped Children Services—Eligibility (LAC 48:V)	839
Office of the Secretary, Bureau of Health Services Financing—MAP-Adult day health care licensing standards	843
MAP-Facility Need Review for AIDS patients	843
MAP-LMAC regulations covering additional multiple source drugs	844
MAP-LTC Reimbursement for private ICF-MR facilities	844
Public Safety and Corrections Department:	
Board of Private Security Examiners—General provisions (LAC 46:LIX. Chapters 1-8)	846
Corrections Services-Office of Adult Services—Adult offender furloughs (LAC 22:I.305)	853
Liquefied Petroleum Gas Commission—Requirements; containers; tank trucks; semi-trucks and trailers; LP-Gas as a motor fuel; installations (LAC 55:IX. Chapters 1-13)	854
Treasury Department:	
Board of Trustees of the State Employees Group Benefits Program—Plan Document (Tax Reform Act of 1986)	865
Wildlife and Fisheries Department:	
Wildlife and Fisheries Commission—Bait dealer permit (LAC 76:VII.329)	867
Paddlefish (LAC 76:VII.137)	868
Spanish and King Mackerel daily take and possession limits	868
IV. NOTICES OF INTENT	
Agriculture and Forestry Department:	
Office of Animal Health Services-Livestock Sanitary Board—Admittance of livestock (LAC 7:XXI.11775)	868
Backtag identification for swine; blood sample (LAC 7:XXI.11780)	869
Definitions (LAC 7:XXI.11701)	870
Livestock Auction Market (LAC 7:XXI.11777)	870
Reporting contagious diseases (LAC 7:XXI.11717)	871
Requirements for swine entering the state (LAC 7:XXI.11773)	871
Testing requirements for swine with Pseudorabies (LAC 7:XXI.11776)	872
Office of Management and Finance—Central Registry—Security devices (LAC 7:XXXVII.18101)	873
Economic Development Department:	
Board of Architectural Examiners—Building construction costs defined (LAC 46:I.1109)	874
Office of Commerce and Industry-Financial Incentives Division—Corporate Headquarters Tax Equalization Program (LAC 13:III)	875
Industrial Tax Equalization Program (LAC 13:II)	879
Industry Assistance Program (LAC 13:V)	882
Louisiana Capital Companies Tax Credit Program (LAC 51: Chapter 26)	883
New Warehousing and Distribution Tax Equalization Program (LAC 13:IV)	888
Racing Commission—Jockey fee schedule (LAC 46:XLI.725)	891
Real Estate Commission—Revision of all rules (LAC 46:LXVII)	892
Used Motor Vehicle and Parts Commission—Dealer eligibility at salvage pools or salvage disposal sales (LAC 46:V. Chapters 27 and 35)	893
Education Department:	
Board of Elementary and Secondary Education—Nutrition Education and Training Program State Plan	894
Environmental Quality Department:	
Office of Solid and Hazardous Waste-Hazardous Waste Division—Land disposal of prohibited waste by deep well injection (LAC 33:V.2242)	894
Prohibitions on land disposal of hazardous waste (LAC 33:V.2241)	898
Recycling awareness (LAC 33:VI. Chapter 101)	899
Governor's Office:	
Commission on Law Enforcement and Administration of Criminal Justice—Appeals procedure	900
Crime Victim Assistance Program	901
Division of Administration-Commissioner's Office—Incentive Award Program (LAC 4:I. Chapter 5)	901
Health and Hospitals Department:	
Board of Certification for Substance Abuse Counselors—Certification; Code of Ethics, General Provisions	903
Office of Human Services—Group homes for recovering substance abusers	904
Office of Public Health—Vaccine Preventable Disease Program (LAC 48:V.8103)	905
Office of the Secretary—Fees (Retail food)	905
Labor Department:	
Office of Employment Security—Effective date of regulation, no vested rights (LAC 40:IV.303)—Repealed	906
Overpayment recovery (LAC 40:IV.370)	907
Waiver of overpayment recovery (LAC 40:IV.369)	907
Office of Labor—Minor labor law	908
Public Safety and Corrections Department:	
Office of Motor Vehicles—Commercial driver license	909

Office of State Fire Marshal—Remanufactured housing (LAC 55:V. Chapter 7)	909
Office of State Police-Transportation and Environmental Safety Section—Vehicle towing, recovery and storage	911
Social Services Department:	
Council on the Purchase of Products and Services of Severely Disabled Persons—Sheltered workshop contracts	912
Rehabilitation Services- Minimal ACT scores	912
Treasury Department:	
Board of Trustees of the State Employees Group Benefits Program—Dependent changes	913
Wildlife and Fisheries Department:	
Office of Fisheries—Experimental fisheries; underutilized species (LAC 76:VII.701)	913
Pompano and Black Drum permits (LAC 76:VII.703)	915
Office of Wildlife—Threatened and endangered species (LAC 76:I.317)	916
Wildlife and Fisheries Commission—Black Bass (LAC 76:VII.123)	917
Confidentiality of commercial landings data (LAC 76:I.319)	917
Fish and wildlife values (LAC 76:I.315)	918
Migratory birds hunting season (1989-90)	920
Oyster season (1989-90)	921
Shrimp (white) season - 1989	922

V. POTPOURRI

Board of Levee Commissioners:	
East Jefferson Levee District—Permit applications	922
Economic Development Department:	
Office of Financial Institutions—Judicial interest rate	922
Health and Hospitals Department:	
Board of Embalmers and Funeral Directors—Exams	923
Board of Medical Examiners—Obesity medication therapy, public hearing	923
Natural Resources Department:	
Office of the Secretary—Fishermen’s Gear Compensation Fund—Claims	923

Executive Orders

EXECUTIVE ORDER BR 89 - 30

WHEREAS, Executive Order Number BR 89-27 was issued on August 16, 1989; and

WHEREAS, it directed the transfer of the administrative functions of the scholarship programs known as the "T. H. Harris, Governor's Scholar's, High School Rally, Rockefeller, Paul Douglas, and State Student Incentive Grant" from the Governor's Special Commission on Education Services to the Board of Regents, or its successor, effective August 16, 1989; and

WHEREAS, it has been determined that it is in the best interest of the state and these scholarship programs that these administrative functions remain with the Governor's Special Commission on Education Services;

NOW THEREFORE I, BUDDY ROEMER, Governor of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: Section 2 of Executive Order No. BR 89-27 transferring the administrative functions of the "T. H. Harris, Governor's Scholar's, High School Rally, Rockefeller, Paul Douglas, and State Student Incentive Grant" scholarship programs from the Governor's Special Commission on Education Services to the Board of Regents, or its successor, is hereby rescinded in its entirety.

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 18th day of September, 1989.

Buddy Roemer
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER BR 89-31

WHEREAS, Executive Order Number BR-89-23 was signed July 14, 1989, establishing the Governor's Commission on Medical Malpractice; and

WHEREAS, it is necessary to expand the membership of said commission to include those listed below;

NOW THEREFORE, I, BUDDY ROEMER, Governor of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: Section 3 of Executive Order BR-89-23 is amended to read as follows:

- a. The president of the Louisiana State Medical Society or his designee.
- b. The secretary of the Department of Health and Hospitals or his designee.
- c. The president of the Louisiana Dental Association or his designee.
- d. Three medical doctors appointed by the governor.

- e. Two attorneys appointed by the governor.
- f. One member of the Louisiana Senate and one member of the Louisiana House of Representatives appointed by the governor.
- g. One hospital administrator appointed by the governor.
- h. The commissioner of the Division of Administration or his designee.
- i. The attorney for the Patient's Compensation Fund who will serve as a non-voting, ex-officio member of the commission.
- j. One representative of the Governor's Office.

SECTION 2: Section 4 of Executive Order BR-89-23 is amended to read as follows:

The governor shall appoint the chairman and vice-chairman of the commission.

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 1989.

Buddy Roemer
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER BR 89 - 32

WHEREAS, Louisiana loses an average of 60 square miles of coastal marshes and 90 square miles of forested wetlands each year; and

WHEREAS, Louisiana originally had 15.3 million acres of wetlands which have been reduced to 7.8 million acres, (2.8 coastal, 5 forest wetland); and

WHEREAS, Louisiana contains 25 percent of all United States wetlands and that wetland loss is recognized both nationally and statewide as a significant crisis which must be addressed; and

WHEREAS, countless wildlife including migratory waterfowl depend on Louisiana's coastal and forested wetlands for their existence, as well as, the environmental quality of Louisiana's air and water depend on these wetlands; and

WHEREAS, the recreational and economic importance of both the coastal marshes and the forested wetlands of Louisiana cannot be replaced; and

WHEREAS, an important component of protection of the most critical wetlands will be direct acquisition by the state; and

WHEREAS, there is a need to identify funding sources for an active state land acquisition program;

WHEREAS, The Department of Wildlife and Fisheries is the lead agency of the State of Louisiana for the state's wildlife and habitat protection program.

NOW THEREFORE I, BUDDY ROEMER, Governor of the State of Louisiana, do hereby order and direct that a Land Acquisition Task Force be established as follows:

SECTION 1: The Land Acquisition Task Force shall be composed of the secretary of the Department of Wildlife and Fisheries, director of the Office of State Parks, a representative of the Louisiana Wildlife Federation, a representative of the Louisiana Nature Conservancy, the commissioner of administration, a representative of the Sierra Club, one state representative ap-

pointed by the governor, one state senator appointed by the governor, two representatives of the governor's office, two members of the Wildlife and Fisheries Commission appointed by the governor, four members at large appointed by the governor, or any of their designees. The governor shall appoint the chairman and the vice-chairman.

SECTION 2: The Land Acquisition Task Force shall convene and meet at the instance of the chairman and shall make an initial report to the governor by March 1, 1990.

SECTION 3: The Land Acquisition Task Force shall be charged with responsibility of developing a comprehensive state plan for funding the acquisition of Louisiana's critical natural habitats as identified by the Department of Wildlife and Fisheries. This comprehensive plan may include any number of funding mechanisms which would be appropriate in acquiring those critical natural habitats identified by the Department of Wildlife and Fisheries for conservation of the state's extensive and critical natural resources.

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 25th day of September, 1989.

Buddy Roemer
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

Emergency Rules

DECLARATION OF EMERGENCY

Department of Economic Development
Racing Commission

Title 35
HORSE RACING

Part I. General Provisions

Chapter 8. Arabian Horse Racing

§801. Applicable Rules

The rules of the commission shall govern Arabian horse racing wherever they are applicable. When not applicable, the stewards may enforce the rules of the Arabian Jockey Club, Inc. provided they are consistent with the rules of the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and 179.

HISTORICAL NOTE: Promulgated by the Louisiana State Racing Commission in 1989.

§803. Cases Not Covered

Cases not covered by the Arabian Jockey Club's rules

shall be decided by the stewards with the advice and consent of the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and 179.

HISTORICAL NOTE: Promulgated by the Louisiana State Racing Commission in 1989.

§805. Jurisdiction

The jurisdiction of a licensed Arabian horse race meeting shall be vested solely with the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and 179.

HISTORICAL NOTE: Promulgated by the Louisiana State Racing Commission in 1989.

§807. Official Registry

The Arabian Horse Registry of America, Inc. shall be recognized as the sole official registry for Arabian horses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and 179.

HISTORICAL NOTE: Promulgated by the Louisiana State Racing Commission in 1989.

§809. Races With Other Breeds

Races between Arabian horses and other horse breeds are prohibited unless special permission is granted by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and 179.

HISTORICAL NOTE: Promulgated by the Louisiana State Racing Commission in 1989.

Alan J. LeVasseur
Executive Director

DECLARATION OF EMERGENCY

Department of Economic Development
Racing Commission

Title 35

HORSE RACING

Part I. General Provisions

Chapter 17. Corrupt and Prohibited Practices

§1791. Testing for Dangerous Substance Abuse

A. - D. ...

1. - 2. ...

2.1 Any official, jockey, trainer or groom who is in violation for a second time shall be fined and/or suspended by the executive director or his designee; and may be subject to license revocation and/or expulsion, or such penalty consistent with R.S. 4:141 et seq. and/or the Rules of Racing.

3. - 4. ...

E. - F. ...

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

HISTORICAL NOTE: Promulgated by the Racing Commission L.R. 13:289 (May, 1987), amended L.R. 15:620 (August, 1989), emergency 9/22/89.

Alan J. LeVasseur
Executive Director

DECLARATION OF EMERGENCY

Department of Economic Development Racing Commission

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS Part XLI. Horseracing Occupations

Chapter 7. Jockeys and Apprentice Jockeys

§725. Jockey Fee Schedule

A. Prior to the start...

Purse	Win	Second	Third	Unplaced
\$ 400 & under	\$27	\$19	\$17	\$16
500	30	20	17	16
600	36	22	17	16
700- 900	10%	25	22	20
1,000- 1,400	10%	30	25	22
1,500- 1,900	10%	35	30	28
2,000- 3,400	10%	45	35	33
3,500- 4,900	10%	55	45	35
5,000- 9,900	10%	65	50	40
10,000-14,900	10%	5%	5%	45
15,000-24,900	10%	5%	5%	50
25,000-49,900	10%	5%	5%	60
50,000-99,900	10%	5%	5%	75
100,000 & up	10%	5%	5%	100

B. Failure, refusal and/or neglect...

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148, 150 and 151.

HISTORICAL NOTE: Promulgated by the Louisiana State Racing Commission in 1971, amended LR 2:431 (December, 1976), LR 3:28 (January, 1977), promulgated LR 4:276 (August, 1978), amended LR 5:23 (February, 1979), amended LR 12:12 (January, 1986), emergency effective 9/12/89.

Alan J. LeVasseur
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Alternative Post-Baccalaureate Certification Scholarship Program

The State Board of Elementary and Secondary Education, at its meeting of September 28, 1989, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R. S. 49:953B and adopted the Alternative Post-Baccalaureate Certification Scholarship Program as described below.

The emergency adoption of the guidelines for the Post-Baccalaureate Scholarship Program will enable the department to immediately disseminate applications and other necessary information for full implementation of the program for the second semester of this school year (January, 1990).

ALTERNATIVE POST-BACCALAUREATE CERTIFICATION SCHOLARSHIP PROGRAM

PROGRAM GUIDELINES

Candidates for admission to the program will have to meet and comply with the following:

1. Completed a baccalaureate degree from a regionally accredited institution with a major or other concentration in a teacher certification area.

2. Attained an overall grade point average (GPA) of at least 2.5 (4-point scale).

3. Shall be a resident of the State of Louisiana and a U. S. citizen, and be accepted to enroll in a Louisiana regionally accredited institution.

4. Shall be required to teach elementary or secondary school students in Louisiana public schools for a minimum of a four-year period. If the individual accepts assistance under the Post-Baccalaureate Program, then he accepts responsibility to teach four years in Louisiana public schools. Failure to do so would require the person to pay back the amount of the scholarship plus accrued interest. If the individual agrees to teach in a "critical need parish" as identified by the State Department of Education, the commitment to four years of teaching service may be reduced to two years of teaching service.

5. Shall pursue the alternative post-baccalaureate certification program as outlined. Written evaluations will be provided to candidate by the Department of Education, outlining the required courses needed for certification. All alterations to the individual's approved program must be approved by the State Department of Education.

6. Complete certification in lower elementary grades, upper elementary grades, special education, or secondary subjects.

7. All regulations covered in the State of Louisiana Alternative Post-Baccalaureate Certification Program must be adhered to.

8. Newly certified teachers will be expected to actively seek employment in a Louisiana public school system and be gainfully employed within one year. Once employed, that teacher will be expected to request that the employing authority verify his/her employment to the Bureau of Higher Education and Teacher Certification on an annual basis. Service should be on a continuous basis, realizing that extenuating circumstances may prevent this from occurring. Such cases will be handled on an individual basis. This service of teaching in a public school system would cancel the scholarship debt.

9. The recipient shall be required to repay the awarded scholarship amount, with calculated interest, if he/she does not complete the prescribed courses as determined by the evaluation; if he/she does not complete his/her plan within specified time; if he/she does not meet required classroom teaching service in a Louisiana public school system; if he/she does not become Louisiana certified; and/or if he/she fails to meet any other established obligation as determined by the agreement letter.

10. Candidates may or may not be employed while working on their certification. Practical experience can be gained through a formal student teaching program or an internship, or this requirement may be met with three years of successful teaching experience in the area of certification.

11. Candidates will be required to complete and make formal application for a scholarship on or before the advertised due date.

12. Review and sign the Agreement Letter (Alternative Program Plan), and return to State Department of Education.

13. Scholarships are non-renewable and must track the approved program.

14. Approved candidates may be awarded scholarships in the amount of, but not to exceed \$4,000. Funds may be used for tuition, books, supplies and other school related expenses.

15. Candidates will be required to complete the approved alternative program as determined by the evaluation in a period not to exceed 18 months.

16. Candidates will be required to take the minimum semester hours each semester enrolled in a program as determined by the evaluation.

17. The recruitment process of candidates under the Scholarship Program will seek to attract the most qualified persons with special emphasis on the recruitment of minorities. Dissemination efforts to attract the 'best' and the 'brightest' will center on state universities, local school systems, major Louisiana newspapers, educational organizations, public television, and other major sources of public information.

18. Recipients will be selected based upon their general academic ability (degrees/GPA), specialized academic achievement (areas of degree(s)), communication skills (English GPA) and critical need (pursuit of certification in areas of critical shortage).

ALTERNATE POST-BACCALAUREATE CERTIFICATION PROGRAM

The State Alternate Post-Baccalaureate Certification Program provides opportunities for individuals with non-education degrees to become certified public school teachers. Candidates for admission must have an earned baccalaureate degree from a regionally accredited institution.

Individuals seeking certification under the program must submit an official transcript directly to the Bureau of Higher Education and Teacher Certification for a written evaluation.

Certification requirements are as follows:

1. General Education

a. Secondary Certification and all Areas of Special Education at the Secondary Level

The general education component of the candidate's baccalaureate degree program must include course work in English and in other areas necessary to complete the general education of a teacher such as mathematics, science, and social studies.

b. Upper Elementary School Certification (All Subjects)

The general education component of the candidate's baccalaureate degree program must include course work in English (18 semester hours), mathematics (12 semester hours), science (16 semester hours) and social studies (18 semester hours).

c. Lower Elementary School Certification and All Areas of Special Education at the Elementary Level

The general education component of the candidate's baccalaureate degree program must include course work in English (12 semester hours), mathematics (6 semester hours), science (12 semester hours) and social studies (12 semester hours).

2. Specialized Academic Education

The candidate must have a degree (major) in the area of certification or a related field or meet the state minimum requirements as specified in Bulletin 746, *Louisiana Standards for State Certification of School Personnel*.

3. Professional Education

Eighteen semester hours of course work in pedagogy (professional education) appropriate to the level of certification in areas such as the social context of education, theories of teaching and learning, exceptionalities of children at-risk students, human growth and development, reading diagnosis and remediation, instructional methodology, classroom organization and management, student achievement and evaluation, parental involvement, and school-based management.

4. Student Teaching

Candidates for certification must complete one of the following requirements:

a. student teaching or a one-year internship in the areas of certification, or

b. three years of successful teaching experience in the area of certification.

5. NTE

The applicant must have attained a score on the NTE (National Teacher Examinations) that meets state requirements for certification.

NOTE: No final grade below a "C" will be accepted for student teaching or any professional or specialized academic education course which is required for certification. In addition, no final grade below a "C" will be accepted for any other course specified as a deficiency under this plan.

Em Tampke
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Amendment to Revised Procedures for Appeals to BESE for Waivers of Minimum Standards

The State Board of Elementary and Secondary Education, at its meeting of September 28, 1989, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R. S. 49:953B and adopted an amendment to Section 1.00.40.e, Paragraph A of the revised Procedures for Appeals to BESE for Waivers of Minimum Standards to read as follows:

1.00.40.e Teacher Certification Appeals Council

A. Composition

A Teacher Certification Appeals Council shall be appointed by the board and shall consist of seven members, three of whom shall be representatives from the universities, one of whom shall be a representative of the Parish Superintendents' Association, and three of whom shall be classroom teachers. The classroom teachers shall consist of one representative each from the Louisiana Federation of Teachers, Louisiana Association of Educators, and the Associated Professional Educators of Louisiana. The board will be responsible only for paying travel expenses of council members at the state rate.

This is an amendment to a section of the revised Procedures for Appeals to BESE for Waivers of Minimum Standards which appeared in the *Louisiana Register* as an Emergency Rule in the July, 1989 issue and as a Notice of Intent in the August, 1989 issue. All other parts of the appeals procedure remain the same. Effective date of this amendment is October 12, 1989.

As a result of the recent reorganization of appeal procedures, the Certification Appeals Council, which hears all individual appeals for certification in Louisiana, is currently operating with only four members. Emergency adoption of this rule will allow the council to fill the vacant positions and to continue its functions without interruption.

Em Tampke
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Revised Certification Requirements for Principals

The State Board of Elementary and Secondary Education, at its meeting of September 20, 1989, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R. S. 49:953B and adopted the following Revised Certification Requirements for Principals submitted by the Department of Education which would: (1) provide issuance of a provisional principal's endorsement upon completion of the current credit requirements, (2) upon successful completion of the two-year internship program, the individual would be issued a five-year renewable principal's endorsement. The revised certification requirements for principals will become effective for all individuals applying for certification as principal on or after July 1, 1990.

These Revised Certification Requirements for Principals supersede those that were advertised as a notice of intent in the July, 1989 issue of the *Louisiana Register*.

This emergency adoption is necessary because the revisions to the certification requirements for principals recently passed, contained an implementation date that in effect made the adopted changes retroactive. In addition, this date was in conflict with the implementation date of July 1, 1990, adopted for other parts of the principal requirements.

ADMINISTRATORS, SUPERVISORS, AND SPECIAL SERVICE PERSONNEL

NOTE: Requirements for principal, supervisor, and school superintendent in effect until September 1, 1982, may be found in the 1976 edition of Bulletin 746.

Elementary School Principal*

Elementary school principals shall meet the following criteria:

A. hold a valid Type A Louisiana Teaching Certificate for the elementary school;

B. have an earned master's degree from a regionally accredited institution of higher education;

C. have completed five or more years of classroom teaching at the elementary school level;

D. a score of 620 on the Educational Administration and Supervision Area Exam of the NTE is required (Mandatory for individuals seeking initial certification as a principal on or after August 16, 1986);

E. have completed a minimum of 30 semester hours of graduate credit as follows: (30 hours include all hours in 1 through 2)

1. Nine semester hours of educational administration and instructional supervision to include the following:

a. Foundations of (Introductory) Educational Administration or Theory of Educational Administration;

b. Elementary School Principalship;

c. Principles of Instructional Supervision in the Elementary School.

* Effective for all individuals applying for certification as a principal on or after July 1, 1990.

2. Twenty-one semester hours of professional education as follows:

a. Eighteen semester hours in professional education to include the following:

1. Educational Research

2. History or Philosophy of Education

3. Elementary School Curriculum

4. School Law

5. School Finance

6. School Personnel Administration.

b. Three semester hours of electives in education administration from:

1. School-Community Relations

2. School Facilities

3. Program Development and Evaluation (in professional education or area/s outside professional education).

F. Persons who have met the requirements of Items A through E-2 above are eligible for a provisional elementary school principal endorsement. Upon employment as a principal or assistant principal an individual with a provisional principal endorsement must enroll in the two-year Administrative Internship Program under the auspices of the Administrative Leadership Academy and Project LEAD.

G. A five-year renewable elementary school principal endorsement will be added to the standard Type A certificate upon satisfactory completion of the two-year Administrative Internship Program. Subsequent renewal every five years will be based upon a satisfactory evaluation by the State Department of Education.

H. Persons holding provisional or regular principal endorsements at either the elementary or secondary school level may serve as principal of a combination elementary-secondary school.

I. Assistant elementary school principals are required to meet the same standards as elementary school principals at the provisional or permanent levels.

Secondary School Principal*

Secondary school principals shall meet the following criteria:

A. hold a valid Type A Louisiana Teaching Certificate for the secondary school;

B. have an earned master's degree from a regionally accredited institution of higher education;

C. have completed five or more years of classroom teaching at the secondary school level;

D. a score of 620 on the Educational Administration and Supervision Area Exam of the NTE is required (Mandatory for individuals seeking initial certification as a principal on or after August 16, 1986);

E. completed a minimum of 30 semester hours of graduate credit as follows: (30 hours include all hours in 1 through 2)

1. Nine semester hours of educational administration and instructional supervision to include the following:

a. Foundations of (Introductory) Educational Administration or Theory of Educational Administration

b. Secondary School Principalship

c. Principles of Instructional Supervision in the Secondary School

2. Twenty-one semester hours of professional education as follows:

a. Eighteen semester hours in professional education to include the following:

1. Educational Research

2. History or Philosophy of Education

3. Secondary School Curriculum

4. School Law

5. School Finance

6. School Personnel Administration.

b. Three semester hours of electives in educational ad-

ministration from:

1. School-Community Relations
2. School Facilities

*Effective for all individuals applying for certification as a principal on or after July 1, 1990.

3. Program Development and Evaluation (in professional education or area/s outside professional education).

F. Persons who have met the requirements of Items A through E-2 above are eligible for a provisional secondary school principal endorsement. Upon employment as a principal or assistant principal an individual with a provisional principal endorsement must enroll in the two-year Administrative Internship Program under the auspices of the Administrative Leadership Academy and Project LEAD.

G. A five-year renewable secondary school principal endorsement will be added to the standard Type A certificate upon satisfactory completion of the two-year Administrative Internship Program. Subsequent renewal every five years will be based upon a satisfactory evaluation by the State Department of Education.

H. Persons holding provisional or regular principal endorsements at either the elementary or secondary school level may serve as principal of a combination elementary-secondary school.

I. Assistant secondary school principals are required to meet the same standards as secondary school principals at the provisional or permanent levels.

Em Tampke
Executive Director

DECLARATION OF EMERGENCY

Office of the Governor

Governor's Special Commission on Education Services

The Governor's Special Commission on Education Services (GSCES) has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B, to amend rules for the student loan program.

The Code of Federal Regulations (*Federal Register*, Vol 54 No 106, pages 24116, 24117, and 24120) Title 34 Parts 668.15, 668.44, and 682.604, concerning a school's eligibility, has been amended effective August 24, 1989. It is necessary to adopt amended rules in order to bring GSCES's Policy and Procedure Manual into compliance with federal regulations.

Procedure 4.0, "How to establish eligibility to participate as a school in the Louisiana Guaranteed Student Loan Program," of the GSCES Policy and Procedure Manual is hereby amended to read as follows:

How to establish eligibility to participate as a school in the LGSLP

How to participate in the LGSLP as a school:

- A. Request a School Eligibility Agreement from GSCES.
- B. Execute the agreement according to its directions and return it to GSCES with:

1. A written request for participation as a school which:
 - a. indicates the ways in which the school's students are currently paying for their costs of education, and
 - b. projects the number of students who would borrow LGSLs, LSLs, and LPLUSs for attendance at the school.

2. A copy of the school's most recent agreement with ED to participate as a school in the GSLP.

3. A copy of the school's pre-enrollment disclosures regarding Institutional Information, as required by 34 CFR 668.44.

4. A copy of the school's most recent catalog and other documents indicating the school's:

- a. costs of education;
- b. curricular offerings;
- c. satisfactory academic progress standards;
- d. refund policies;
- e. initial counseling plan and materials;
- f. exit counseling plan and materials.

5. Statistics on the school's current:

- a. drop and completion rates, and;
- b. placement rates.

6. A copy of the school's most recent:

- a. certified financial statement or audit, and
- b. Title IV Fiscal Operations Report, if applicable.

7. Certification that the school employs at least one person with full-time responsibility for the administration of student financial aid programs.

8. Schools that have a default rate exceeding 20 percent or a withdrawal rate exceeding 33 percent must provide GSCES with all documentation required by the secretary in accordance with 34 CFR 668.15.

D. If determined to be necessary by GSCES, host an on-site review of the school by GSCES staff.

E. If GSCES approves the school, it will:

1. verify the school's identification number;
2. execute the GSCES portion of the agreement;
3. return a copy of the fully executed agreement to the school;

4. advise the school when the next training workshop will be held to which the school is required to attend.

F. The school is now eligible to participate as a school in the LGSLP and may begin submitting applications to LGSLP for guaranty.

Jack L. Guinn
Acting Executive Director

DECLARATION OF EMERGENCY

Department of Health and Hospitals Board of Certification for Substance Abuse Counselors

In accordance with the emergency provisions of R.S. 37:3371-3384 and 49:953(B), the Louisiana State Board of Certification for Substance Abuse Counselors hereby finds that an imminent peril to the public health, safety and welfare requires the adoption of the following emergency rules effective September 20, 1989.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS Part LXXX. Board of Certification For Substance Abuse Counselors

Chapter 1. General Provisions

§101. Definitions

A. *Board*-The Louisiana State Board of Certification for Substance Abuse Counselors

B. *Core Functions*-The screening, intake, orientation, assessment, treatment planning, counseling, case management, crisis intervention, client education, referral, reports and record-keeping activities associated with substance abuse counseling, and consultation with credentialed professionals.

C. *Qualified Professional Supervisors*-A substance abuse counselor who has been certified and has worked in a licensed or board approved substance abuse treatment program for a minimum of two years; or a credentialed professional such as a board certified social worker, licensed psychologist; or licensed physician; or any other professional recognized as a trainer by the board upon presentation of verification and documentation of expertise.

D. *Substance Abuse*-The repeated pathological use of drugs, including alcohol, which causes physical, psychological, economic, legal, or social harm to individual user or to others affected by the user's behavior.

E. *Substance Abuse Counselor*-Any person who, by means of his specific knowledge acquired through formal education and practical experience, is qualified to provide substance abuse counseling services which utilize the basic core functions specific to substance abuse counseling.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3371-3384 as amended.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana State Board of Certification for Substance Abuse Counselors, LR 15:

§103. Scope of Practice

A. The practice of substance abuse counseling within the meaning and intent of these rules and regulations shall consist of the rendering of professional guidance to abusers of drugs or alcohol to assist them in gaining an understanding of the nature of their disorder and developing and maintaining a responsible lifestyle free of substance abuse. The scope of practice shall include making appropriate referrals to qualified professionals, providing counseling to family members when appropriate, and utilizing the core functions of substance abuse counseling.

B. Nothing in these rules and regulations shall be construed to authorize a substance abuse counselor to practice medicine, social work, or psychology, or to provide counseling for disorders other than substance abuse. A substance abuse counselor shall not order, administer, or interpret psychological tests or utilize psychometric procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3371-3384 as amended.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana State Board of Certification for Substance Abuse Counselors, LR 15:

§105. Minimum Standards of Practice

A. The minimum standard of practice will be met if:

1. a counselor is certified and in good standing with the board;
2. the counselor adheres to the code of ethics of the board;
3. the counselor practices within the scope of practice defined by the board;

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3371-3384 as amended.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana State Board of Certification for Substance Abuse Counselors, LR 15:

§107. Fees

A. The fees in connection with a board certified substance

abuse counselor certification shall be as follows:

- | | |
|---|-------|
| 1. Application fee | \$200 |
| 2. Examination fee | 150 |
| 3. Renewal fee | 200 |
| 4. Appeal fee | 50 |
| 5. Re-issuance of lost or destroyed certificate | 25 |
| 6. Late renewal | 100 |

B. All fees are non-refundable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3371-3384 as amended.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana State Board of Certification for Substance Abuse Counselors, LR 15:

§109. Board Procedures and Administration

A. The board shall hold at least six regular meetings and additional meetings as necessary annually.

B. The chairman may call meetings after consultation with the board or by majority of members so voted at a regular meeting.

C. Meeting shall be announced and conducted under the provisions of the Louisiana Open Meetings Law, R.S. 42:1 - R.S. 42:12.

D. A quorum of the board necessary to conduct official business is 50 percent of its current membership.

E. *Robert's Rules of Order Revised* shall be the basis of parliamentary decisions except as otherwise provided by board rules.

F. The executive director shall prepare and submit to each member of the board an agenda which includes items required by law, and other matters of the board's business which has been approved for discussion by the chairman.

G. Minutes

1. The minutes of any board meeting are official only when affixed with the original signature of the chairman or executive director.

2. Drafts of the minutes of each meeting shall be forwarded to each member of the board for review and comments or corrections prior to approval by the board and at least 10 days prior to any regularly scheduled meeting.

3. The official minutes of the board meeting shall be kept in the office of the executive director and shall be available to any person desiring to examine them.

H. Committees

1. The board or the chairman, with the approval of the board, may establish committees deemed necessary to carry out board responsibilities.

2. The chairman shall appoint members of the board to serve on committees.

3. The chairman may appoint non-board members as committee members on a consultant or voluntary basis subject to board approval.

4. The committee chairman shall make regular reports to the board either in writing or at regular meetings and shall direct all such reports or other materials to the executive director for distribution.

5. The committees shall meet when called by the chairman or when so directed by the board.

I. Attendance

1. The attendance policy of the board is that members will attend regular, specially called and committee meetings as scheduled.

2. The board may report to proper governmental agency the attendance records of its members.

J. Executive Director

1. The executive director of the board shall be an employee of the board.

2. The executive director shall keep minutes of the meeting and proceedings of the board and shall be custodian of the files and records of the board.

3. The executive director shall exercise general supervision over persons employed and administration of the powers and duties of the Louisiana State Board of Certification for Substance Abuse Counselors.

4. The executive director shall be responsible for the investigation of complaints and for the presentation of formal complaints.

5. The executive director shall handle all correspondence for the board and obtain, assemble or prepare reports and information that the board may direct or authorize as required by the board or any other agency with appropriate statutory authority.

6. The executive director shall have the responsibility of assembling and evaluating materials submitted by applicants necessary for the certification process. Any and all determinations made by the executive director may be subject to final approval by the board.

7. The executive director or any assignee may serve as administrator of examinations.

K. Transactions of Official Business

1. The board may transact official business only when in a legally constituted meeting with a quorum present.

2. The board shall not be bound in any way by any statement or action on the part of any board or staff member except when a statement or action is in pursuance of the specific instructions of the board.

L. Official Records

1. All official records of the board including application materials, except materials containing information considered confidential, shall be open for inspection during regular office hours.

2. Any person desiring to examine official records shall be required to properly identify himself and sign statements listing the records questioned and examined.

3. Official records shall not be taken from board's office; however, persons may obtain copies of records upon written request and by paying a fee prescribed by the board.

M. Discrimination Policy

1. The board shall make no decision in the discharge of its duty with regard to any persons' race, religion, color, sex or national origin.

N. Policy on Handicapped Applicants

1. The board recognizes that handicapped applicants may encounter special problems in applying for certification and will make effort to accommodate these applicants.

O. Certificate

1. The board shall prepare and provide to each certified counselor a certificate which lists the counselor's name and certification number.

2. Official certificates shall be signed by the chairman, vice-chairman, secretary-treasurer and be affixed with the official seal of the board.

3. Any certificate issued by the board remains the property of the board and must be surrendered to the board on demand.

P. Registry

1. Each year the board shall make available a roster of board certified substance abuse counselors.

2. The roster shall include but not be limited to the name, addresses and telephone numbers of the counselor. It is the counselor's responsibility to keep the board informed of changes of address or other information.

3. The board shall make copies of the roster available to counselors, interested agencies and the general public upon request and at a cost prescribed by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3371-3384 as amended.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana State Board of Certification for Substance Abuse Counselors, LR 15:

Chapter 3. Certification Requirements

§301. The board shall issue a certification as a substance abuse counselor to each candidate who:

A. is at least 21 years of age;

B. is a citizen of the United States;

C. is not in violation of any ethical standards subscribed to by the board;

D. is not and has not been an abuser of alcohol or other drugs during the previous two years;

E. has not been convicted of a felony. However, the board in its discretion may waive his requirement upon review of the individual's circumstances;

F. Has met the following education requirements:

1. possesses a high school diploma or equivalent;

2. has successfully completed a minimum of thirty hours of substance abuse courses or their equivalent from an accredited and board approved institution of higher education. Equivalency may be met by a minimum of 15 semester hours and the remainder, up to 15 equivalent hours, granted by a board approved institution of higher education at the rate of 10 contact hours per one semester hour;

3. applies for certification on or after September 1, 1991, possession of a baccalaureate degree from an accredited institution of higher education;

G. provides evidence of having successfully completed one year of full-time clinical training in board approved institutions in the actual performance of each of the core functions with clients while under the supervision of a qualified professional;

1. One full year equates to 1920 clock hours. These 1920 clock hours can be acquired on a full-time or part-time basis within a five-year time period.

2. Rules for Board Approved Institutions

a. The board will approve or disapprove an institution based on date obtained from the institution.

b. To be considered for approval, an institution must apply for approval on an official board form and pay a designated fee(s) to be set by the board.

c. The institution must agree to on-site visits by the board or a representative of the board. The board may or may not elect to do an on-site assessment.

d. The institution will be notified of approval or disapproval within 90 days of application to the board.

e. The board has the right to revoke approval status based on any deficiency at any time and at the board's discretion.

f. If not approved, the institution will be notified of the reason and may re-submit an application once the deficiency has been corrected to the satisfaction of the board.

H. Demonstrates professional competence in substance abuse counseling by passing a written and oral examination.

1. The board shall determine the scope and administration of the examination.

2. A candidate who fails either examination, but who meets all other requirements, may re-take the examination.

a. If requested the board shall furnish the applicant who fails the examination an evaluation of that applicant's test performance.

3. Notice of Results

a. The board shall notify each candidate of the examination results within 60 days of the date of the examination. If the notice of examination results will be delayed for more than 60 days, the board shall notify the applicant before the sixtieth day.

b. Regardless of which numerical or other scoring system used at arriving at examination results, the official notice of results to applicants shall be stated in terms of passed or failed.

c. If an applicant fails to appear for an examination for reasons other than documented illness or other causes beyond the applicant's control and after having agreed by applying to take a particular examination, the applicant must re-apply and pay another examination fee before being admitted to a subsequent examination.

4. Each application for examination shall be accompanied by a non-refundable fee prescribed by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3371-3384 as amended.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana State Board of Certification for Substance Abuse Counselors, LR 15:

§303. Application

1. Required Application Materials

a. Specific information regarding personal data, employment and type of practice, any other state license and certification held, felony convictions, educational background including practicum experience, supervised experience and references.

b. The applicant's permission to the board to seek any application or reference it deems necessary to determine applicant's qualifications.

c. The statement that the applicant, if issued a certification, shall return the certificate and membership card and any other designations granted by the board upon a revocation or suspension of the certification.

d. A statement that the applicant understands that fees submitted in the certification process are non-refundable.

e. Be signed by the applicant, dated and notarized.

f. Have affixed a recent full face wallet size photo of the applicant with the imprint of the notary seal on the edge.

2. Unless otherwise indicated, an applicant must submit all required information and documentation of credentials on official board forms.

3. The board will not consider an application as official until the applicant has paid the application fee which must accompany the application form.

4. The board must receive all required application materials at least 45 days prior to the date the applicant wishes to take the examination, however, the board reserves the right to waive this 45-day requirement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3371-3384 as amended.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana State Board of Certification for Substance Abuse Counselors, LR 15:

§305. Acceptance of Application

1. Upon investigation of the application, the board shall, in no less than 30 days prior to the examination, notify each candidate that the application is satisfactory and acceptable or

unsatisfactory and rejected. If an application is rejected, the notice shall state the reasons for such rejections.

2. The board reserves the right, upon investigation of the application to ask that any deficiencies found in the application be clarified before giving final approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3371-3384 as amended.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana State Board of Certification for Substance Abuse Counselors, LR 15:

§307. Renewal

A. Every person certified under these rules and regulations shall renew his certificate every two years. Upon the receipt of the application for renewal and the renewal fee, the board shall verify the accuracy of the application for renewal and issue to the applicant a certificate for renewal.

B. Within the two years prior to application for certification renewal all applicants must have experienced at least 60 clock hours of education directly applicable to substance abuse counseling. The 60 hours must be workshops, courses and other organized education performance approved by this board. In-service training (conducted by and for the applicant's own agencies) does not count towards this requirement. Conduction or presentation of an educational program also does not qualify. Education for renewal of certification must come from at least three of the following:

1. techniques of screening, intake, orientation and assessment of client/patient;
2. client education approaches for problems of chemical dependency;
3. treatment planning strategies and counseling skills;
4. chemical dependency counseling techniques including individual and group psychodynamics;
5. case management matrices, consultation methods and the utilization of other professional/treatment services and referral systems;
6. chemical dependency crisis intervention skills;
7. awareness of special population needs in reference to substance abuse;
8. utilization of self-help groups and awareness of the 12-step process;
9. basic pharmacologic knowledge and an understanding of the chemical dependency disease concept;
10. skills in reporting and recordkeeping;
11. a thorough understanding of professional ethics of substance abuse counseling;
12. recognition of related medical and psychological disorders that may require referral.

C. Initial Continuing Education Requirement Waiver

1. For all counselors certified by this board before December 31, 1988, the continuing education requirement is waived only for that counselor's initial renewal period. The certification renewal date for counselors certified by this board before December 31, 1988 shall be January 1, 1990 and shall remain January 1 thereafter.

2. For all counselors certified by this board between January 1, 1989 and December 1, 1989, the continuing education requirements shall be 30 hours of continuing education hours for the initial renewal period only.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3371-3384 as amended.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana State Board of Certification for

Substance Abuse Counselors, LR 15:

§309. Denial or Revocation of Certification

A. The board shall have the power to deny, revoke or suspend the certification of any person upon proof that such person:

1. has been convicted of any offense which constitutes a felony under the laws of this state, whether or not the conviction was in a court in this state;
2. is convicted of a felony or other serious crimes;
3. violates any provision of the ethical standards to which the board subscribes;
4. Attempts to practice medicine, psychology, or social work without being licensed in such professions;
5. is impaired in delivery of professional services because of alcohol or drug abuse, or because of medical or psychiatric disability;
6. provides drugs or other restricted chemical substances to another person;
7. allows his certificate to be used by another person to illegally represent himself as a certified substance abuse counselor;
8. engages in sexual misconduct with a client or a family member of a client;
9. obtained certification by means of fraud, misrepresentation, or concealment of material facts;
10. has been found guilty of fraud or deceit in connection with services rendered;
11. has been grossly negligent in practice as a substance abuse counselor;
12. has violated any lawful order, rule, or regulation rendered or adopted by the board;
13. has violated any provisions of these rules and regulations.

B. 1. Any person whose certification is sought to be revoked in accordance with the provisions of these rules and regulations shall be given 30 days notice in writing enumerating the charges and specifying the date for a hearing before the board conducted in accordance with applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

2. In connection with any hearing the board may issue subpoenas, compel the attendance and testimony of witnesses, and administer oaths in the same manner as a district court in the parish wherein the hearing takes place.

3. A stenographic record of all proceedings before the board shall be made and a transcript kept on file with the board.

C. Any person aggrieved by a decision of the board revoking his certification may appeal the decision within thirty days to the district court for the parish wherein the hearing was held. In such a case the board shall transmit to the district court a certified copy of the record. The district court shall try the appeal de novo.

D. Complaint Procedures

1. A person wishing to report a complaint or alleged violation against a board certified substance abuse counselor or other person shall notify the executive director. The initial contact notification of a complaint may be in writing.

2. Upon receipt of a complaint, the executive director shall send an acknowledgement letter to the complainant and an official complaint form which the complainant must complete and return to the board before further action can be taken.

3. The executive director shall investigate each complaint and gather information required by the board including a notarized response from the board certified substance abuse coun-

selor or other person against whom a complaint or alleged violation has been filed.

4. The executive director may, if the situation does not involve a serious violation, attempt to resolve the issues of the complaint to the satisfaction of all parties involved as evidenced by a signed written statement of agreement from each party to the complaint. The executive director shall keep the board informed of attempts at resolution and any final agreement among the parties involved must be approved by the board before a file is considered closed.

5. The board may hold an informal hearing to resolve any complaint.

6. At least once each quarter, the board shall notify a complainant of the status of his complaint until the complaint is finally disposed of.

7. A complaint or allegation not resolved by the executive director of the board by an informal hearing shall be referred to the board which may set a formal hearing to resolve the complaint.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3371-3384 as amended.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana State Board of Certification for Substance Abuse Counselors, LR 15:

Chapter 5. Miscellaneous

§501. Impaired Certificate Holders Identification and Rehabilitation Procedures

A. The board may appoint or designate an examining committee of board certified substance abuse counselors, physicians or other appropriate health care professionals to conduct a physical and/or mental examination on a certified substance abuse counselor to otherwise inquire into the counselor's fitness and ability to practice his/her profession with reasonable skill and safety to patients/clients, and to submit such advisory reports and recommendations to the board, when the board has reasonable cause to believe that such counselor's fitness and ability is affected by mental illness or deficiency, or physical illness, including but not limited to deterioration through the aging process and/or excessive use or abuse of drugs including alcohol. The board may enter into a consent order with an impaired counselor in lieu of the certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3371-3384 as amended.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana State Board of Certification for Substance Abuse Counselors, LR 15:

§503. Injunctive Relief; Penalties

A. The board may cause an injunction to be issued in any court of competent jurisdiction enjoining any person from violating the provision of these rules and regulations.

B. In a suit for an injunction, the board through its chairman, may demand of the defendant a penalty of not less than \$100 nor more than \$1,000, and attorney's fees besides the costs of court. The judgment for penalty, attorney's fees, and costs may be rendered in the same judgment in which the injunction is made absolute.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3371-3384 as amended.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana State Board of Certification for Substance Abuse Counselors, LR 15:

§505. Persons and Practices not Affected

A. Nothing in these rules and regulations shall be con-

strued as preventing or restricting the practice, services, or activities of any person licensed or certified in this state by any other law from engaging in the profession or occupation for which he is licensed or certified.

B. Nothing in these rules and regulations shall be construed as prohibiting other licensed professionals, including members of the clergy and Christian Science practitioners, from the delivery of medical, psychotherapeutic, counseling, social work, psychological, or educational services to substance abusers and their families.

C. Nothing in these rules and regulations shall be construed as prohibiting the activities of any person employed or supervised by a qualified professional supervisor, while carrying out specific tasks under professional supervision. The supervisee shall not represent himself to the public as a substance abuse counselor.

D. Nothing in these rules and regulations shall be construed as prohibiting the activities of any student in an accredited educational institution while carrying out activities that are part of the prescribed course of study, provided such activities are supervised by a qualified professional supervisor. Each student shall hold himself out to the public only by clearly indicating his student status and the profession in which he is being trained.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3371-3384 as amended.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana State Board of Certification for Substance Abuse Counselors, LR 15:

§507. Prohibited Activities

A. No person shall hold himself out as a certified substance abuse counselor unless he has been certified as such under the provisions of these rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3371 3384 as amended.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana State Board of Certification for Substance Abuse Counselors, LR 15:

§509. Penalties

A. Whoever violates any provision of the Substance Abuse Counselor Certification Act, R.S. 37:3371 et seq., shall be guilty of misdemeanor and shall be punished by a fine of not less than \$100 nor more than \$500 or imprisonment for not more than six months or both.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3371-3384 as amended.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana State Board of Certification for Substance Abuse Counselors, LR 15:

§511. Confidentiality

A. No substance abuse counselor may disclose any information he may have acquired from persons consulting him in his professional capacity that was necessary to enable him to render services to those persons except:

1. with the written consent of the client, or in the case of death or disability, with the written consent of his personal representative, other person authorized to sue, or the beneficiary of any insurance policy on his life, health, or physical condition; or
2. when the person is a minor under the age of eighteen and the information acquired by the substance abuse counselor indicated that the child was the victim or subject of a crime, then the substance abuse counselor may be required to testify fully in relation thereto upon any examination, trial, or other proceeding in which the commission of such crime is a subject of inquiry; or

3. when a communication reveals the contemplation of a crime or harmful act; or

4. when the person waives the privilege by bringing charges against the substance abuse counselor for breach of the privilege.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3371-3384 as amended.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana State Board of Certification for Substance Abuse Counselors, LR 15:

Chapter 7. Code of Ethics

§701. Professional Representation

A. A counselor shall not misrepresent any professional qualifications or associations.

B. A counselor shall not misrepresent any agency or organization by presenting it as having attributes which it does not possess.

C. A counselor shall not make claims about the efficacy of any service that go beyond those which the counselor would be willing to subject to professional scrutiny through publishing the results and claims in a professional journal.

D. A counselor shall not encourage or, within the counselor's power, allow a client to hold exaggerated ideas about the efficacy of services provided by the counselor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3371-3384 as amended.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana State Board of Certification for Substance Abuse Counselors, LR 15:

§703. Relationships with Clients

A. A counselor shall make known to a prospective client the important aspects of the professional relationship including fees and arrangements for payment which might affect the client's decision to enter into the relationship.

B. A counselor shall inform the client of the purposes, goals, techniques, rules of procedure, and limitations that may affect the relationship at or before the time that the counseling relationship is entered.

C. A counselor shall provide counseling services only in the context of a professional relationship and not by means of newspaper or magazine articles, radio or television programs, mail or means of a similar nature.

D. No commission or rebate or any other form of remuneration shall be given or received by a counselor for the referral of clients for professional services.

E. A counselor shall not use relationships with clients to promote, for personal gain or the profit of an agency, commercial enterprises of any kind.

F. A counselor shall not under normal circumstances be involved in the counseling of family members, intimate friends, close associates, or others whose welfare might be jeopardized by such a dual relationship.

G. A counselor shall not in normal circumstances offer professional services to a person concurrently receiving counseling assistance from another professional except with knowledge of the professional.

H. A counselor shall take reasonable personal action to inform responsible authorities and appropriate individuals in cases where a client's condition indicates a clear and imminent danger to the client or others.

I. In group counseling settings, the counselor shall take reasonable precautions to protect individuals from physical and/or emotional trauma resulting from interaction within the group.

J. A counselor shall not engage in activities that seek to meet the counselor's personal needs at the expense of a client.

K. A counselor shall not engage in sexual intimacies with any client.

L. A counselor shall terminate a professional relationship when it is reasonably clear that the client is not benefiting from it.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3371-3384 as amended.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana State Board of Certification for Substance Abuse Counselors, LR 15:

§705. Counselors and the Board

A. Irrespective of any training other than training in counseling which a person may have completed, or any other certification which a person may possess, or any other professional title or label which a person may claim, any person licensed as a counselor is bound by the provisions of the Counselor Act and the rules of the board in rendering counseling services.

B. A counselor shall have the responsibility of reporting alleged misrepresentations or violations of board rules to the board's executive director.

C. A counselor shall keep his/her board file updated by notifying the board of changes of address, telephone number and employment.

D. The board may ask any applicant for certification as a counselor or specialty designation whose file contains negative references of substance abuse to come before the board for an interview before the certification specialty designation process may proceed.

E. The board shall consider the failure of a counselor to respond to a request for information or other correspondence as unprofessional conduct and grounds for disciplinary proceedings.

F. A counselor must participate in continuing education programs which are required by board rule.

G. Applicants for certification as a counselor or for specialty designation shall not use current members of the board as references.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3371-3384 as amended.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana State Board of Certification for Substance Abuse Counselors, LR 15:

§707. Advertising and Announcements

A. Information used by a counselor in any advertisement or announcement of services shall not contain information which is false, inaccurate, misleading, partial, out of context, or deceptive.

B. The board imposes no restrictions on advertising by a counselor with regard to the use of any medium, the counselor's personal appearance or the use of his personal voice, the size or duration of an advertisement by a counselor, or the use of a trade name.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3371-3384 as amended.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana State Board of Certification for Substance Abuse Counselors, LR 15:

§709. Board Certified Substance Abuse Counselors Must Agree to Affirm:

A. That my primary goal is recovery for client and family, that I have a total commitment to provide the highest quality care for those who seek my professional services.

B. That I shall evidence a genuine interest in all clients, and do hereby dedicate myself to the best interest of my clients, and to assisting my clients to help themselves.

C. That at all times I shall maintain an objective, nonpossessive, professional relationship with all clients.

D. That I will be willing to recognize when it is to the best interest of a client to release or refer him to another program or individual.

E. That I shall adhere to the rule of confidentiality of all records, material, and knowledge concerning the client.

F. That I shall not in any way discriminate between clients or professionals, based on race, creed, age, sex, handicaps, or personal attributes.

G. That I shall respect the rights and views of other counselors and professionals.

H. That I shall maintain respect for institutional policies and management functions within agencies and institutions, but will take the initiative toward improving such policies, if it will best serve the interest of the client.

I. That I have a commitment to assess my own personal strengths, limitations, biases, and effectiveness on a continuing basis, that I shall continuously strive for self-improvement, that I have a personal responsibility for professional growth through further education and training.

J. That I have an individual responsibility for my own conduct.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3371-3384 as amended.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana State Board of Certification for Substance Abuse Counselors, LR 15:

Further, the Louisiana State Board of Certification for Substance Abuse Counselors declares that application for certification from interested parties will be received at its office at 141 Ridgeway, Suite 205, Lafayette, Louisiana 70503 beginning October 1, 1989 and ending December 31, 1989.

Donald M. Trahan
Executive Director

DECLARATION OF EMERGENCY

Department of Health and Hospitals Board of Veterinary Medicine

In accordance with R.S. 49:953B, on September 21, 1989, the Louisiana Board of Veterinary Medicine adopted the following emergency rule.

There is no fiscal or economic impact on the State of Louisiana.

The board finds that an imminent peril to the public health, safety and welfare exists since it is currently the practice that lay persons who call themselves "equine dentists" are practicing veterinary medicine illegally. In order to protect the public, as the board is statutorily mandated to do, the board adopted the following emergency rule to provide that all lay persons who practice equine dentistry must perform such services under the direct supervision of a licensed veterinarian.

DIRECT SUPERVISION

The board's position on non-licensees performing chiropractic, acupressure, acupuncture, and equine dentistry (defined

as extracting wolf teeth and floating) treatments on animals is:

The foregoing may be performed by a non- licensee only under the direct supervision of a licensed veterinarian. Direct Supervision includes:

- a. The licensed veterinarian must have established a valid veterinarian - client - patient relationship,
- b. The treatment must be performed on the order or prescription of a licensed veterinarian,
- c. The licensed veterinarian must be available on the premises, and
- d. The licensed veterinarian must assume liability for any treatment performed.

Signed in Baton Rouge, Louisiana on this 21st day of September, 1989.

Dr. John Cooper
Secretary/Treasurer

DECLARATION OF EMERGENCY

Department of Health and Hospitals Board of Veterinary Medicine

On September 21, 1989, the Louisiana Board of Veterinary Medicine adopted the following emergency rule.

There is no fiscal or economic impact on the State of Louisiana.

The board finds that an imminent peril to the public health, safety and welfare, in accordance with R.S. 49:953B, exists since the board is now certifying lay persons as certified animal euthanasia technicians under the provisions for R.S. 37:1551 et seq. Once certified, these lay persons may apply for and receive a D.E.A. license to procure and administer sodium pentobarbital on behalf of an animal control center.

The board finds that the imminent peril mentioned above exists because there are currently no rules and/or regulations regarding the safe storage and inventory for sodium pentobarbital which is a controlled, dangerous substance.

Storage of Sodium Pentobarbital

All sodium pentobarbital shall be stored either in a securely locked cabinet which is of substantial construction or in a safe or in a locked metal cabinet. The cabinet, safe or locker shall be locked at all times. The certified animal euthanasia technician(s) shall have the responsibility for the safe keeping of the keys and/or combination to the cabinet, safe or locker.

Usage Log

A usage log shall be maintained to account for the use of each cubic centimeter (cc) or parts thereof of sodium pentobarbital. The log shall be maintained in a book with preprinted numbered pages which shall not be torn out. The log shall include the date of usage, the lot number and bottle number used, the amount in cc's of usage, the tag number or other identification number for the animal and the name of the person who drew the sodium pentobarbital. The log shall also indicate the number of cc's lost due to spillage.

Inventory

An inventory of all sodium pentobarbital shall be done every three months. The inventory shall indicate the amount of sodium pentobarbital ordered, the amount presently on hand, the amount used for euthanasia, the amount lost due to spillage, and the amount lost due to the drug's expiration. The inventory

shall be made and signed by the certified animal; euthanasia technician. Upon written request from either the Louisiana Board of Veterinary Medicine or from the Department of Health and Hospitals, the certified animal euthanasia technician shall provide a copy of the inventory records.

Signed in Baton Rouge, Louisiana on this 21st day of September, 1989.

Dr. John Cooper
Secretary/Treasurer

DECLARATION OF EMERGENCY

Department of Health and Hospitals Office of Human Services

The Department of Health and Hospitals, Office of Human Services, Division of Alcohol and Drug Abuse has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B, to establish a program of group homes for recovering substance abusers.

The Anti-Drug Abuse Act of 1988, Public Law 100-690, amended Subpart I of Part B of Title XIX of the Public Health Services Act by adding Section 1916(A) requiring the states to create a revolving fund account of at least \$100,000 to provide loans for the provision of group housing for four or more individuals recovering from alcoholism or other drug abuse.

A declaration of emergency is necessary to comply with the time constraint of September 30, 1989, for implementing the revolving fund account established by Public Law 100-690. The guidelines for administering the revolving fund account are outlined below.

Title 48

PUBLIC HEALTH

Part VII. Alcohol and Drug Abuse Services

Chapter 7. Group Homes for Recovering Substance Abusers

§701. Introduction

The Anti-Drug Abuse Act of 1988, (Public Law 100-690) established a program entitled Group Homes for Recovering Substance Abusers. This program requires the state to create a revolving fund of at least \$100,000 to make loans of up to \$4,000 to non-profit private entities to provide housing for four or more individuals recovering from alcoholism or other drug abuse. This self-help group housing service is intended to enable recovering persons to sustain a chemical free lifestyle by accepting responsibility for operating a democratically run and self-supported alcohol and drug free recovery house.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:771 and R.S. 36:258(E)(3).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Division of Alcohol and Drug Abuse, LR.

§703. Definitions

A. *Private Entity* refers to non-profit agencies or organizations or groups of four or more individuals. It may include a single individual, provided such individual provides evidence of recovering status from a treatment organization, and meets other requirements of these guidelines. This definition does not include public (governmental) agencies.

B. *Group Recovery Home* means a private residence,

apartment complex or other type housing, with sleeping facilities for not less than four individuals in semi-private quarters, with bathing and kitchen facilities.

C. *Self-Governing* means the required method of management of a group recovery home. Residents are responsible for the democratic operation of the home, the maintenance of rules and regulations including admission guidelines and management of finances. The group may require sponsorship or affiliate with treatment, rehabilitation, or other groups.

D. *Lender* means the Department of Health and Hospitals, Bureau of Fiscal Services, Financial Management Bureau, Box 3797, Baton Rouge, LA 70821.

E. *Bridge Loan* is a short-term, rapid access loan to private, non-profit corporations for the purpose of binding a lease for a planned recovery home.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:771 and R.S. 36:258(E)(3).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Division of Alcohol and Drug Abuse, LR.

§705. Regulations

All applicants for group recovery home loans must agree to abide by the following regulations in the operation of the home.

A. Homes may have no more than 10 individuals in residence unless granted a specific waiver by the Department of Health and Hospitals, Office of Human Services.

B. Homes must maintain a home-like atmosphere, providing adequate individual privacy for the residents.

C. Homes shall be self-governing to the extent that its members are not governed by any outside source or person. One resident shall be elected to be responsible for administering rules, convening the group, collecting assessments and paying bills. The term of office for the principal officer shall be set by the residents.

D. Homes shall assure that the following required policies are maintained and adhered to:

1. admission to the home shall be on the basis of a majority of residents voting;

2. residents shall remain alcohol and drug-free. There will be no alcohol or drugs (other than those prescribed by a licensed physician) on the premises;

3. residents shall pay their monthly assessments for rent, utilities, food, and other expenses of the home on a regular basis;

4. any resident using alcohol or drugs which have not been prescribed for a bona-fide medical condition will be expelled, and such expulsion documented as to time, date, and reasons thereof;

5. homes may not discriminate in admission practices on the basis of race, religion or ethnic origin. Homes established for men only may deny admission of female applicants and vice-versa;

6. residents shall establish through a majority vote governing policies which regulate admission, application process and approval, committees, duties of residents, attendance at self-government meetings, self-help activities, employment, etc. as the group may deem appropriate.

E. Homes shall be maintained in a safe and sanitary manner. Residents shall assure that regular buildings and grounds maintenance occurs so that the existence of the home in the neighborhood does not attract undue attention or result in discord with neighbors.

F. Homes shall establish policies in regard to relapse-

prevention, and residents shall insure that relapse-prone members are promptly referred for appropriate intervention.

G. Homes shall assure that new residents are made fully aware of their duties and responsibilities, of the rules of the house, and the conditions for expulsion.

H. Homes established pursuant to these regulations must meet current local housing codes for private residences with respect to kitchen facilities, bathrooms, water heaters, venting and ventilation, fire-safety exits, etc. Irrespective of those codes, there shall be at least one ABC rated fire extinguisher in each kitchen and in each hallway adjacent to sleeping areas.

I. Recovery homes shall maintain the following documents for review by the lending authority and/or quality assurance monitoring group:

1. cash receipt book;
2. cash disbursement journal;
3. written and posted house rules;
4. written admission/expulsion policies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:771 and R.S. 36:258(E)(3).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Division of Alcohol and Drug Abuse, LR.

§707. Purpose of the Fund

The Group Homes for Recovering Substance Abusers Program will make available start-up loans of up to \$4,000 per applicant for the following type of expenses:

A. security deposits for rent/lease and utilities;

B. up to two months rent for each individual in the group;

C. purchase or rental of household furniture and equipment such as beds, dressers, dining tables, chairs, lounge furniture, washer, dryer, range, refrigerator;

D. household amenities (television, appliances, linens, utensils);

E. raw food supplies (staples, canned goods, groceries, condiments, etc.);

F. facility modifications of non-extensive nature including materials (paint, lumber);

G. local transportation expenses/employment related but as a part of loan only;

H. employment related clothing (uniform rental, purchase);

I. bridge loans for applicants.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:771 and R.S. 36:258(E)(3).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Division of Alcohol and Drug Abuse, LR.

§709. Eligibility Requirements

A. Eligible Entities include:

1. private non-profit corporations;

2. non-chartered groups of four or more recovering persons;

3. established recovery homes;

4. individuals accepted into established recovery homes.

B. Lender shall require all applicants to provide the following assurances:

1. intended use of the funds derived from the loan (budget);

2. to maintain the recovery home as an alcohol and drug free environment;

3. residents will remain alcohol and drug-free;

4. residents who violate this pledge will be expelled from the home;

5. costs associated with operation of the home, including rent, utilities, food, will be borne by the residents;

6. home will be operated as a self-managed democracy.

C. Lender may require an applicant consisting of an unchartered group or an individual to provide assurances that each resident is:

1. recovering from chemical dependency;

2. continuing in treatment or has been discharged from treatment;

3. attending self-help (AA, NA, CA) organizations at least once a week;

4. employed, or if not currently employed is actively seeking employment and is registered with the local employment office or a union employment office; or is receiving income on a regular basis from retirement, disability or other source;

5. accepted into an existing group recovery home, or is establishing one.

D. Lender may require a chartered non-profit corporation to provide the following:

1. evidence of charter;

2. evidence of authority to borrow money, i.e., Board Resolution;

3. documented purposes for loan;

4. assurances regarding recovery home residents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:771 and R.S. 36:258(E)(3).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Division of Alcohol and Drug Abuse, LR.

§711. Application Procedures

A. Applications and guidelines for group recovery home loans may be obtained from any regional alcohol and drug abuse treatment program operated by the Department of Health and Hospitals.

B. Completed applications consist of:

1. application form;

2. assurances form;

3. statement of sobriety;

4. budget;

5. acceptance statement (individual);

6. evidence of available rental property including address and ownership.

C. Application Review Process

1. The completed application package shall be hand-carried to the issuing office by the applicant. The application will be reviewed by the Regional Alcohol and Drug Abuse Treatment Program Manager along with the applicant. The regional manager will determine with the applicant a suitable repayment schedule within the 24-month limit of the loan. Interest shall be calculated at five percent simple interest. The regional manager shall compute the payment, and enter it on the Application Form in the box designated "For Official Use Only."

2. If approved, the application shall be forwarded to the Department of Health and Hospitals (DHH) Office of Human Services, Division of Alcohol and Drug Abuse, Special Projects Branch. If approved, it will be forwarded to the DHH, Bureau of Fiscal Services, Financial Management Section for issuance of a check to the applicant. The Bureau of Fiscal Services will forward a copy of its transmittal letter to the approving officer in the Division of Alcohol and Drug Abuse.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:771 and R.S. 36:258(E)(3).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Division of Alcohol and Drug Abuse, LR.

§713. Bridge Loans

A. Bridge loans are restricted, short-term loans to private, non-profit chartered organizations in an amount equal to anticipated or quoted security deposits and first month rent. Bridge loans are for the purpose of having funds available at the time of consummating a lease arrangement for a recovery home under sponsorship of that organization.

B. Restrictions on Bridge Loans

1. Private non-profit corporations

2. Ninety day payback

3. Limited to amount needed for security deposit and one month lease cost of house to be used for the recovery home

4. Non-interest bearing

5. Application for loan must state "Bridge Loan"

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:771 and R.S. 36:258(E)(3).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Division of Alcohol and Drug Abuse, LR.

§715. Quality Assurance Requirements

A. Quality assurance/monitoring requirements are approached from the perspective that group recovery homes are intended to provide residences for recovering individuals, and are not designed as treatment or rehabilitation programs. Therefore, oversight on the part of DHH shall be limited to the following determinants, as reflected in periodic, but not less than annual, site visits by an agent of DHH.

1. Group recovery homes are required to maintain registration with the Department of Health and Hospitals, Office of Human Services, Division of Alcohol and Drug Abuse on a current basis.

2. Registration shall consist of the following in written form:

a. name of home or group;

b. location, including address and zip code;

c. name of principal officer/manager/organizer;

d. expected capacity;

e. telephone number if available;

f. name of landlord/owner.

3. For the duration of any outstanding group or individual recovery home loan, site visits shall monitor the following areas to assure:

a. the facility is maintained in a clean, safe and sanitary condition;

b. cash receipts and disbursement journal are maintained and current;

c. a policy on admissions and rules of conduct has been established;

d. a record of admissions and expulsions is maintained;

e. residents continue to be involved in either an agency recognized treatment program or a self-help support group;

f. employable residents are employed or actively seeking employment.

B. At the monitor's option, and based upon observations, inspections may be requested by other state or local officials regarding sanitation, health, safety, and fire code compliances.

C. The agency-designated monitor will file a written report, in brief form, within 30 days of any site visit/inspection with the Department of Health and Hospitals, Office of Human Services, Division of Alcohol and Drug Abuse, with a copy to the Bureau of Fiscal Services, Box 3797, Baton Rouge, LA 70821.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:771 and R.S. 36:258(E)(3).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Division of Alcohol and Drug Abuse, LR.

David L. Ramsey
Secretary

DECLARATION OF EMERGENCY

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provisions of the Administrative Procedure Act, R.S. 49:953 B to adopt the following rule in the Medical Assistance Program.

In accordance with Act 403 of the 1989 Legislature, the bureau is eliminating the closed restricted drug formulary and expanding pharmacy program coverage of drugs. As mandated by state law, the program will begin paying for all legend drugs designated as safe and effective by the Food and Drug Administration except cosmetic drugs, cough and cold preparations, minor tranquilizers and anorexic drugs effective September 15, 1989. In addition, the program will include coverage for a limited number of over-the-counter drugs, indwelling catheters, and catheterization trays when prescribed.

Under this rule, there is no change in the reimbursement methodology for prescription drugs.

RULE

Authorized medications and/or supplies which are payable under Title XIX pharmacy services of the Medical Assistance Program are listed below.

1. All legend drugs will be provided except the following therapeutic classifications:

- a. anorexics
- b. cough and cold preparations
- c. minor tranquilizers
- d. cosmetic drugs

2. Non-legend drugs as follows:

Benedict's Solution	Contraceptive Supplies and Devices
Calcium Gluconate	Ferrous Gluconate
Calcium Lactate	Ferrous Sulfate
Calcium Phosphate	Insulin
Clinitest	Nicotinic Acid
Clinistix	Tes Tape

3. Non-disposable insulin syringes as follows: (Louisiana Drug Codes for these are indicated)

LDC	SYRINGE TYPES
994 1901 00	Insulin Syringe Type 1YLI BD
994 1902 00	Insulin Syringe Type 1YLI BD
994 1903 00	Insulin Syringe Type 2YZ BD
994 1904 00	Insulin Syringe Type 1YTI BD
994 1905 00	Insulin Syringe Type ND, LO-DOSE, U-100
994 1908 00	Insulin Syringe Type 2YPI BD
994 1910 00	Insulin Syringe Type U-100 BD
994 1911 00	Insulin Syringe Type 3YLIH BD

4. Indwelling Catheters and Catheterization Trays as follows:

LDC	TYPE
993 304 00	5 cc Catheter
993 303 00	30 cc Catheter
993 302 00	Tray

5. The combination indwelling Catheters and Catheterization Trays are payable as follows:

LDC	TYPE
003 305 00	Tray with 5 cc Catheter
993-301	Tray with 30 cc Catheter

6. Immunosuppressant Drugs — Pharmacies shall be required to bill Title XVIII for Immunosuppressant drugs prescribed within one year from the date of the transplant for recipients who have Medicare Part B coverage. After Title XVIII has processed the claim, then the claim along with the Explanation of Medicare Benefits should be forwarded to the bureau's fiscal intermediary for payment of co-insurance or deductible where applicable. If the transplant date is more than one year, then pharmacy claims along with documentation of transplant date from either the physician or hospital should be forwarded to the bureau's fiscal intermediary, Provider Relations TPL Unit for processing and override of the Medicare eligible edit.

Non-Transplant Patients with Medicare Part B: When a prescription is filled for NDC810597 (Imuran, 50 mg) and NDC780110 (Sandimmune, 100 mg/ml) and the individual is not an organ transplant patient and is covered by Medicare Part B, copy of a physician statement verifying the diagnosis must be attached to each claim submittal.

COVERAGE LISTING

A complete listing of covered drugs will be maintained in the Title XIX provider manual for utilization by providers. The bureau's fiscal intermediary will provide coverage information on any specific drug. Providers should contact the fiscal intermediary's provider relations unit when a specific coverage question arises.

EXCLUSIONS

Listed below are the medications and/or supplies (with examples) which are not payable under pharmaceutical services of the Medical Assistance Program.

1. Experimental drugs, which are generally labeled: "Caution—limited by Federal Law to investigational use."

2. Anorexics, such as:

Adipex-P	Fastin	Obestat	Tenuate
Biphetamine	Ionamin	Panrexin MTP	Tenuate Dospan
Coramine	Mazanok	Pondimin	Tepanil
Dexedrine	Melfiat	Preludin	Triintabs
Desoxyn	Melfiat 105	Sanorex	
Didrex	Methamphetamine	Statobex	

3. Cough and cold preparations, such as:

Actifed	Detussin	Histalet DM
Actifed C	Dihistine	Histalet Forte
Ambenyl	Dimacol	Histaspan D
Brexin LA	Dimetane DX	Histaspan Plus
Brexin Caps	Dimetane Exp.	Hycodan
Brexin Liquid	Dimetane Exp. D.C.	Hycomine Comp.
Bromfed	Disophrol	Hycomine Syr.
Comhist	Drixoral	Hycomine Ped.
Comhist LA	Drize	Hycotuss
Condriin LA	Endal	Isoclor
Cophene	Endal ND	Marcof
Cophene No. 2	Endal SR	Naldecon
Cophene PL	Endal Plain	Naldecon CX
Cophene S	Entex	Naldecon Ped.
Cophene XP	Entex LA	Nolamine
Co-Pyronil 2	Glynazan Exp.	Novafed-A
Deconamine SR	Hista Vadrin	Ornade
Decongestabs	Histabid	Pancof
De Tuss	Histalet	Pediacof

Phenergan Comp.	Robitussin DAC	Sinubid
Phenergan D	Rondec	Tavist D
Phenergan Exp.	Rondec DM	Triaminic
Phenergan w/Codeine	Ru Tuss	Triaminic DH
Phenergan Ped. DM	Ru Tuss Exp.	Triaminic Juvelet
Phenergan VC	Ru Tuss Plain	Tussar SF
Phenergan VC Codeine Exp.	Rynatan	Tussend
Polaramine Exp.	Rynatan Ped.	Tussend Exp.
Polyhistine D	Rynatuss	Tuss-Organidin
PV Tussin	Singlet	Tuss Ornade

4. Minor Tranquilizers, such as:

Atarax	Miltown	Tranxene
Ativan	Paxipam	Traxin
Centrax	Promate	Valium
Equanil	Rezine	Valrelease
Libritab	Serax	Vistaril
Librium	Trancopal	Xanax

5. Cosmetic Drugs

A/T/S	Cleocin T Topical Gel	Pan Oxyl 5
Accutane	Cleocin T Topical Soln	Pan Oxyl 10
Benoquin	Desquam X 5	Pan Oxyl AQ 2 1/2
Benzac 5 Gel	Desquam X 10	Pan Oxyl AQ 5
Benzac 10 Gel	Drysol	Pan Oxyl AQ 10
Benzac W 2 1/2	Eldopaque	Retin A
Benzac W 5	Eldoquin-Forte	Rogaine
Benzac W 10	Eryderm 2%	Staticin
Benzac W Wash 5	Meclan Cream	Solaquin-Forte
Benzac W Wash 10	Melanex	T-Stat 2%
Benzagel	Minoxidil Topical	Topicycline

6. Compounded prescription (mixtures of two or more ingredients)

7. Narcotics prescribed only for narcotic addiction.

8. In addition, payment will not be made for medications which are included in the reimbursement to a facility such as a:

- a. hospitalized recipient, or
- b. a recipient receiving benefits under Part A of Title XVIII in a skilled nursing facility, or
- c. a resident/patient at Villa Feliciana or at a state mental hospital.

9. DESI Drugs—Drugs which have been identified by the FDA as lacking evidence of safety/effectiveness. Regulatory Exception

Implementation of this rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

David L. Ramsey
Secretary

DECLARATION OF EMERGENCY

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953 B to adopt the following rule in the Medical Assistance Program.

Medicaid currently reimburses for skilled nursing facility (SNF) and intermediate care facility (ICF I and II) services on a prospective per diem basis. This does not adequately address the costs of state facilities which frequently accept the more difficult

and intensive patient for care. State facilities are currently in jeopardy of being closed due to inadequate reimbursement. As federal regulations permit a different reimbursement methodology for services provided by state-operated facilities, reimbursement to state-operated nursing facilities is being modified effective for cost reporting periods ending June 30, 1990 to provide for a retrospective cost-based reimbursement which will address the additional costs of such facilities. This emergency rule will then ensure the availability of nursing facility services to that needy population that would not be accepted by other facilities due to difficult or intensive levels of care needed. Thus, imminent peril to the health and welfare of these individuals due to closure of these facilities will be avoided.

RULE

Skilled Nursing Facility (SNF) and Intermediate Care Facility (ICF I and II) services provided by state-operated facilities shall be reimbursed allowable costs based on Medicare (Title XVIII) principles of reimbursement and methods of cost apportionment for skilled nursing facilities. An interim per diem for each facility shall be established subject to cost settlement. Cost reports shall be filed and subject to desk review and audit by agency personnel or their contractual representative. Desk reviews shall be performed on all costs reports while full-scope on-site audits shall be performed in accordance with the established criteria for nursing facilities.

David L. Ramsey
Secretary

DECLARATION OF EMERGENCY

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

The Department of Health and Housing, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953 B to adopt the following rule in the Medical Assistance Program.

Public Law 100-360 established mandatory requirements for all pregnant women covered by Title XIX concerning changes in income. Under the statutory provisions, the bureau is required to ignore income changes for all pregnant women rather than limiting this exception to recipients covered under CHAMP/SO-BRA.

RULE

All pregnant women covered under Title XIX shall be exempt from reporting income changes during the period of pregnancy and for 60 days postpartum.

David L. Ramsey
Secretary

DECLARATION OF EMERGENCY

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953 B to adopt the following rule in the Medical Assistance Program.

Public Law 100-360 established mandatory requirement for institutionalized individuals with a spouse living in the community. Under the statutory provisions, the bureau is required to follow new methods for determining income and resource eligibility under Title XIX (Medicaid). The new provisions require the following changes:

1. No income of the community spouse will be considered available to the institutionalized spouse. Income paid to the one spouse is attributed to that spouse only and income paid to both is attributed in equal parts or in proportion to the spouse's interest in the income.

2. The couple's resources are assessed as of the date of entry to the institution. The community spouse is allowed to retain \$60,000 in resources. When there are changes in the amount of resources held by a couple during the initial eligibility period, recalculation of resource eligibility is made for the institutionalized spouse, but spousal protected amounts continue to be deducted in determining eligibility.

3. Resources must be assessed for private-pay patients if requested.

4. After being determined eligible, the institutionalized spouse may transfer resources not used in determining eligibility (spousal allowance) to the community spouse to assist in meeting that spouse's needs in the community.

5. Community spouse monthly income allowance of \$1,500 which includes an excess housing allowance to cover utilities, rent or mortgage, taxes and insurance as allowed to be adopted under the law.

6. Family maintenance needs allowance is one-third of the amount by which the poverty level figure set for the community spouse exceeds the family members' income.

Under this rule the bureau is adopting the provisions of P.L. 100-360 as mandated for implementation effective September 30, 1989 utilizing the interpretations of the Health Care Financing Administration set forth in its State Medicaid Manual publication, Sections 3260 - 3262.6, 3700 - 3701, and 3710.

RULE

Spousal impoverishment under Title XIX shall apply to institutionalized individuals with a spouse living in the community. Eligibility under Title XIX shall be determined utilizing the mandatory provisions of P.L. 100-360 utilizing the interpretations of the Health Care Financing Administration set forth in its State Medicaid Manual publication, Sections 3260 - 3262.6, 3700 - 3701, and 3710. Under the provisions of law, the community spouse shall be allowed to retain up to \$60,000 in resources and \$1,500 monthly income as allowed.

David L. Ramsey
Secretary

DECLARATION OF EMERGENCY

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953 B to adopt the following rule in the Medical Assistance Program.

Public Law 100-360 established mandatory requirements for the transfer of resources policy applicable under Title XIX (Medicaid). Under the statutory provisions, the bureau is required to determine whether an institutionalized individual, during the 30-month period immediately before he or she made application for medical assistance, disposed of resources for less than fair market value. The new transfer provisions apply to transfers that take place during or after the 30-month period immediately before the individual becomes an institutionalized individual, if entitled to Medicaid on that date, or if the individual is not entitled on the date of institutionalization, the date the individual applies for assistance while an institutionalized individual. The 30-month provisions apply only to institutionalized individuals and individuals who receive home and community-based services. Additionally, individuals who make prohibited transfers are no longer ineligible for all Medicaid services for a prescribed period of time, but are only ineligible for nursing facility services and for a level of care in a medical institution equivalent to that of nursing facility services and for home and community based services.

Under this rule the bureau is adopting the mandatory provisions of P.L. 100-360 utilizing the interpretations of the Health Care Financing Administration set forth in its State Medicaid Manual publication, Section 3250-3255.

RULE

Transfer of resources under Title XIX shall apply to all applications for Medical Assistance in accordance with the Health Care Financing Administration's State Medicare Manual publication, Section 3250-3255.

David L. Ramsey
Secretary

DECLARATION OF EMERGENCY

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

Act 820 of the Regular Session of the 1989 Louisiana Legislature authorizes licensed charitable operators of games of chance to compensate a limited number of persons assisting in the conducting of such games.

The Division of Charitable Gaming Control, Office of State Police, finds that an emergency rule is required to address aspects of the matter of the compensation authorized by Act 820, so as to maintain continuity in the ability of the division to enforce the laws and regulations on charitable gaming, and to monitor and audit the organizations conducting such gaming. Such enforcement and monitoring is required by, and is in ac-

cord with, the purposes declared in R.S. 40:1485.1, to protect the public from the infiltration of elements of organized crime or professional gambling into charitable gaming. The division further finds that without the order imposed by such an emergency rule, imminent peril to the welfare of the public would be posed, and that the emergency rule is therefore necessary.

In the past the Division of Charitable Gaming Control, Office of State Police, has authorized eligible organizations to conduct certain minimal-amount raffles and other games of chance without requiring full compliance with licensing formalities. A "letter of exemption" from such full compliance was issued by the division in such instances.

Because of confusion arising out of the use of the word "exemption", the division finds that an emergency rule is necessary in order not to prejudice the continuity of its procedures and the plans entered into by those organizations depending upon such procedures. The division finds that public confidence and trust in the integrity and promptness of its operations is essential to the performance of its duties in pursuit of the purposes declared in R.S. 40:1485.1, to protect the public from the infiltration of elements of organized crime or professional gambling into charitable gaming. The division further finds that without the confidence and trust engendered and supported by such an emergency rule, imminent peril to the welfare of the public would be posed, and that the emergency rule is therefore necessary.

Administrative Rule 1705 (Eligibility for Charitable Gaming License)

C. The division may issue a limited license, and payment of a fee to conduct charitable gaming shall not be required, for an organization to conduct a bingo/keno/raffle session if the organization is one which:

1. the organization otherwise meets all statutory requirements and applicable rules and regulations of the division, and
2. the gaming activity is limited to no more than five sessions per calendar year, and
3. the organization uses prizes, which total value is less than \$2,000 and gross receipts from all gaming activities together does not exceed \$5,000 in any calendar year, and
4. the local governing body has passed an ordinance permitting charitable gaming activity, and
5. only bona fide active members of said organization conduct, or assist in the conducting of the games, and
6. the organization gives written notice, at least 15 days prior to any such activity, to the division stating the organization's intention to conduct the games, the location of the activities and the date and time they will be conducted, and
7. the organization maintains records of the gaming activity on forms approved by the division. These records shall be available upon request for inspection by the division, and
8. gaming activity is conducted on totally donated premises, or the organization's own premises, and
9. all revenue therefrom, after deducting the cost of prizes and other reasonable and necessary expenses of the gaming activity, is devoted solely to religious, charitable, patriotic, public spirited, or educational purposes.
10. Organizations shall purchase gaming supplies only from licensed distributors.

D. Organizations conducting charitable gaming activity on property which the federal government claims exclusive jurisdiction on, groups which participate in closed bingo sessions for amusement purposes only within their respective social clubs, elderly groups or retirement communities, etc. where the organization or persons conducting the games do not profit or take a

percentage from them, or organizations exempted by the following rules in B are not required to be licensed by the division.

E. Organizations may exceed the limits of sessions set forth in C or D only if they first obtain a license from the division as required by R.S. 33:48651.1 et seq. and R.S. 40:1485.1, et seq.

Administrative Rule 1721(B) has been deleted in its entirety.

Administrative Rule 1723 has been deleted in its entirety.

Administrative Rule 1725(D)

D. Active members of one licensee shall be allowed to assist in the conduct of another licensee's gaming activity but may not act in a managerial capacity.

1. Workers performing the following activity are considered to be in a managerial capacity, and must be bona fide active members of the organization licensed to conduct the gaming activity.

- a. workers who appear to be in charge of the game;
- b. workers responsible for filling out forms or paperwork;
- c. workers responsible for the money or money counts;
- d. workers acting as caller during a bingo game.

2. Workers assisting in registration, the sales of pull tabs, paper sheets, or tickets are not considered to be in a managerial position. Organizations using other workers to assist in its games must have these workers listed on the register required in C above along with the name of the licensed organization of which they are a member.

1732 - Compensation of Workers

A. Eligibility for Payment

Act 820 of the 1989 Legislature allows, but does not require some payments of charitable gaming workers. Within the limitations of applicable statutes and regulations, an organization may pay eligible workers for services actually rendered in assisting in the holding, operating or conducting of a licensed charitable game of chance. Payment shall not exceed \$5 per hour, nor \$30 per session per paid worker. No more than 10 workers can be paid for any one session. All workers, paid or unpaid, must be bona fide active members of the licensed organization conducting the game, or bona fide active members of another licensed organization.

B. Method of Recordkeeping and Payment

All organizations choosing to pay workers shall maintain, for each gaming session, a document, or written form required by the division for each worker paid, declaring the accuracy of its information, and showing:

1. date of session;
2. printed name of worker;
3. Social Security Number of the worker;
4. driver's license number of the worker;
5. statement of number of hours actually worked during the session by worker;
6. signature of worker;
7. signature of designated session manager or bingo chairman.

Such affidavits shall be retained for a period of three years. Payments to workers shall be made once a month, for the preceding calendar month. Payment shall only be made by check on the organization's gaming checking account, or gaming payroll account. Each check shall show thereon the gross wages and the amounts deducted for any state or federal tax withholdings. Each organization is responsible for all applicable social security, state and federal taxes.

Colonel Marlin A. Flores
Deputy Secretary

DECLARATION OF EMERGENCY

Department of Social Services Office of Eligibility Determinations

The Department of Social Services, Office of Eligibility Determinations, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953-B to amend the rule published in the *Louisiana Register* September 20, 1987 concerning guidelines for setting child support award amounts.

Emergency rulemaking is necessary because the Family Support Act of 1988 mandates the implementation of Mandatory Award Guidelines on October 1, 1989. R.S. 9:315 through 9:315.14 sets forth the guidelines the State of Louisiana has chosen to use.

Effective October 1, 1989, child support award guidelines are to be used in any proceeding to establish or modify child support filed on or after that date. There shall be a rebuttable presumption that the amounts of the child support obtained by use of the guidelines is the proper amount of child support.

The court may deviate from the guidelines if their application would not be in the best interests of the child or would be inequitable to the parties. The court shall give oral or written reasons for the deviation, and the reasons shall be made part of the record of the proceedings.

In determining whether to deviate from the guidelines, the court's considerations may include:

1. that the combined adjusted gross income of the parties is not within the amounts shown in the schedule, including an income less than the lowest sum shown in the schedule;
2. the legal obligation of a party to support dependents who are not the subject of the action before the court and who are in the party's household;
3. the extraordinary medical expenses of a party, or the extraordinary medical expenses for which a party may be responsible;
4. an extraordinary community debt of the parties;
5. the need for immediate and temporary support for a child when a full hearing on the issue of support is pending but cannot timely be held; and
6. any other consideration which would make application of the guidelines not in the best interest of the child or children or inequitable to the parties.

Calculations of the basic child support obligation are derived from each party providing to the court a verified income statement showing gross income and adjusted gross income, together with documentation of current and past earnings. Suitable documentation of current earnings shall include but not be limited to pay stubs, employer statements, or receipts and expenses if self-employed. Documentation shall include a copy of the party's most recent federal tax return. A copy of the statement and documentation shall be provided to the other party. The court shall determine the appropriate gross income if a party is voluntarily unemployed or underemployed.

The amounts of the parties' adjusted gross incomes are combined, and then each party's share of child support is determined by the percentage of his proportionate share of the combined adjusted income amount. The court shall determine the basic child support obligation amount from the Schedule of Basic Child Support Obligations by using the combined adjusted gross income of the parties and the number of children involved in the proceeding.

Net child care costs and the cost of health insurance premiums incurred on behalf of the child shall be added to the basic

child support obligation. By agreement of the parties or order of the court, the following expenses may be added to the basic child support obligation:

1. extraordinary medical expenses incurred on behalf of the child;
2. expenses for attending a special or private elementary or secondary school to meet the particular educational needs of the child; and
3. expenses for transportation of the child from one parent to the other.

Income of the child that could reduce the basic needs of the child may be considered a deduction from the basic child support obligation, although income earned by a child while a full-time student even if earned during a summer or holiday break shall not be deducted. Additionally, in cases of joint custody, the court may adjust the calculated order to reflect the period of time spent with the obligor.

The guidelines are not in and of themselves a change of circumstances allowing the modification of an existing order. The law still requires a change in circumstances before an existing order can be modified.

Schedule of Basic Child Support Obligations

Combined Adjusted Monthly Gross Income	Number of Children					
	One	Two	Three	Four	Five	Six or More
600.00	87	88	89	90	91	92
650.00	121	122	123	125	126	127
700.00	155	156	158	160	162	163
750.00	165	191	193	195	197	199
800.00	174	225	228	230	232	235
850.00	182	257	260	262	265	268
900.00	189	286	289	292	296	299
950.00	197	305	319	322	326	329
1000.00	203	315	349	352	356	360
1050.00	210	325	378	382	387	391
1100.00	216	335	408	412	417	421
1150.00	222	345	432	442	447	452
1200.00	229	354	444	472	477	483
1250.00	235	364	456	502	508	513
1300.00	241	374	469	528	538	544
1350.00	248	384	481	542	568	574
1400.00	254	394	494	556	599	605
1450.00	260	404	506	570	622	636
1500.00	267	414	519	584	637	666
1550.00	273	424	531	598	653	697
1600.00	281	435	545	614	670	717
1650.00	288	446	560	630	688	736
1700.00	295	458	574	647	705	755
1750.00	303	469	588	663	723	774
1800.00	310	481	603	679	741	792
1850.00	317	492	617	695	758	811
1900.00	325	503	631	711	776	830
1950.00	331	513	643	724	790	846
2000.00	337	522	655	737	805	861
2050.00	343	532	667	751	819	877
2100.00	349	541	679	764	834	892
2150.00	355	551	691	778	849	908

Combined Adjusted Monthly Gross Income	Number of Children						4700.00	662	1029	1286	1450	1582	1692
	One	Two	Three	Four	Five	Six or More							
2200.00	361	561	703	792	864	924	4750.00	667	1037	1297	1462	1595	1706
2250.00	368	570	715	805	878	940	4800.00	673	1046	1307	1474	1608	1720
2300.00	374	580	727	819	893	956	4850.00	678	1054	1318	1486	1621	1734
2350.00	380	590	739	832	908	972	4900.00	684	1063	1328	1498	1634	1747
2400.00	386	600	751	846	923	988	4950.00	689	1071	1339	1510	1647	1761
2450.00	392	609	763	860	938	1004	5000.00	695	1079	1349	1522	1660	1775
2500.00	399	619	776	873	953	1020	5050.00	700	1088	1360	1534	1673	1789
2550.00	405	629	788	887	968	1035	5100.00	706	1096	1370	1545	1686	1803
2600.00	411	638	800	901	983	1051	5150.00	711	1105	1381	1557	1699	1817
2650.00	417	648	812	914	998	1067	5200.00	717	1113	1391	1569	1712	1831
2700.00	424	658	824	928	1013	1083	5250.00	722	1122	1402	1581	1725	1844
2750.00	430	668	836	942	1028	1099	5300.00	728	1130	1413	1593	1738	1858
2800.00	436	677	848	955	1042	1115	5350.00	733	1139	1423	1605	1751	1872
2850.00	442	687	860	969	1057	1131	5400.00	738	1146	1432	1616	1763	1884
2900.00	448	697	872	983	1072	1147	5450.00	743	1153	1441	1626	1774	1896
2950.00	455	706	885	996	1087	1163	5500.00	748	1160	1450	1636	1785	1908
3000.00	461	716	897	1010	1102	1179	5550.00	752	1167	1459	1646	1796	1920
3050.00	467	726	909	1024	1117	1195	5600.00	757	1175	1468	1657	1807	1932
3100.00	473	736	921	1037	1132	1211	5650.00	762	1182	1478	1667	1819	1944
3150.00	479	745	933	1051	1147	1227	5700.00	767	1189	1487	1677	1830	1956
3200.00	486	755	945	1065	1162	1243	5750.00	771	1196	1496	1687	1841	1968
3250.00	492	765	957	1078	1177	1259	5800.00	776	1203	1505	1698	1852	1979
3300.00	498	774	969	1092	1192	1275	5850.00	781	1211	1514	1708	1863	1991
3350.00	504	784	981	1106	1206	1291	5900.00	785	1218	1523	1718	1875	2003
3400.00	510	794	994	1119	1221	1307	5950.00	790	1225	1532	1728	1886	2015
3450.00	517	804	1006	1133	1236	1323	6000.00	795	1232	1541	1739	1897	2027
3500.00	523	813	1018	1146	1251	1339	6050.00	800	1240	1550	1749	1908	2039
3550.00	529	823	1030	1160	1266	1355	6100.00	804	1247	1559	1759	1919	2051
3600.00	535	833	1042	1174	1281	1371	6150.00	809	1254	1568	1769	1931	2063
3650.00	542	842	1054	1187	1296	1387	6200.00	814	1261	1577	1780	1942	2075
3700.00	548	852	1066	1201	1311	1402	6250.00	819	1269	1587	1790	1953	2087
3750.00	554	862	1078	1215	1326	1418	6300.00	823	1276	1596	1800	1964	2099
3800.00	560	872	1090	1228	1341	1434	6350.00	828	1283	1605	1810	1975	2111
3850.00	566	881	1103	1242	1356	1450	6400.00	833	1290	1614	1820	1987	2123
3900.00	573	891	1115	1256	1371	1466	6450.00	838	1297	1623	1831	1998	2135
3950.00	579	901	1127	1269	1385	1482	6500.00	842	1305	1632	1841	2009	2147
4000.00	585	910	1139	1283	1400	1498	6550.00	847	1312	1641	1851	2020	2159
4050.00	590	919	1149	1295	1414	1512	6600.00	852	1319	1650	1861	2031	2171
4100.00	596	927	1160	1307	1427	1526	6650.00	857	1326	1659	1872	2043	2183
4150.00	601	936	1170	1319	1440	1540	6700.00	861	1334	1668	1882	2054	2195
4200.00	607	944	1181	1331	1452	1553	6750.00	866	1341	1677	1892	2065	2207
4250.00	612	953	1191	1343	1465	1567	6800.00	871	1348	1687	1902	2076	2219
4300.00	618	961	1202	1355	1478	1581	6850.00	875	1355	1696	1913	2087	2231
4350.00	623	970	1212	1367	1491	1595	6900.00	879	1361	1703	1921	2096	2240
4400.00	629	978	1223	1379	1504	1609	6950.00	883	1366	1710	1928	2105	2249
4450.00	634	987	1234	1391	1517	1623	7000.00	886	1372	1717	1936	2113	2259
4500.00	640	995	1244	1403	1530	1637	7050.00	889	1378	1725	1944	2122	2268
4550.00	645	1003	1255	1415	1543	1650	7100.00	893	1383	1732	1951	2130	2277
4600.00	651	1012	1265	1426	1556	1664	7150.00	896	1389	1739	1959	2139	2286
4650.00	656	1020	1276	1438	1569	1678	7200.00	900	1394	1746	1967	2147	2295
							7250.00	903	1400	1753	1974	2156	2305
							7300.00	906	1406	1760	1982	2164	2314
							7350.00	910	1411	1767	1990	2173	2323

7400.00	913	1417	1774	1997	2181	2332
7450.00	916	1422	1781	2005	2189	2342
7500.00	920	1428	1788	2013	2198	2351
7550.00	923	1434	1795	2020	2206	2360
7600.00	927	1439	1802	2028	2215	2369
7650.00	930	1445	1809	2036	2223	2378
7700.00	933	1450	1816	2043	2232	2388
7750.00	937	1456	1824	2051	2240	2397
7800.00	940	1462	1831	2059	2249	2406
7850.00	944	1467	1838	2066	2257	2415
7900.00	947	1473	1845	2074	2265	2424
7950.00	950	1478	1852	2082	2274	2434
8000.00	954	1484	1859	2090	2282	2443
8050.00	957	1490	1866	2097	2291	2452
8100.00	960	1493	1871	2103	2297	2458
8150.00	962	1497	1875	2108	2302	2464
8200.00	965	1501	1880	2114	2308	2471
8250.00	967	1505	1885	2119	2314	2477
8300.00	970	1509	1890	2124	2320	2483
8350.00	972	1512	1895	2130	2326	2489
8400.00	975	1516	1899	2135	2332	2496
8450.00	977	1520	1904	2141	2338	2502
8500.00	980	1524	1909	2146	2344	2508
8550.00	982	1528	1914	2152	2350	2514
8600.00	985	1513	1919	2157	2355	2521
8650.00	987	1535	1923	2163	2361	2527
8700.00	990	1539	1928	2168	2367	2533
8750.00	992	1543	1933	2174	2373	2539
8800.00	995	1547	1938	2179	2379	2546
8850.00	997	1551	1943	2185	2386	2553
8900.00	1000	1555	1948	2191	2392	2559
8950.00	1003	1559	1954	2197	2398	2566
9000.00	1005	1563	1959	2203	2405	2573
9050.00	1008	1567	1964	2209	2411	2579
9100.00	1011	1571	1969	2215	2417	2586
9150.00	1013	1575	1974	2221	2424	2593
9200.00	1016	1580	1979	2227	2430	2600
9250.00	1019	1584	1985	2232	2436	2606
9300.00	1022	1588	1990	2238	2443	2613
9350.00	1024	1592	1995	2244	2449	2620
9400.00	1027	1596	2000	2250	2455	2627
9450.00	1030	1600	2005	2256	2462	2633
9500.00	1032	1604	2010	2262	2468	2640
9550.00	1035	1608	2016	2268	2474	2647
9600.00	1038	1612	2021	2274	2481	2653
9650.00	1040	1617	2026	2280	2487	2660
9700.00	1043	1621	2031	2286	2493	2667
9750.00	1046	1625	2036	2291	2500	2674
9800.00	1048	1629	2042	2297	2506	2680
9850.00	1051	1633	2047	2303	2512	2687
9900.00	1054	1637	2052	2309	2519	2694
9950.00	1057	1641	2057	2315	2525	2701
10000.00	1059	1645	2062	2321	2532	2707

May Nelson
Secretary

DECLARATION OF EMERGENCY

Department of Social Services Office of Eligibility Determinations

The Department of Social Services, Office of Eligibility Determinations, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953-B to amend the rule published in the *Louisiana Register* on November 20, 1985, regarding income assignment on child support cases.

Emergency rulemaking is necessary because the state enacted legislation with an effective date of October 1, 1989 to implement provisions of Family Support Act of 1988 which mandates changes in income assignment procedures. R.S. 46:236.3 sets forth these procedures.

Effective October 1, 1989, on new or modified child support orders enforced by the Department of Social Services, the court shall order an immediate income assignment unless there is a written agreement between the parties for an alternate arrangement, or the court finds good cause not to require an immediate income assignment.

For support orders existing before October 1, 1989, that are being enforced by the department, without regard to whether there is an arrearage, the court shall order an immediate income assignment upon motion of the department on its own behalf or if requested on behalf of the obligor or obligee.

The total amount withheld, including the dates withheld, shall be forwarded within ten days.

May Nelson
Secretary

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:953(B) and 967(D) of the Administrative Procedure Act, and under the authority of R.S. 56:326.1 and R.S. 56:326.3, the Wildlife and Fisheries Commission hereby finds that preliminary estimates of current levels of fishing mortality on black drum are higher than desirable and accordingly adopts the following emergency rule:

Effective at 12 noon on October 12, 1989, there is hereby established for the recreational taking of black drum a minimum size limit of 14 inches total length, and for the commercial taking of black drum a minimum size limit of 18 inches total length. There is further hereby established for the commercial taking of black drum an interim quota of 300,000 fish. The secretary of the Department of Wildlife and Fisheries is hereby authorized to enact an emergency closure, upon 72 hours notice, when the commercial harvest reaches 300,000 fish.

The Wildlife and Fisheries Commission recognizes that black drum landings have increased significantly from 1984-1988 and finds that preliminary estimates of current levels of fishing mortality are higher than desirable. The Wildlife and Fisheries Commission acknowledges the importance of stabilizing fishing mortality rates at a level which will maintain an age structure that would ensure a healthy fishery in the future.

Virginia Van Sickle
Secretary

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953 (B) and R.S. 49:967 and under the authority of R.S. 56:435.1 notice is hereby given that the Louisiana Wildlife and Fisheries Commission has adopted a rule describing the conduct of the 1989/90 oyster season in Calcasieu and Sabine Lakes. The season shall be conducted as follows:

1. The 1989/90 oyster season in Calcasieu and Sabine Lakes will open one-half hour before sunrise Wednesday, November 15, 1989, and extend until one-half hour after sunset, Wednesday, March 15, 1990.

2. Harvest will be by tonging only.

3. The waters of Calcasieu and Sabine Lakes will be open only when the state Department of Health and Hospitals classifies these waters as safe for the harvest of oysters.

4. The department's secretary has the authority to delay the closing of this season to compensate for health closures, such delay not to extend past April 30, 1990 or close the season if biological information indicates the need to do so or if enforcement problems arise.

Virginia Van Sickle
Secretary

Rules

RULE

Department of Agriculture and Forestry Office of Animal Health Services Livestock Sanitary Board

In accordance with the provisions of R.S. 49:950, et seq., the Administrative Procedure Act, and R.S. 3:2093, relative to the power of the Louisiana Livestock Sanitary Board to deal with diseases of animals, notice is hereby given that the Louisiana Livestock Sanitary Board amended and/or added to the regulations of the board:

Chapter 117. Livestock Sanitary Board Subchapter B. Cattle

§11735. Livestock Auction Market Requirements

All cattle which are sold or offered for sale in livestock auction markets must meet the general requirements of LAC 7:XXI. 11709 and the following specific requirements:

A. Brucellosis

1. Cattle from quarantined herds or from non-qualified herds from quarantined areas are not eligible for sale in the State of Louisiana except as provided in LAC 7:XXI. 11749, which governs brucellosis quarantined herds.

2. All cattle that are offered for sale through Louisiana livestock auction markets, must be identified by a white official

backtag; those animals two years of age and older, shall have this official backtag placed immediately behind the shoulder of the animal. The market shall furnish the Livestock Sanitary Board's official representative a copy of each check-in slip, showing the name and address of each consignor and the official backtag numbers applied to the consignor's livestock. The check-in slip shall be made available to the Livestock Sanitary Board's official representative before the animals can be tested for brucellosis.

It shall be a violation of this regulation for anyone to consign livestock to a Louisiana livestock auction market and give a name and address that is not the name and address of the owner consigning the livestock to the auction market.

3. All cattle 12 months of age and over, that are offered for sale, to be identified by an official metal eartag and to be tested for brucellosis.

Exceptions to LAC 7:XXI. 11735.A.3. are:

a. steers and spayed heifers;

b. cattle consigned from quarantined feedlots that are "S" branded and permitted prior to shipment to the auction barn;

c. official calfhood vaccinates less than 24 months of age for beef breeds and 20 months of age for dairy breeds, that are not pre-parturient or post-parturient;

d. bulls less than 18 months of age;

4 a. All non-vaccinated heifer calves, between four and 12 months of age, must be vaccinated with USDA Approved Brucellosis Strain 19 vaccine prior to being sold.

b. All heifers and cows, which were born after January 1, 1982 and are over 12 months of age, must be brucellosis tested and be official brucellosis vaccinates (calfhood or adult), or originate from a herd that has had a complete negative brucellosis herd test within the previous 12 months. A copy of the herd test record, which includes the animal(s) being tested, must accompany the animal(s) at the stockyard. All heifers and cows, older than 12 months of age, which were born after January 1, 1982, that are not official brucellosis vaccinates or have not been part of a complete negative brucellosis herd test, conducted within the previous 12 months, may be returned to the farm of origin or be brucellosis tested, "S" branded, and sold to a quarantine feedlot or an approved slaughter establishment and shall be accompanied by a VS Form 1-27. These non-vaccinated "S" branded animals must be delivered to an approved slaughter establishment, a Louisiana or USDA approved quarantined feedlot, or the premises of a Louisiana permitted livestock dealer within 72 hours of purchase. The permitted livestock dealer may hold these animals up to seven days at his approved facilities. The animals must move from the permitted livestock dealer's premises directly to an approved slaughter establishment or to a Louisiana or USDA approved quarantined feedlot.

Exceptions to this Subparagraph are:

i. official brucellosis calfhood vaccinates under 20 months of age for dairy breeds and under 24 months of age for beef breeds, which are not pre-parturient (springers) or post-parturient;

ii. individually identified cattle, moving directly from a certified brucellosis free herd and accompanied by a copy of the last herd test record, which includes the animal(s) being offered for sale.

c. Effective January 1, 1989, all heifers and cows over 12 months of age, must be brucellosis tested and be official brucellosis vaccinates (calfhood or adult), or originate from a herd that has had a complete negative herd test within the previous 12 months. A copy of the herd test record, which includes the ani-

mal(s) being tested, must accompany the animal(s) to the stockyard. All heifers and cows older than 12 months, that are not official brucellosis vaccinates or have not been part of a complete negative brucellosis herd test conducted within the previous 12 months, may be returned to the farm of origin or may be brucellosis tested, "S" branded and sold to a quarantined feedlot or to an approved slaughter establishment and shall be accompanied by a VS Form 1-27. These non-vaccinated "S" branded animals must be delivered to an approved slaughter establishment or to a Louisiana permitted livestock dealer, within 72 hours of purchase. The permitted livestock dealer may hold the animals up to seven days at his approved facilities. The animals must move from the Louisiana permitted livestock dealer's premises directly to an approved slaughter establishment or to a Louisiana or USDA approved quarantined feedlot.

Exceptions to this Subparagraph are:

i. official brucellosis calfhooed vaccinates under 20 months of age for dairy breeds and under 24 months of age for beef breeds, which are not pre-parturient (springers) or post-parturient.

ii. individually identified cattle, moving directly from a certified brucellosis free herd and accompanied by a copy of the last herd test record, which includes the animals being offered for sale.

5. Disposition of animals tested at an auction market:

a. Reactor animals vaccinated or non-vaccinated, disclosed must be branded with a three-inch hot brand on the left jaw, tagged and removed to slaughter with a properly executed VS Form 1-27.

b. Suspect animals, adult vaccinated or calfhooed vaccinated animals, which are card test positive and either rivanol test negative or have a CITE test reaction, which is in the suspect range established by a designated epidemiologist, can be "S" branded and sold for slaughter or, at the choice of the owner, returned to the farm of origin under quarantine for retest in no less than 30 days. Additional animals in the same consignment with the vaccinated suspect(s), which are negative on the brucellosis test, may move without restriction, provided they are in compliance with other appropriate regulations.

c. All exposed animals in a consignment must be "S" branded for removal to slaughter or, at the choice of the owner, can be returned to the farm of origin under quarantine.

6. Cattle originating from brucellosis quarantined herds shall be identified by eartag and branded with a three-inch hot "S" brand on the left jaw and accompanied by a properly executed VS Form 1-27. The branding and the issuance of VS Form 1-27 will be completed on the farm of origin prior to movement. The VS Form 1-27 will be delivered to authorized representatives at the livestock auction market. In cases where it is impractical to have the exposed cattle branded on the farm of origin, the state veterinarian can authorize the movement of the cattle to the livestock auction market and the branding will be accomplished at this point.

a. Cattle from brucellosis quarantined areas may be moved to Louisiana livestock auction markets on a permit. These animals will be "S" branded after arrival at the Louisiana livestock auction market.

b. Cattle from quarantined areas and from brucellosis quarantined herds must be sold to approved slaughtering establishments or to approved quarantined feedlots.

Exceptions to LA 7:XXI.11735.A.6.b. are:

- i. steers and spayed heifers;
- ii. heifer calves eight months of age or less, from brucel-

losis quarantined beef herds and heifer calves six months of age or less, from brucellosis quarantined dairy herds, provided the herd is participating in an approved herd plan to eliminate brucellosis from the herd.

iii. bull calves under six months of age, that are nursed by brucellosis reactor or exposed cows, may move from the quarantined premises under permit, provided they have been weaned for not less than 30 days immediately preceding movement.

iv. Exceptions "ii" and "iii" above will be deleted when Part 78 of the Code of Federal Regulations is amended to restrict the movement of all sexually intact heifer calves from brucellosis quarantined herds.

7. When brucellosis reactors are found in a consignment, all remaining negative cattle in the consignment are considered exposed and shall be handled by one of the following ways:

a. The exposed cattle shall be identified by a three-inch, hot brand on the left jaw with the letter "S" and sold directly to a recognized slaughter establishment for immediate slaughter or to a state-federal approved quarantined feedlot and shall be accompanied by a VS Form 1-27.

b. The exposed cattle may be identified by a yellow paint mark on the left ear and returned to the original owner's premises under quarantine. All such movements will be accompanied by a quarantine notice listing the eartag and auction tag identification numbers of the animals moving to Louisiana farms.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093, R.S. 3:2221, and R.S. 3:2228.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Louisiana Livestock Sanitary Board, LR 11:237 (March 1985); amended LR 11:615 (June 1986); amended LR 12:501 (August 1986), amended LR 12:598 (September 1986), amended LR 13:556 (October 1987), amended LR 14:220 (April 1988), amended LR 14:695 (October 1988), amended LR 15: (October 1989).

Bob Odom
Commissioner

RULE

Department of Agriculture and Forestry Office of Animal Health Services Livestock Sanitary Board

In accordance with the provisions of R.S. 49:950, et seq., the Administrative Procedure Act, and R.S. 3:2095, relative to the power of the Louisiana Livestock Sanitary Board to deal with diseases of animals, notice is hereby given that the Louisiana Livestock Sanitary Board amended and/or added to the regulations of the board:

Title 7 AGRICULTURE AND ANIMALS Part XXI. Diseases of Animals Chapter 117. Livestock Sanitary Board Subchapter A. General Provisions §11701. Definitions

U.S. Pullorum-Typhoid Clean Flock means a flock in which freedom from pullorum and typhoid has been demonstrated by one of the following:

1. all breeding age birds have been blood tested negative within the past 12 months;
2. it is a flock composed entirely of birds that originated from U.S. Pullorum-Typhoid Clean breeding flocks;
3. 25 percent of the birds have been tested negative within the past 12 months, provided the percentage of birds tested may be reduced five percentage points following each year there is no evidence of infection and provided that testing shall include at least 500 birds the first year, 400 birds the second year, 300 birds the third year, 200 birds the fourth year, and 100 birds the fifth year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Agriculture and Forestry, Louisiana Livestock Sanitary Board, LR 11:615 (June 1985), amended LR 12:289 (May 1980), amended LR 12:498 (August 1986), amended LR 14:219 (April 1988), amended LR 15: (October 1989).

Bob Odom
Commissioner

RULE

Department of Agriculture and Forestry Office of Animal Health Services Livestock Sanitary Board

In accordance with the provisions of R.S. 49:950, et seq., the Administrative Procedure Act, and R.S. 3:2095, relative to the power of the Louisiana Livestock Sanitary Board to deal with diseases of animals, notice is hereby given that the Louisiana Livestock Sanitary Board adds Regulation 11702 to the regulations of the board:

Title 7

AGRICULTURE AND ANIMALS Part XXI. Diseases of Animals

Chapter 117. Livestock Sanitary Board Subchapter A. General Provisions

§11702. Official Permanent Animal Identification

A. Official, permanent animal identification consists of any Louisiana Department of Agriculture and Forestry or United States Department of Agriculture, Veterinary Services approved identification eartag that conforms to the nine-character or seven-character alphanumeric National Uniform Eartagging System. This includes, but is not limited to, the official metal identification eartag, the special orange-colored metal eartag used to identify brucellosis calftagging vaccinates, and the special plastic bangle eartag used to identify brucellosis adult vaccinates.

B. It shall be a violation of this regulation for anyone to remove official, permanent animal identification from any animal and it will be a separate violation for each animal that has had its official, permanent animal identification removed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Agriculture and Forestry, Louisiana Livestock Sanitary Board, LR 15: (October 1989).

Bob Odom
Commissioner

RULE

Department of Agriculture and Forestry Office of Animal Health Services Livestock Sanitary Board

In accordance with the provisions of R.S. 49:950, et seq., the Administrative Procedure Act, and R.S. 3:2095, relative to the power of the Louisiana Livestock Sanitary Board to deal with diseases of animals, notice is hereby given that the Louisiana Livestock Sanitary Board amended and/or added to the regulations of the board:

Title 7

AGRICULTURE AND ANIMALS

Chapter 117. Livestock Sanitary Board

Subchapter D. Poultry

§11769. Governing the Slaughter and Testing of Poultry of Questionable Health

1. Poultry consigned from within the state of Louisiana to a recognized slaughter establishment which is, in the opinion of an authorized agent of the Livestock Sanitary Board, of questionable health, then the poultry will be quarantined and the entire shipment resigned to a slaughter establishment maintaining federal inspection for wholesomeness, or returned to the place of origin.

2. All hatcheries and hatchery supply flocks within the state must be qualified as U.S. pullorum/typhoid clean or have met equivalent requirements for pullorum/typhoid control under official state supervision. If other domesticated fowl, with the exception of waterfowl, are maintained on the same premises as the participating flock, freedom from pullorum/typhoid infection shall be demonstrated by an official blood test of each of these fowl.

3. All flocks which test positive for *Salmonella pullorum* or *Salmonella galinarum* shall be followed by an investigation by the official state agency to determine the origin of the infection.

4. All flocks found to test positive for pullorum or typhoid shall be quarantined until marketed or destroyed under the supervision of the official state agency or until subsequently blood tested at intervals of at least 21 days and until two consecutive negatives tests are obtained.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:615 (June 1985), LR 15: (October 1989).

Bob Odom
Commissioner

RULE

Department of Agriculture and Forestry Office of Animal Health Services Livestock Sanitary Board

In accordance with the provisions of R.S. 49:950, et seq., the Administrative Procedure Act, and R.S. 3:2095, relative to the power of the Louisiana Livestock Sanitary Board to deal with diseases of animals, notice is hereby given that the Louisiana Livestock Sanitary Board amended and/or added to the regulations of the board:

Title 7
AGRICULTURE AND ANIMALS
Part XXI. Diseases of Animals

Chapter 117. Livestock Sanitary Board

Subchapter A. General Provisions

§11717. Requiring the Reporting of Contagious Diseases

A. In order to improve the protection of the livestock and poultry industry from the effects of contagious diseases, all veterinarians licensed in the State of Louisiana are required to report to the state veterinarian, by telephone or wire, within 24 hours after diagnosis or tentative diagnosis, the occurrence or suspected occurrence of the following contagious diseases: hog cholera, anthrax, vesicular condition, scabies, equine encephalomyelitis, pullorum-typhoid or any other disease condition which may seriously threaten the welfare of the livestock and poultry industry.

B. Reports should include:

1. the name and address of the owner;
2. the location of the premises;
3. the morbidity and mortality rate at the time of reporting;
4. the number of susceptible animals in the immediate area; and
5. the approximate number of livestock or poultry exposed.

C. Reports of disease outbreaks shall not be released to the press until after they have been reported to the state veterinarian.

D. Livestock owners who suspect the occurrence of contagious disease should immediately contact the local practicing veterinarian or the area veterinarian, district veterinarian or county agent who, in turn, will be responsible for reporting to the state veterinarian.

E. An investigation of the reported contagious disease will be made by representatives of the Louisiana Livestock Sanitary Board, preferably with the veterinarian who reported the disease. If necessary to protect the livestock and poultry industry, a quarantine will be imposed on involved and exposed herds and the quarantine will remain in effect until the threat to the livestock and poultry industry has been removed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093, R.S. 3:2094 and R.S. 3:2095.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Agriculture and Forestry, Louisiana Livestock Sanitary Board, LR 11:615 (June 1985), amended LR 15: (October 1989).

Bob Odom
Commissioner

RULE

Department of Agriculture and Forestry
Office of Animal Health Services
Livestock Sanitary Board

In accordance with the provisions of R.S. 49:950, et seq., the Administrative Procedure Act, and R.S. 3:2095, relative to the power of the Louisiana Livestock Sanitary Board to deal with diseases of animals, notice is hereby given that the

Louisiana Livestock Sanitary Board amended and/or added to the regulations of the board:

Title 7
AGRICULTURE AND ANIMALS
Part XXI. Diseases of Animals

Chapter 117. Livestock Sanitary Board

Subchapter A. General Provisions

§11710. Livestock Video Auction Market Requirements

A. No person, partnership, corporation, or other legal entity, shall operate a market agency (livestock video auction) in Louisiana, without first obtaining a permit from the Louisiana Livestock Sanitary Board. Any legal entity selling Louisiana livestock on a livestock video auction, without a valid livestock video auction permit, will be in violation of this regulation and subject to adjudication by the Louisiana Livestock Sanitary Board.

B. Any applicant applying for a permit to conduct video sales of Louisiana livestock must submit an application to the Louisiana Livestock Sanitary Board which must include the following information:

1. The name and complete address of the applicant.
2. A financial statement of assets and liabilities.
3. Proof that the registration requirements of the Packers and Stockyards Administration, United States Department of Agriculture, have been met.
4. A statement, in writing, assuring the Louisiana Livestock Sanitary Board that the livestock video auction will be operated in compliance with the Louisiana Livestock Sanitary Board's laws, rules, and regulations.

5. A statement, in writing, telling how the Louisiana livestock industry will benefit from the proposed sale of livestock by the applicant.

6. An application fee of \$250, which will be retained by the Louisiana Department of Agriculture and Forestry, whether or not the permit is granted.

7. The livestock video auction applicant must agree to establish a custodial account for seller's proceeds, which must meet the following requirements:

a. Accounts

Each market agency shall establish and maintain a separate bank account designated as "Custodial Account for Shipper's Proceeds," or by some similar identifying designation, under terms and conditions with the bank where established, to disclose that the depositor is acting as a fiduciary with respect thereto and that the funds in the account are trust funds.

b. Trust Funds

Each payment made by a livestock buyer to a market agency, is a trust fund until the market agency's custodial account has been paid in full in connection with such purchase. Funds deposited in a custodial account are also trust funds, under both the gross proceeds and net proceeds methods of maintaining the custodial account. The market agency is a fiduciary with respect to the custodial account.

c. Deposits

i. Gross Proceeds Method

Under the gross proceeds method, before the close of the next banking day, after livestock is sold, the market agency shall deposit in its custodial account, the proceeds from sale of livestock that are collected and received on the day of sale, and an amount equal to the proceeds receivable from the sale of livestock that are due from (a) the market agency; (b) any owner, officer, or employee of the market agency; or (c) any buyer to whom the market agency has extended credit. On or before the

seventh day following the sale of livestock, the market agency shall deposit in the custodial account, an amount equal to all the proceeds receivable from the sale of livestock, whether or not such proceeds have been collected or received by the market agency.

ii. Net Proceeds Method

In lieu of the gross proceeds method, any market agency may adopt, and thereafter continuously follow, a net proceeds method for making deposits in its custodial account. Under the net proceeds method, the market agency shall make the same deposits, at the same time as required under the gross proceeds method, but shall retain and not deposit the marketing charges, which are due the market agency.

d. Withdrawals

The custodial account shall be drawn on only for payment of the net proceeds to the consignor or shipper, or such other person or persons who the market agency has knowledge is entitled thereto, to pay all legal charges against the consignment of livestock which the market agency may, in its capacity as agent, be required to pay for, and on behalf of the consignor or shipper, and when the account is not kept on a net proceeds basis, to obtain therefrom, the sums due the market agency as compensation for its services.

e. Accounts and Records

Every market agency shall keep such accounts and records as will, at all times, disclose the handling of the funds in the custodial account referred to in this section, including without limitations, such accounts and records as will, at all times, disclose the names of the consignors and the amount due and payable to each, from funds in the Custodial Account for Shipper's Proceeds. These records shall be made available to the Louisiana Livestock Sanitary Board under such rules and regulations as the board may provide.

f. Insured Banks

Custodial accounts required by this section, shall be established and maintained in banks whose deposits are insured by the Federal Deposit Insurance Corporation.

g. Certificates of Deposit

Any market agency which has established and maintains the separate custodial account referred to in this section, may invest in certificates of deposits issued by the bank in which such an account is kept, such portion of the custodial funds as will not impair the market agency's ability to meet its obligations to its consignors. Such certificates of deposit shall be made payable to the market agency in its fiduciary capacity as trustee of the custodial funds.

h. Custodial accounts required by the Louisiana Livestock Sanitary Board will be subject to periodic audits by representatives of the Louisiana Livestock Sanitary Board.

C. The Louisiana Livestock Sanitary Board, at a public hearing, is to consider the following factors when considering whether a permit should or should not be granted to an applicant wishing to receive a permit to sell Louisiana livestock on livestock video auctions:

1. The financial stability, business integrity, and fiduciary responsibility of the applicant.
2. The present market services available in the state.
3. Whether the proposed livestock video market would be permanent and continuous.
4. The benefits to be derived by the livestock industry from the establishment and operation of the proposed livestock video auction.
5. The economic feasibility of the proposed livestock video auction.

D. Livestock video auction companies must maintain complete records of all transactions for a period of 12 months. The records must be kept in such a manner that all livestock can be traced from the seller to the purchaser and include the name and complete address of the seller and purchaser. The record must also include the weight, number, and price of the livestock. These records shall be made available at the request of representatives of the Louisiana Livestock Sanitary Board, any time during normal working hours.

E. All sales of cattle by livestock video auctions must meet the requirements of LAC 7:XXI. 11737.

F. The livestock video auction company must notify the Louisiana Livestock Brand Commission of all delivery dates, as soon as the dates are established.

G. The Louisiana Livestock Sanitary Board may cancel the permit of a livestock video auction after an adjudicatory hearing, for any one or more of the following reasons:

1. Fraudulently misrepresenting the ownership, brands, or weights of livestock, the charges at a sale, the proceeds of a sale, or any other information with respect to a sale.
2. The applicant is unable to meet the registration requirements of the Packers and Stockyards Administration.
3. The applicant has violated the provisions with respect to the custodial account.
4. The applicant has violated any state or federal law or regulation governing livestock video auctions.
5. The applicant has not conducted any sales for a period of one year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093, R.S. 3:2221, and R.S. 3:2228.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Agriculture and Forestry, Louisiana Livestock Sanitary Board, LR 15: (October 1989).

Bob Odom
Commissioner

RULE

Department of Economic Development Real Estate Appraisal Subcommittee

In accordance with the notice of intent published in the August 20, 1989 issue of the *Louisiana Register*, the Louisiana Real Estate Appraisal Subcommittee announces the adoption of the following rules, effective October 20, 1989.

Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS Part LXVII. Real Estate Subpart 2. Appraisers

Chapter 101. Authority §10101. Adoption

A. The rules and regulations of the Appraisal Subcommittee of the Louisiana Real Estate Commission contained herein have been adopted pursuant to and in compliance with R.S. 37:3391 et seq. and any violation of these rules or regulations shall be sufficient cause for any disciplinary action permitted by law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3391-3412.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, Real Estate Appraisal Subcommittee, LR 15: (October 1989).

Chapter 103. Certification

§10301. Applications

A. Application for Examination

Applications may be submitted for an initial residential or general appraiser examination prior to satisfying the experience requirement for certification. The applicant has three years from the date of passing the exam to complete the certification.

B. Requirements for Processing

Applications for examination must be notarized and accompanied by the prescribed fees.

C. Receipt of Applications

Every application must be received by the deadline set by the subcommittee. The responsibility for timely submission of applications rests solely with each individual applicant.

D. Admittance Ticket

Upon complying with the above requirements, an applicant shall be issued an admittance authorization. An applicant must present his authorization and photographic evidence of the applicant's identity before he may take the examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3391-3412.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, Real Estate Appraisal Subcommittee, LR 15: (October 1989).

§10303. Examination

A. Failure to Appear

Any applicant who fails to appear for an examination shall forfeit all fees. The executive director of the subcommittee may waive the second payment of such fees if it is demonstrated that factors beyond the control of the applicant prevented his appearance at the initially scheduled examination.

B. Disqualification

Any applicant who is disqualified, for any reason, from an examination shall forfeit all fees. He may reapply to take a subsequent examination, provided that he again remits all prescribed fees and obtains the approval of the subcommittee.

C. Failure

Any applicant who takes and fails to pass his initial examination shall forfeit all examination fees. He may reapply to take a subsequent examination, provided he remits a new examination fee and obtains a new admittance authorization to take the subsequent examination.

D. Partial Failure

Any applicant who takes an examination and passes only the uniform portion(s) or only the state portion shall be required to retake only that portion he failed to pass.

E. Reference Materials

Applicants may use silent non-printing calculating devices during examinations. Applicants may not have in their possession or utilize any reference material during examinations. Any applicant having in his possession or utilizing any reference material during an examination shall be immediately disqualified and asked to leave the examination center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3391-3412.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, Real Estate Appraisal Subcommittee, LR 15: (October 1989).

§10305. Fees

A. Payment of Fees

1. All fees must be made payable to the Louisiana Real Estate Commission by certified monies or cash.

2. The application will be accompanied by the appropriate fees as specified in R.S. 51:3407.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3391-3412.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, Real Estate Appraisal Subcommittee, LR 15: (October 1989).

§10307. Basic Education Requirement for Certification

A. Approved Courses

Appraisal courses required for the securing of a designation by organizations which are approved national appraisal organizations by the subcommittee shall be approved on an hourly basis for the appropriate Louisiana certification. Through June 30, 1990, the subcommittee may accept for credit toward the education requirement for appraisal certification those courses required for securing a designation offered by appraisal organizations registered with the Louisiana Real Estate Commission as approved continuing education vendors, or organizations that are members of the Appraisal Foundation.

B. Standards for Acceptance of Coursework

1. Beginning July 1, 1990, the subcommittee will consider for credit toward the educational hours for residential or general appraisal certification in Louisiana coursework obtained from those national appraisal organizations meeting the following minimum standards:

a. At least two years of prior appraisal experience before designation.

b. At least 60 classroom hours of specialized appraisal valuation instruction. Credit for course requires passing of nationally designed uniform exams.

c. Narrative demonstration appraisal consistent with the standards of §3410 of the law as part of required exams for designation.

d. Requires a personal interview as part of designation process.

e. Adherence to Standards of Professional Practice, equivalent to those defined in the Louisiana Appraisal Certification Act, for all members with disciplinary procedures for removing designation of violating members.

f. Ethics seminar of at least six classroom hours available to members and either required for designation or as part of voluntary continuing education recertification.

g. Voluntary continuing education for recertification in addition to the minimum 60 hours organization requirement.

h. (Organization Requirement) Proof of members in at least two-thirds states along with a permanent office site for the national organization.

i. Other criteria for selection and retention of members as deemed appropriate by the Appraisal Certification Subcommittee.

C. Coursework Obtained From Non-Approved Appraisal Organizations

Effective July 1, 1990, the subcommittee will consider, on an individual basis, appraisal coursework obtained from appraisal organizations not meeting the provisions of §109.3. Each determination shall be based on the merits of course content.

D. Proof of Course Hours

Proof of appraisal course hours shall be provided and the appropriate hours reported by the applicant in accordance with

reporting requirements required by the subcommittee.

E. Continuing Education Coursework

Seminars and short courses offered by approved national appraisal organizations may be approved for continuing education credit. The hours approved shall be those indicated on copies of the uniform continuing education or equivalent form issued by the sponsoring organization. The applicant shall elect to classify these hours as residential or general appraisal hours. The subcommittee will review seminars and courses not required for designation by national appraisal organizations individually.

F. Acceptance of University/College Appraisal Courses

1. Through June 30, 1990, the subcommittee may accept for credit toward the education requirement for appraisal certification those appraisal courses offered by colleges and universities approved by the Louisiana Real Estate Commission.

2. Real estate appraisal courses at universities accredited by the American Assembly of Collegiate Schools of Business as of January 1, 1989, shall count as education hours with the 45 hours credit for semester length courses and 33 hours credit for quarter length courses.

a. Each university shall identify the appropriate course by residential or general category including a course number with catalogue description and course outline.

b. An academic transcript supplied by the university shall be proof of attendance.

c. Non-credit or short course offered by an approved university on real estate valuation shall count for education credit, but must be individually identified to the subcommittee by the university. Applicants must provide the subcommittee with proof of attendance, hours and category (general or residential) of coursework.

G. Other University Appraisal Courses

Real estate appraisal courses taught by other universities with four-year undergraduate degree programs will be individually reviewed for approval by the subcommittee. To be considered, the real estate appraisal course must have been offered for the past five years. A course outline, typical text and typical enrollments by offering shall be provided to the subcommittee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3391-3412.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, Real Estate Appraisal Subcommittee, LR 15: (October 1989).

§10309. Applicant Filing

A. Course Log

Applicant identifies on a log the course name, site, date attended, appropriate category (either general or residential), hours, sponsoring organization.

B. Courses Assigned by Category

Courses for securing a national designation shall be assigned to the category in which the designation is assigned. All other courses shall be assigned a category by the subcommittee.

C. Proof of Attendance

Proof of attendance or award of designation shall be provided by the applicant.

D. Prior Coursework Required

It is the applicant's responsibility to be prepared and knowledgeable in the content areas described in the exam outline for each certification. Prior completion of all coursework is required as a prerequisite for taking the exam.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3391-3412.

HISTORICAL NOTE: Promulgated by the Department of

Economic Development, Real Estate Commission, Real Estate Appraisal Subcommittee, LR 15: (October 1989).

§10311. Experience Criteria

A. Approved Appraisals

Only appraisals which meet the standards of professional practice as specified in the Louisiana Appraisal Certification Law shall be acceptable for experience credit.

B. Appraisals for Specific Agencies

1. Appraisals prepared for the following agencies shall be deemed to have met the standards of professional practice as defined in the Appraiser Law:

a. Appraisals for first mortgage underwriting for federally chartered or insured mortgage institutions such as savings and loans and commercial banks.

b. Appraisals accepted for first mortgage underwriting by agencies of the U.S. Government such as the Veterans Administration, Federal Housing Administration, Federal National Mortgage Association, or Farmer's Home Administration. Appraisal criteria for other federal, state and local agencies shall be reviewed by the subcommittee and guidelines for approval issued.

C. Experience Proof by Affidavit

For experience, individuals may count other appraisals which they swear by affidavit meet § 3410 of the Appraiser Law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3391-3412.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, Real Estate Appraisal Subcommittee, LR 15: (October 1989).

§10313. Residential Certification Minimum Experience

A. Points Required Per Year

Each year of experience shall require proof of completion of at least 100 points of approved appraisals. A total of 200 points is required for residential certification.

B. Residential Appraisals Counted

Only appraisals of single-family, one to four unit residential property, or vacant sites for single-family or farm/timber acreage which included the valuation of a single-family house(s) shall count as residential experience.

C. Two Years Experience

A minimum of two-calendar years experience shall be required for certification. All experience points cannot be earned in one calendar year.

D. Time Allowed For Meeting Experience

The experience requirement must be met over the five years preceding the application for certification. At least 40 points of experience credit must be earned in any one year to receive credit for any appraisal experience in that year.

E. Residential Appraisal Points

Residential appraisal points shall be awarded as follows:

- | | |
|--|----------------------|
| 1. one unit dwelling
(including a site) | 1 point |
| 2. two to four unit dwelling | 2 points |
| 3. residential lot (1-4 family) | 1/2 point |
| 4. residential subdivision sites
(NOT TO EXCEED FIVE POINTS) | 1/2 point
per lot |
| 5. appraisal instruction of an
approved residential course of 20
classroom hours or more
(NOT TO EXCEED 16 POINTS PER YEAR) | 4 points |
| 6. farm or timber acreage suitable for
a house site less than 10 acres | 1 point |
| 10 to 100 acres | 2 points |
| over 100 acres | 3 points |

- 7. all other unusual structures, submitted to
acreages, acreage which are Subcommittee
much larger or more complex than for
typical properties described determination
herein items 1 to 4 and 6 1/2 to 5 points
- 8. residential appraisal textbook submitted to
authorship Subcommittee
(NOT TO EXCEED 20 POINTS PER YEAR) for
determination
10 points
- 9. residential journal articles in 10 points
journals of approved national
appraisal organizations
(NOT TO EXCEED 20 POINTS PER YEAR)

The cumulative points from items 5, 8 and 9 shall not exceed 50 percent of the cumulative residential points.

- 10. review of appraisals shall be worth 20 percent of the points awarded to the appraisal.

F. Appraisal Affidavits

1. Proof of appraisal affidavit will be submitted by the applicant as a notarized affidavit to include subject property address (street, lot, square, subdivision, parish) date of appraisal report, property type (including units, lots, acres), gross building area, and client (name, contact person, address and telephone number), purpose of report with a tally of the points being requested by the applicant and any other information deemed appropriate by the subcommittee.

- 2. Verification of experience can include any or all of:

a. Client verification of report at discretion of the subcommittee.

b. Submission of selected reports to the subcommittee upon request as part of certification process where the report remains the property of the appraiser.

c. Field inspection of all reports identified by the applicant at their offices during normal business hours.

3. Statement specifying the applicant agrees to R.S. 37:3399(D) shall appear prominently on the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3391-3412.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, Real Estate Appraisal Subcommittee, LR 15: (October 1989).

§10315. General Certification Experience

A. Points Required Per Year

Each year of experience shall require proof of completion of at least 100 points of appraisals. A total of 300 points is required for general certification.

B. Residential Experience Limited

No more than one year of residential experience shall be applied for credit toward a general certification.

C. Three Years Experience Required

Three years experience shall be required for a general certification, of which at least two years experience shall be on non-residential property.

D. Time Deadline For Meeting Requirement

The experience requirement must be met in the five year period prior to certification. At least 40 points of experience credit must be earned in any one year to receive credit for appraisal experience in that year.

E. General Appraisal Points

General appraiser points shall be awarded as follows:

1. Apartments

- 5 - 20 units 4 points
- 21 - 100 units 8 points
- over 100 units 10 points

- 2. Hotels/Motels
 - 50 or fewer units 6 points
 - 51 - 150 units 8 points
 - over 150 units 10 points
- 3. Meeting, conference or auditorium
 - 20,000 square feet or less 4 points
 - over 20,000 square feet 6 points
- 4. Industrial or warehouse building
 - 20,000 square feet or less 4 points
 - over 20,000 square feet 8 points
 - over 100,000 square feet and multiple tenant 10 points
- 5. Office buildings
 - 10,000 square feet or less 6 points
 - 10,001 square feet or more 8 points
 - 10,001 square feet or more and multiple tenants 10 points
- 6. Condominium residences with income approach to value
 - 5 to 30 units 6 points
 - 31 or more units 10 points
- 7. Retail buildings
 - 10,000 square feet or less 6 points
 - over 10,000 square feet, single tenant 8 points
 - over 50,000 square feet and multiple tenant 10 points
- 8. Acreage of non-residential land for commercial or multiple family use
 - less than 10 acres 3 points
 - 100 acres or more 6 points
 - 100 acres or more with income approach to value 8 points
- 9. Timber or farm acreage
 - 100 to 200 acres 3 points
 - over 200 acres 6 points
 - over 200 acres with income approach to value 8 points
- 10. All other unusual structures or submitted to
which are much larger or more Subcommittee
complete than the typical for
properties described herein determination
items (a) - (i) 1 to 15 points
- 11. Reviews of appraisals shall be worth 20 percent of the points awarded to the appraisal
- 12. Appraisal instruction of an 10 points
approved general course, 20
classroom hours or more in length
(NOT TO EXCEED 20 POINTS PER YEAR)
- 13. Appraisal textbook authorship in submitted to
general appraisal topics Subcommittee
(NOT TO EXCEED 20 POINTS PER YEAR) for
determination
- 14. General field journal articles in 10 points
journal of an approved national
appraisal organization
(NOT TO EXCEED 20 POINTS PER YEAR)

The cumulative points from items 12, 13 and 14 shall not exceed 50 percent of the cumulative general points.

15. No more than 40 percent of the cumulative points may be earned from any one category items (a) - (j). The applicant may request the waiver of this requirement for unique depth of experience in a single area.

F. Appraisal Affidavits

1. Proof of appraisals affidavit will be submitted by the applicant as a notarized affidavit to include subject property address (street, lot, square, subdivision, parish), date of appraisal report, property type (including units, lots, acres) gross building area, and client (name, contact person, address and telephone number, purpose of report, with a tally of the points being requested by the applicant and any other information deemed necessary by the subcommittee.)

2. Verification of experience can include any or all of:

a. Client verification of report at discretion of the subcommittee;

b. Submission of selected reports to the subcommittee upon request as part of certification process where the report remains the property of the appraiser;

c. Field inspection of all reports identified by the applicant at their offices during normal business hours.

3. Statement specifying the applicant agrees to §3399 D of the Appraisal Law shall appear prominently on the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3391-3412.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, Real Estate Appraisal Subcommittee, LR 15: (October 1989).

§10317. Reviewers

A. Separate Form for Reviews

Reviews shall be identified on a separate listing all the information in item six plus the purpose of the review and agency supervisor for the unit requesting the review (address and telephone number).

B. Points Associated with Review

Twenty percent of the points associated with report shall be awarded to the reviewer.

C. Review Requirements

The review must meet the requirements listed below.

1. In reviewing an appraisal, an appraiser must observe the following specific guidelines:

a. identify the report being reviewed, the real estate and real property interest being appraised, the effective date of the opinion in the report being reviewed, and the date of the review;

b. identify the scope of the review process to be conducted;

c. form an opinion as to the adequacy and relevance of the data and the propriety of any adjustments to the data;

d. form an opinion as to the appropriateness of the appraisal methods and techniques used and develop the reasons for any disagreements;

e. form an opinion as to the correctness and appropriateness of the analyses, opinions, and/or conclusions in the report being reviewed and develop the reasons for any disagreement.

f. state in the letter of transmittal whether or not exterior or interior building inspections were made and, if so, when and by whom;

g. the review must be in writing and include items a - f.

2. In reporting the results of an appraisal review, an appraiser must:

a. disclose the nature, extent, and detail of the review process undertaken;

b. disclose the information that must be considered in Paragraphs 1.a and b.

c. set forth the opinions, reasons, and conclusions required in Paragraphs 1.c, d and e.

No pertinent information shall be withheld.

3. In reviewing an appraisal and reporting the results of that review, an appraiser must separate the review function from any other function.

D. Maximum Points for Review

No more than 20 points for reviewing in any one year shall be awarded as experience credit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3391-3412.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, Real Estate Appraisal Subcommittee, LR 15: (October 1989).

§10319. Co-signed Reports, Reviews, Articles and Textbooks

A. Prorata Number of Points

The prorata number of points of each co-signed report, review, article and textbook shall be awarded to each signer of the report.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3391-3412.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, Real Estate Appraisal Subcommittee, LR 15: (October 1989).

Jane H. Moody
Executive Director

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to Notice of Intent published July 20, 1989 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:
Rule 3.07.10.a

The board adopted the new four-year Louisiana State Plan for Adult Education, 1989-1993, including editorial amendments recommended by the U. S. Department of Education.

Em Tampke
Executive Director

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to Notice of Intent published July 20, 1989 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:
Rule 3.01.51.aa(12)

The board adopted a revision to Bulletin 741, page 71 to add math, writing, science, and social studies to the list of elementary elective/exploratory classes.

Em Tampke
Executive Director

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to Notice of Intent published July 20, 1989 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:
Rule 3.01.51.aa(13)

The board adopted a revision to Standards 2.090.05 and 2.090.06 of Bulletin 741 to permit flexible time requirements in the scheduling of elementary classes.

Em Tampke
Executive Director

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to Notice of Intent published July 20, 1989 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:
Rule 3.01.51.aa(14)

The board accepted students credits earned in Vocational Agriculture I and II as satisfying one required unit in Science. (Amendment to Bulletin 741).

Em Tampke
Executive Director

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published July 20, 1989 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:
Rule 3.01.70.

The board adopted the following revised certification requirements for upper elementary grades (Grades 5-8) as recommended by the department and amended by the board at its meeting of September 28, 1989:

Minimal Requirements for Approved Teacher Education Programs for Upper Elementary Teachers (Grades 5-8)*
General Education**

A minimum of 68 semester hours of credit, designed to develop a broad cultural background, is required. The work must be taken in the following five areas:

1. English: A minimum of 18 semester hours, including three semester hours in grammar and three semester hours in composition and three semester hours in advanced grammar and/or composition;
2. Social studies (anthropology, economics, geography,

history, political science, sociology): A minimum of 18 semester hours, including at least three semester hours in geography other than geography of a state and three semester hours in Louisiana history;

3. Science: A minimum of 16 semester hours, including at least three semester hours in biological science and at least three semester hours in physical science;

4. Mathematics: A minimum of 12 semester hours including college algebra and introductory geometry;

5. Health and Physical Education: A minimum of four semester hours.

Professional Education

A minimum of 30 semester hours of credit in professional education courses is required. The work must be taken in the following six areas:

1. at least three semester hours of history of education, introduction to education, foundations of education, and/or philosophy of education;

2. at least three semester hours in educational psychology and/or principles of teaching;

3. at least three semester hours in The Introduction to the Study of Exceptional Children;

4. at least nine semester hours of professional teacher education courses appropriate to the upper elementary level including three semester hours in Psychology/Characteristics of the Upper Elementary School Child, and six semester hours in the teaching of reading, including at least three semester hours of credit for a practicum or laboratory situation involving work with children and materials of instruction;

5. at least three semester hours in upper elementary school curriculum and instructional strategies;

6. at least nine semester hours in student teaching at the upper elementary level.

The student teaching shall be under the control and supervision of the institution in which the student teacher is enrolled. Whether or not the school in which the student teaching is done is administered by the institution, the regular teacher under whose direction the student teaching takes place shall be a representative of or approved by the school of education or department of education of the institution and shall be certified as a supervisor of student teaching. Student teaching in the summer shall be permitted only if the school has a 12-month school year or a bona fide full school year.

The application for certification shall indicate that the applicant has earned credit in student teaching. The applicant shall have spent a minimum of 270 clock hours in student teaching with at least 180 of such hours spent in actual teaching. A substantial portion of the 180 hours of actual student teaching shall be on an all-day basis. The teacher education program shall include (1) practical experience in actual classroom situations during a student's sophomore year, and (2) field experiences in schools with varied socioeconomic and cultural characteristics.

For those students pursuing a double major in upper elementary and lower elementary, the student teaching require-

*Mandatory for freshmen entering institutions of higher education in the 1989-90 school year and for individuals meeting certification requirements after August 31, 1994.

**"Universities which wish to require three hours of computer science of students should require a minimum of 12 semester hours in mathematics and a minimum of 13 hours in science."

ments will be equally divided between upper elementary grades (5-8) and lower elementary grades (1-4).

Specialized Academic Education

The minimal requirements for all upper elementary school teachers, in addition to the general education and professional education listed above, are as follows:

- 1. Speech 3 semester hours
- 2. Art 3 semester hours
- 3. Music 3 semester hours
- 4. Health and physical education appropriate for upper elementary school 3 semester hours

Adding Upper Elementary Grades Certification to a Lower Elementary Grades Teaching Certificate

The holder of a valid Louisiana teaching certificate at the lower elementary level may have upper elementary grades certification added to this certificate by completing:

- 1. at least three semester hours in adolescent psychology;
- 2. at least three semester hours in upper elementary school curriculum and instructional strategies;

3. the academic courses required for upper elementary grades certification under the General Education requirements;

a. Certification is awarded in individual academic areas (English, Social Studies, Science, Mathematics) if the requirements under general education for upper elementary school teachers are met in any of the four areas.

b. Certification is awarded in upper elementary grades (all subjects) if all requirements under general education for upper elementary school teachers are met.

4. a practicum at the upper elementary school level; or three years of successful teaching experience at the upper elementary school level.

Adding Upper Elementary Grades Certification to a Secondary Teaching Certificate

The holder of a valid Louisiana teaching certificate at the secondary level may have upper elementary grades certification added to this certificate by completing:

- 1. at least three semester hours in child psychology;
- 2. at least three semester hours in upper elementary school curriculum and instructional strategies;
- 3. a practicum at the upper elementary school level; or three years of successful teaching experience at the upper elementary school level.

Certification is awarded in the teaching area in which the secondary teacher is certified.

*MANDATORY: Freshmen entering institutions of higher education in the 1990-91 school year

Individuals certified under the present requirements will not be affected by the changes.

Em Tampke
Executive Director

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to Notice of Intent published July 20, 1989 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

Rule 4.03.01

The board adopted the Program Plan for the Administration of Vocational Education for FY 89-91 as recommended by the Department of Education.

Em Tampke
Executive Director

RULE

**Office of the Governor
Division of Administration**

Notice is hereby given that the Office of the Governor, Division of Administration, under authority of R.S. 39:321 amended Title 4, Part V, Policy and Procedure Memoranda, Chapter 15. General Travel Regulations as follows:

**Title 4
ADMINISTRATION**

**Part V. Policy and Procedure Memoranda
Chapter 15. General Travel Regulations-PPM No. 49
Subchapter A. Introduction**

§1501. Authorization and Legal Basis

A. In accordance with the authority vested in the commissioner of administration by §231 of Title 39 of the Revised Statutes of 1950 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950-968 as amended, notice is hereby given of the revision of Policy and Procedure Memorandum No. 49, the state general travel regulations, effective August 20, 1982. These amendments are both technical and substantive in nature and are intended to clarify certain portions of the previous regulations or provide for more efficient administration of travel policies. These regulations apply to all state departments, boards and commissions created by the legislature or executive order, with the exceptions noted below and operating from funds appropriated, dedicated, or self-sustaining; federal funds; or funds generated from any other source.

B. Legal Basis—R.S. 39:231—"The commissioner, with the approval of the governor, shall prescribe rules defining the conditions under which each of various forms of transportation may be used by state officers and employees and used by them in the discharge of the duties of their respective offices and positions in the state service and he shall define the conditions under which allowances will be granted for all other classes of traveling expenses and the maximum amount allowable for expenses of each class."

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15: (October 1989).

Subchapter B. Definitions

§1503. Personnel

For the purpose of this Chapter. the following words have the meaning indicated.

- A. State Officer
 - 1. State elected officials
 - 2. Department head as defined by Title 36 of the Louisi-

ana Revised Statutes (secretary, deputy secretary, undersecretary, assistant secretary, and the equivalent positions in higher education and the office of elected officials).

B. *State Employee*

1. Employees below the level of state officer.

C. *Authorized Persons*

1. Advisors and consultants who are called upon to contribute time and services to the state who are not otherwise required to be reimbursed through a contract for professional, personal, or consulting services in accordance with R.S. 39:1481 et seq.

2. Members of boards, commissions, and advisory councils required by federal or state legislation or regulation. Travel allowance levels for all such members and any staff shall be those authorized for state employees unless specific allowances are legislatively provided.

3. Other persons performing official state business who have prior approval for travel from the commissioner of administration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15: (October 1989).

§1505. Official Domicile

A. Except where fixed by law, *official domicile of an officer or employee assigned to an office* shall be, at a minimum, the city limits in which the office is located. The department head or his designee should determine the extent of any surrounding area to be included, such as parish or region. As a guideline, a radius of at least 30 miles is recommended. The *official domicile of an authorized person* shall be the city in which the person resides, except when the department head has designated another location (such as the person's workplace).

B. The *official domicile of a person located in the field* shall be the city or town nearest to the area where the majority of work is performed, or such city, town, or area as may be designated by the department head, provided that in all cases such designation must be in the best interests of the agency and not for the convenience of the person.

C. Every state officer, employee, and authorized person, except those on temporary assignment, shall be assigned an official domicile, and no travel or subsistence expenses shall be allowed at the place of official domicile unless granted under the provisions of Subchapter C or E. Documentation of official domicile assignments shall be readily available in the department's travel reimbursement files.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated in LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15: (October 1989).

§1507. Travel

A. *Temporary Assignment*

Any assignment made for a period of less than thirty-one consecutive days at a place other than the official domicile.

B. *Traveler*

A state officer, state employee, or authorized person when performing authorized travel.

C. *Travel Period*

A period of time between the time of departure and the time of return.

D. *In-State Travel*

All travel within the borders of Louisiana or travel through adjacent states between points within Louisiana when such is the most efficient route.

E. *Out-of-State Travel*

Travel to other states within the continental United States. Travel through an adjacent state when this is the most efficient route between points within Louisiana is not considered out-of-state travel for the purpose of these regulations.

F. *International Travel*

All travel outside the 48 contiguous states.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15: (October 1989).

§1509. Special Meals

Reimbursement designed for those occasions when, as a matter of extraordinary courtesy or necessity, it is appropriate and in the best interest of the state to use public funds for provision of a meal to a person who is not otherwise eligible for such reimbursement. Examples include:

A. visiting dignitaries or executive-level persons from other governmental units, and persons providing identified gratuity services to the state, when such persons are not being reimbursed from other sources for the expenditure directly or indirectly. This explicitly does not include normal visits, meetings, reviews, etc. by federal or local representatives;

B. bona-fide official business meetings at which a meal is served and it is required to meet during a meal hour;

C. extraordinary situations when state employees are required by their supervisors to work more than a 12-hour weekday or a six-hour weekend (when such are not normal working hours to meet crucial deadlines or to handle emergencies.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:407 (August 1982), LR 15: (October 1989).

Subchapter C. Exception to Travel Regulations

§1511. Reimbursement of Travel Expenses

The travel regulations established by the commissioner of administration shall govern reimbursement of travel expense (transportation, meals, lodging, and miscellaneous expenses) for all travelers with the following exceptions.

A. Where allowances are fixed by law.

B. Where the best interest of the state calls for exceptions; however, no change from the established regulations will be allowed without first securing prior written approval from the commissioner of administration. After-the-fact approvals will be granted only under the most unusual of circumstances.

C. Department heads may establish travel regulations within their respective agencies, but such regulations shall not exceed the maximum limitations established by the commissioner of administration. Three copies of such regulations shall be submitted for prior review and approval by the commissioner of administration.

D. Department heads, may, in special instances, allow their employees to exceed the lodging and meal provisions of these regulations by no more than 20 percent on a case-by-case basis. Each case must be fully documented as to necessity (e.g. proximity to meeting place) and cost effectiveness of alternative options. Documentation must be readily available in the department's travel reimbursement files. This authority shall not be delegated to any other person.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated in LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:407 (August 1982), LR 15: (October 1989).

Subchapter D. Eligibility for Reimbursement of Travel Expenses

§1513. Specifications

A. Travelers are eligible to receive reimbursement for travel only when away from "official domicile" or on temporary assignment unless reimbursed under provisions of Subchapter C or E. Temporary assignments will be deemed to have ceased after a period of 31 calendar days, and after such period the place assignment shall be deemed to be his/her official domicile. He/she shall not be allowed travel and subsistence unless permission to extend the 31 day period has been previously secured from the commissioner of administration.

B. A traveler whose residence is other than the official domicile of his/her office shall not receive travel and subsistence while at his/her official domicile nor shall he/she receive reimbursement for travel to and from his/her residence, unless exception has been granted under Subchapter C.

C. State officers and others so authorized by statute or individual exception will be reimbursed on an actual expenses basis for all reasonable travel expenses except in cases where other provisions for reimbursement have been made by statute. In cases where actual expenses are claimed, all state officers and others so authorized will cooperate to the extent that all records of travel will be clear and complete. The request for reimbursement must be accompanied by a receipt or other supporting document for each item claimed, with the exceptions noted in Subchapter G, §1549. The "actual expense" status relates only to meal and lodging limitations. All other limitations, procedures, and allowances in these regulations apply to all elected and appointed state officials, unless exception has been granted by the commissioner of administration. Any prior exception granted is declared null and void.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated in LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:407 (August 1982), LR 15: (October 1989).

Subchapter E. Authority to Incur Traveling Expenses

§1515. Authorization

All travel must be authorized and approved in writing by the head of the department, board, or commission from whose funds the traveler is paid. A department head may delegate this authority in writing to one designated person, except as noted in Subchapter C, §1511.D; Subchapter E, §1519; and Subchapter F, §1525.F. Additional persons within a department may be designated with approval from the commissioner of administration. A file shall be maintained on all approved travel authorizations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated in LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:407 (August 1982), LR 15: (October 1989).

§1517. Routine Travel

A. Traveling expenses of travelers shall be limited to those expenses necessarily incurred by them in the performance of a public purpose authorized by law to be performed by the agency, and must be within the limitations prescribed.

B. The department head may approve an authorization for routine travel for an employee who must travel in the course of performing his/her duties; this may include domicile travel if such is a regular and necessary part of the employee's duties, but not for attendance at infrequent or irregular meetings, etc. Within the city limits where his/her office is located, the employee may be reimbursed for mileage only. The department head shall determine the appropriateness of reimbursement for meals if travel is outside the city limits but within the domicile and otherwise meeting the requirements of Subchapter G, §§1537 and 1539. This should be noted on the routine travel authorization for the employee or approved on a case-by-case basis.

C. An authorization for routine travel shall not cover travel between an employee's home and workplace, out-of-state travel, or travel to conferences or conventions and must be renewed each fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:407 (August 1982), LR 15: (October 1989).

§1519. International Travel

All international travel must be approved by the commissioner of administration prior to departure, unless specific authority for approval has been delegated to a department head pursuant to Subchapter C, §1511.C of these regulations. Requests for approval must be accompanied by a detailed account of expected expenditures (such as room rate/day, meals, local transportation, etc.), the funding source from which reimbursement will be made, and an assessment of the adequacy of this source to meet such expenditures without curtailing subsequent travel plans. Reimbursement for international travel will not exceed the high cost area rates unless prior approval is specifically sought and granted by the commissioner of administration. Such requests must be documented as to the necessity to incur such expenses. (See Subchapter G, §1551.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:407 (August 1982), LR 15: (October 1989).

§1521. Special Meals

All special meals must have prior approval from the commissioner of administration in order to be reimbursed, unless specific authority for approval has been delegated to a department head for a period not to exceed six months (which may be rescinded at any time). In such cases, the department head will report on a monthly basis to the commissioner of administration all special meal reimbursements made during the previous month. These reports must include, for each special meal, the name and title of the person requesting reimbursement, the name and title of each recipient and the cost of each meal (noting alcohol costs not reimbursable), and an explanation as to why the meal was in the best interest of the state. Renewal of such delegation will depend upon a review of all special meals authorized and paid during the period. Documentation (all receipts, authorizations, etc.) shall be on file in the department head's office for review by DOA and the legislative auditor. Any prior approvals or understandings in this regard are not applicable. Request to the commissioner for special meal authorization must include, under signature of the department head:

A. name and position of the state officer or employee requesting authority to incur expenses and assuming responsibility for such;

B. clear justification of the necessity and appropriateness of the request, including why such is in the best interest of the state;

C. names, official titles, and affiliations of all persons for whom reimbursement of meal expenses is being requested, and whether reimbursement for such is available to each person from another source;

D. statement that reimbursement limitations found in Subchapter G, §1539.A will be followed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:407 (August 1982), LR 15: (October 1989).

Subchapter F. Transportation (Applicable to All Travelers)

§1523. Travel Routes

The most direct and usually traveled route must be used by official state travelers. All mileage shall be computed on the basis of odometer readings or from point of origin to point of return on the basis of the current official state Department of Transportation and Development highway map. For out-of-state travel, mileage shall be computed on the basis of standard highway guides. Any substantial deviations from distances shown in the standard highway guides shall be documented.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR

8:405 (August 1980), LR 7:7 (January 1981), LR 8:408 (August 1982), LR 15: (October 1989).

§1525. Methods of Transportation

The most cost-effective method of transportation that will accomplish the purpose of the travel shall be selected. Among the factors to be considered should be length of travel time, cost of operation of a vehicle, cost and availability of common carrier services, etc.

A. State-owned vehicles shall be utilized for travel to points within Louisiana whenever possible unless another method of transportation can be documented as more efficient.

B. When common carrier services are unavailable and time is at a premium, travel via state aircraft shall be investigated, and such investigations shall be documented and readily available in the department's travel reimbursement files.

C. A common carrier (train, bus or airplane) shall be used for out-of-state travel unless it is documented that utilization of another method of travel is more cost-efficient or practical and approved in accordance with these regulations.

D. A personally-owned vehicle may be approved for use when a state vehicle or common carrier is not available or appropriate and this has been certified by the traveler's supervisor.

E. Before travel by privately-owned aircraft is authorized by a department head, the traveler shall certify that: 1) at least one hour of working time will be saved by such travel; and 2) no other form of transportation, such as commercial air travel or a state plane, will serve this same purpose. Chartering a privately-owned aircraft at any rate higher than those permitted by Subchapter G, §1535.G., must have prior written approval of the commissioner of administration.

F. Written approval of the department head prior to departure is required for the rental of vehicles. Such approval may be given when it is shown that vehicle rental is the only or most economical means by which the purposes of the trip can be accomplished. In each instance, documentation showing cost effectiveness of available options must be readily available in the department's travel reimbursement files. This authority shall not be delegated to any other person.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:408 (August 1982), LR 15: (October 1989).

§1527. Operation of Motor Vehicles on Official State Business

A. No vehicle may be operated in violation of state or local laws. No traveler may operate a vehicle without having in his/her possession a valid state driver's license.

B. If available, safety restraints shall be used by the driver and passengers of vehicles.

C. All accidents, major and minor, shall be reported first to the local police department or appropriate law enforcement agency. An accident report form, available from the Office of Risk Management (ORM) of the Division of Administration, should be completed as soon as possible and returned to ORM, together with names and addresses of principals and witnesses. An accident report concerning state-owned vehicles shall also be filed with the insuring agency, Travelers Insurance Company, as soon as possible. The branch closest to the official domicile of the vehicle should be contacted. Any questions about this should

be addressed to the Office of Risk Management of the Division of Administration. These reports shall be in addition to reporting the accident to the Department of Public Safety as required by law.

D. Unauthorized persons should not be transported in state or privately-owned vehicles during the conduction of official state business. Approval of exceptions to this policy may be made by the traveler's supervisor if he determines that the best interest of the state will be served and if the passenger (or passenger's guardian) signs a statement acknowledging the fact that the state assumes no liability for any loss, injury, or death resulting from said travel.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:408 (August 1982), LR 15: (October 1989).

§1529. State-Owned Automobiles

A. All purchases made on state gasoline credit cards must be signed for by the approved traveler making the purchase. The license number and the unit price and quantity of the commodity purchases must be noted on the delivery ticket by the vendor. Items incidental to the operation of the vehicle may be purchased via state gasoline credit cards only when away from official domicile on travel status. In all instances where a credit card is used to purchase items or services which are incidental to the operation of a vehicle, the tissue copy of the credit ticket along with a written explanation of the reason for the purchase will be attached to the report required in Subsection C of this Section.

B. Travelers in state-owned automobiles who purchase needed repairs and equipment while on travel status shall make use of all fleet discount allowances and state bulk purchasing contracts where applicable. Each agency/department shall familiarize itself with the existence of such allowances and/or contracts and location of vendors by contacting the Purchasing Office, Division of Administration.

C. The user of each state-owned automobile shall submit a monthly report to the department head, board, or commission indicating the number of miles traveled, odometer readings, credit card charges, dates, and places visited. When an agency car pool vehicle is used, the traveler, upon returning the vehicle to the pool, shall report the operating condition of the vehicle to the person designated as the responsible assigning officer.

D. State-owned vehicles may be taken out of state only if permission of the department head has been given prior to departure. If a state-owned vehicle is to be used to travel to a destination more than 500 miles from its usual location, documentation that this is the most cost-effective means of travel should be readily available in the department's travel reimbursement files.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:408 (August 1982), LR 15: (October 1989).

§1531. Personally-Owned Vehicles

A. No personally-owned vehicle may be used on official

state business unless prior written approval by the traveler's supervisor, conforming to §§1515 and 1517, has been granted.

B. When two or more persons travel in the same personally-owned vehicle, only one charge will be allowed for the expense of the vehicle. The person claiming reimbursement shall report the names of the other passengers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:408 (August 1982), LR 15: (October 1989).

§1533. Rented Motor Vehicles

Department heads shall send to the commissioner of administration a monthly report listing each instance in which a vehicle has been rented and showing the name of the renter, the type of vehicle, the location where the vehicle was rented, the number of days of rental, the total expense, and the source of funds. Nonconformance with this provision will result in suspension of the department's authority to approve vehicle rental.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:409 (August 1982), LR 15: (October 1989).

Subchapter G. Reimbursement for Transportation, Lodging, Meals, and Other Expenses

§1535. Transportation

A. A mileage allowance shall be authorized for travelers approved to use personally-owned vehicles while in the conduct of official state business. There will be no reimbursement for mileage incurred commuting to/from one's residence to his official domicile, unless previously mentioned exception has been granted. Mileage shall be reimbursable on the basis of 21 cents per mile. Mileage shall be computed as provided for in Subchapter F, §1523. When the use of a privately-owned vehicle has been approved in accordance with Subchapter F, §1525, D or E, for out-of-state travel, the traveler will be reimbursed on the basis of 21 cents per mile not to exceed the cost of travel by coach/economy class air rates. Reimbursement shall be on the basis of the most direct route. The traveler shall be required to pay all operating expenses of the vehicle such as, but not limited to, fuel, repairs, replacement of parts and insurance.

B. Travelers using motor vehicles on official state business will be reimbursed for necessary storage and parking fees, ferry fares, and road and bridge tolls.

C. State-owned credit cards will not be issued to travelers for use in the operation of privately-owned vehicles.

D. In no case will a traveler be allowed mileage or transportation when he/she is gratuitously transported by another person.

E. When a traveler is required to regularly use his/her personally-owned vehicle for agency activities, the agency head may request authorization from the commissioner of administration for a lump sum allowance for transportation or reimbursement for transportation (mileage) as provided in Subchapter G. §1535.A. Request for lump sum allowance must be accompanied by a detailed account of routine travel listing exact mileage

for each such route. Miscellaneous travel must be justified by at least a three-month travel history to include a complete mileage log for all travel incurred, showing all points traveled to or from and the exact mileage. Requests for lump sum allowance shall be granted for periods not to exceed one fiscal year.

F. Commercial air travel will be reimbursed only at coach or economy class rates. The difference between the air coach or economy class rates and first class air rates will be paid by the traveler, if the travel was performed at first class air rates. If space is not available in less than first class air accommodations in time to carry out the purpose of the travel, the traveler will secure a signed statement from the airline indicating this fact and attach such to the travel voucher.

G. Reimbursement for use of a privately-owned aircraft under the guidelines of Subchapter F, §1525.E, will be made as provided for in Subchapter G, §1535.A, or the cost of coach/economy class commercial air rates whichever is less.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:409 (August 1982), LR 15: (October 1989).

§1537. Lodging and Meals

A. Meals Only (Including Tips)

Except as provided in Subchapter C, §1511.D, travelers may be reimbursed up to the following amounts for meals:

Breakfast	\$4
Lunch	\$5
Dinner	\$9
	<hr/>
	\$18

B. Travelers may be reimbursed for meals according to the following schedule:

1. Breakfast: When travel begins at/or before 6 a.m. on the first day of travel, or extends beyond 9 a.m. on the last day of travel, and for any intervening days.

2. Lunch: No reimbursement shall be made for lunch for in-state travel except when travel extends over at least one night or if traveler is eligible for both the breakfast and dinner meals. If in-state travel extends overnight, lunch may be reimbursed for those days where travel begins at/or before 10 a.m. on the first day of travel, or extends beyond 2 p.m. on the last day of travel, and for any intervening days.

3. Dinner: When travel begins at/or before 4 p.m. on the first day of travel, or extends beyond 8 p.m. on the last day of travel and for any intervening days.

C. In-State and Out-of-State Lodging

1. In-State Areas

Except as provided in §1511.D, travelers may be reimbursed actual expenses for lodging not to exceed \$40 (plus tax) per day and meals may be reimbursed at the \$18 cost level to all cities in Louisiana with the exception of New Orleans which is reimbursable at actual expenses not to exceed \$55 (plus tax) per day and meals at the \$26 high cost level. Receipts from a bona fide hotel or motel for lodging shall be submitted and attached to the travel voucher.

2. Out-of-State Areas

Except as provided in §1511.D, travelers may be reimbursed actual expenses for lodging not to exceed \$55 (plus tax) per day, excluding those cities listed in high cost and extra high

cost areas and meals may be reimbursed at the \$26 high cost level in accordance with same schedule in §1539.A. Receipts from a bona fide hotel or motel for lodging shall be submitted and attached to the travel voucher.

§1539. Lodging and Meals in High Cost and Extra High Cost Areas

A. Meals Only (Including Tips)

1. Except as provided in Subchapter C, §1511.D, travelers on official state business in high cost, extra high cost areas as designated in Subchapter G, §1539.B, C, may be reimbursed up to the following amounts for single meals, or a total of \$26 per day. (Receipts not required.)

Breakfast	\$5
Lunch	\$7
Dinner	\$14
	<hr/>
	\$26

2. Travelers may be reimbursed for meals according to the same schedule as that in Subchapter G, §1537.B.

B. High Cost Lodging Areas

Except as provided in §1511.D, travelers may be reimbursed actual expenses for lodging not to exceed \$80 (plus tax) per day for the following cities: Boston, Massachusetts; Chicago, Illinois; Los Angeles, California; Philadelphia, Pennsylvania; San Francisco, California. The inclusion of suburbs of these cities as high cost areas shall be determined by the department head on a case-by-case basis.

C. Extra High Cost Lodging Areas

Except as provided in §1511.D, travelers may be reimbursed actual expenses for lodging not to exceed \$95 (plus tax) for the following cities: New York, New York and Washington, D.C. Receipts from a bona fide hotel or motel for lodging shall be submitted and attached to the travel voucher. The inclusion of suburbs of these cities as extra high cost areas shall be determined by the department head on a case-by-case basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:409 (August 1982), LR 15: (October 1989).

§1541. Out-of-State Conferences Lodging and Meals

A. Meals only (Including Tips)

Except as provided in Subchapter C, §1511.D, travelers may be reimbursed up to \$26 per day for meals according to the same schedule in §1539.A.

B. Except as provided in §1511.D., travelers may be reimbursed actual expenses for conference lodging not to exceed \$80 (plus tax) per day for any hotel property out-of-state. Receipts from a bona fide hotel or motel for lodging shall be submitted and attached to the travel voucher.

C. Delete in its entirety.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:409 (August 1982); LR 15: (October 1989).

§1543. Other Expenses

Only the following expenses incidental to travel may be reimbursed.

A. Communication expense relative to official state business.

B. Conference room rental or other extraordinary expenses with prior approval from the commissioner of administration and when not funded from another source.

C. Registration fees at conferences (meals that are a designated integral part of the conference may be reimbursed on an actual expense basis with prior approval by the department head).

D. Charges for storage and handling of equipment.

E. Taxi and bus fares.

F. Tips (for baggage handling only).

G. Limousine services to and from terminals or stations, when a less expensive mode is not available.

H. Vehicle rental, when documented and approved as required in Subchapter F, §1525.F.

1. Only the cost of rental of subcompact or compact models is reimbursable, unless non-availability is documented, or the vehicle will be used to transport more than three persons.

2. Collision deductible waiver insurance is not reimbursable. Should a collision occur while on official state business, the cost of the deductible should be paid by the traveler and reimbursement claimed on a travel expense voucher. The accident should also be reported in accordance with Subchapter F. §1527.C. Personal accident insurance when renting a vehicle is not reimbursable, employees are covered under workmen's compensation while on official state business.

3. Any personal mileage on a vehicle rented for official state business is not reimbursable and shall be deducted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated in LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:410 (August 1982), LR 15: (October 1989).

§1545. Special Meals

All of the following must be submitted for review and approval of the department head or his designee prior to reimbursement.

A. Detailed breakdown of all expenses incurred, with appropriate receipt(s).

B. Subtraction of costs for any alcoholic beverages.

C. Copy of prior written approval from the commissioner of administration (Subchapter E, §1521.D).

D. Reimbursement shall be limited to the amounts indicated in Subchapter G, §1539.A.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated in LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:410 (August 1982), LR 15: (October 1989).

§1547. Restrictions Governing Claims for Reimbursement

A. Travel allowances shall not be granted for travel accomplished on Saturday, Sunday, or holidays unless approved in

writing by the head of the department or his designee. (Approval and justification must be readily available in the department's reimbursement file.)

B. No claim for reimbursement shall be made for any lodging and/or meals furnished at a state institution or other state agency, or by any other party at no cost.

C. In case an employee travels by an indirect route for his/her own convenience (including when traveling by automobile instead of by available air craft incurs additional food and/or lodging expenses), any extra cost shall be borne by the traveler and reimbursement for expenses shall be based only on such charges as would have been incurred by the most direct and usually traveled route and method.

D. Items included in any expense account which do not fully conform to these regulations will be disallowed for payment.

E. In all cases where lodging expenses are incurred, the traveler shall utilize the most economical rooms available, considering such factors as the availability and cost of transportation to the site where state business will be conducted, availability of special discount rates, and cost savings obtainable by sharing rooms.

F. Request for exceptions to the lodging rate regulations must include the names, phone numbers, and lowest available rates of at least two other nearby hotels contacted. If this is not possible, the request should explain why.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated in LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:410 (August 1982), LR 15: (October 1989).

§1549. Receipts or Other Support

Receipts or other substantiations are required for travel expenses, except for the following:

A. Taxicab or local public transportation less than \$10.

B. Routine meals (number of meals must be shown on travel voucher) under a total of \$26 per day. If meals of state officials exceed this same limitation, receipts are required. All special meals require receipts.

C. Telephone and telegraph under \$3.

D. Tips for baggage handling.

E. Parking at self-service lots when less than \$5. The location of the lot and length of time parked must be indicated on the travel voucher in these cases.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated in LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:410 (August 1982), LR 15: (October 1989).

§1551. Reimbursement for International Travel

International travelers will be reimbursed at the high-cost area rates for lodging and meals pursuant to Subchapter G, §1539.A and C, unless the necessity for incurring higher expenses is fully documented and approved by the commissioner of administration prior to departure. Receipts or other substantiations are required for all travel expenses (with the exceptions noted in Subchapter G, §1549) by all international travelers requesting reimbursement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated in LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:410 (August 1982), LR 15: (October 1989).

§1553. General Provisions

The traveler is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business.

A. Funds for Travel Expense

Persons traveling on official business will provide themselves with sufficient funds for all routine expenses. Advances of funds for travel shall be made only for extraordinary travel and should be punctually repaid when submitting the travel voucher covering the related travel, not later than the fifteenth day of the month following the completion of travel.

B. State Agency Credit Cards

Credit cards used in the name of the state agency are not to be used for the purpose of securing transportation, lodging, meals, or telephone and telegraph service, unless prior written permission has been obtained from the commissioner of administration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated in LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:410 (August 1982), LR 15: (October 1989).

§1555. Claims

A. All claims for reimbursement for travel shall be submitted on state Form BA-12, unless exception has been granted, and shall include all details provided for on the form. It must be signed by the person claiming reimbursement and approved by his/her immediate supervisor. The purpose for extra and unusual travel must be stated in the space provided on the front of the form. In all cases the date and hour of departure from and return to domicile must be shown.

B. Excepting where the cost of air transportation is invoiced directly to the agency/department, all expenses incurred on any official trip shall be paid by the traveler and his travel voucher shall show all such expenses in detail to the end that the total cost of the trip shall be reflected by the travel voucher. If the cost of air transportation is paid directly by the agency/department, a notation will be indicated on the travel voucher indicating the date of travel, destination, amount, and the fact that it has been paid by the agency/department. The traveler's copy of the passenger ticket shall be attached to the travel voucher.

C. In all cases, and under any travel status, cost of meals and lodging shall be paid by the traveler and claimed on the travel voucher for reimbursement, and not charged to the state department.

D. Claims should be submitted within the month following the travel, but preferably held until a reimbursement of at least \$10 is due. In no case shall reimbursement for travel in a previous fiscal year be possible unless funds have been specifically reserved for that purpose.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated in LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:410 (August 1982), LR 15: (October 1989).

§1557. Extended Stays

For travel assignment involving duty for extended periods at a fixed location, the reimbursement rates indicated should be adjusted downward whenever possible. Care should be exercised to prevent allowing rates in excess of those required to meet the necessary authorized subsistence expenses. It is the responsibility of each agency head to authorize only such travel allowances as are justified by the circumstances affecting the travel. The rates authorized will not exceed the reimbursable allowance stated herein, unless special approval is granted by the commissioner of administration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated in LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:411 (August 1982), LR 15: (October 1989).

§1559. Emergency Travel

Under extraordinary circumstances where the best interest of the state require that travel be undertaken not in compliance with these regulations, approval after the fact may be given if appropriate documentation is presented promptly. Each department shall establish internal procedures for authorizing travel in emergency situations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated in LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:411 (August 1982), LR 15: (October 1989).

§1561. Authorized Persons

Reimbursement of expenses for travel to be performed by authorized persons who are called upon to contribute time and service as defined in Subchapter B, §1503.C, or who are requesting reimbursement in excess of state employee allowances shall require prior written approval from the commissioner of administration. Complete explanation and DOA approval must be shown on the travel expenses form or attached thereto.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated in LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:411 (August 1982), LR 15: (October 1989).

§1563. Fraudulent Claims

Any person who submits a claim pursuant to the aforementioned regulations and who willfully makes and subscribes to any claim which he/she does not believe to be true and correct as to every material matter, or who willfully aids or assists in, or procures, counsels or advises the preparation or presentation of a claim which is fraudulent or is false as to any material matter

shall be guilty of official misconduct. Whoever shall receive an allowance or reimbursement by means of a false claim shall be subject to immediate dismissal, as well as being criminally and civilly liable within the provisions of state law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated in LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:411 (August 1982), LR 15: (October 1989).

§1565. Waivers

The commissioner of administration may waive in writing any provision in these regulations when the best interest of the state will be served.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated in LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:411 (August 1982), LR 15: (October 1989).

Dennis Stine
Commissioner of Administration

RULE

Office of the Governor Division of Administration Community Development Section

Louisiana Community Development Block Grant (LCDBG) Program FY 1989 Final Statement

The following sections of the FY 1989 Final Statement for the Louisiana Community Development Block Grant Program are being amended as follows.

Section II. GENERAL

F. SIZE OF GRANTS

1. Ceilings. The state has established a funding ceiling of \$550,000 for housing grants and \$600,000 for public facilities grants with the exception of sewer grants which have a funding ceiling of \$750,000. The state has established a funding ceiling of \$600,000 for economic development projects involving a loan for the creation of a new business and for economic development projects involving a grant to the local governing body a funding ceiling of \$1,000,000 for infrastructure improvements, and a funding ceiling of \$300,000 for the acquisition, construction or rehabilitation of buildings by the local governing body when necessary for the creation/retention of jobs; no funding ceiling is imposed for economic development projects involving a loan for the expansion of an existing business.

Within the ceiling amounts the state allows applicants to request funds for administrative costs with the following limitations. Administrative funds for housing programs cannot exceed 12 percent of the estimated housing costs and administrative funds for public facilities programs cannot exceed seven percent of the estimated public facilities project costs. The amount which

can be requested for demonstrated needs programs must be commensurate with the amount allowable for the specific type of project (housing rehabilitation or public facilities) for which funds are requested. For public facilities, housing, and demonstrated needs programs for which the total estimated project cost is less than \$200,000, the state will make the final determination as to the appropriate allowable administrative costs. A maximum of \$30,000 for general administrative funds will be allowed the local governing body for economic development programs; the state will determine the actual amount of funds allowed for administrative funds on a case-by-case basis for each project funded. In addition to the general administrative funds on the economic development programs involving a loan, the state will provide an additional two percent of the estimated economic development project costs; this additional two percent is specifically dedicated for the grantee to contract with a Small Business Development Center. If, after a project has been funded, the scope of the project changes significantly, the state will make a determination as to the actual amount which will be allowed for administrative costs; this determination will be made on a case-by-case basis.

Engineering fees may also be requested within the ceiling amounts; the funds requested must be in compliance with those established by the American Society of Civil Engineers and/or Farmer's Home Administration. If, after a project has been funded, the scope of the project changes significantly, the state will make a determination as to the actual amount which will be allowed for engineering costs; this determination will be made on a case-by-case basis.

G. RESTRICTIONS ON APPLYING FOR GRANTS

2. Capacity and performance: threshold considerations for grant approval. No grant will be made to an applicant that lacks the capacity to undertake the proposed program. In addition, applicants which have previously participated in the Community Development Block Grant Program must have performed adequately. Performance and capacity determinations for FY 1989 will be made as of the date the state receives its executed grant agreement from HUD. In determining whether an applicant has performed adequately, the state will examine the applicant's performance.

In order to be eligible for a grant award in FY 1989, the following thresholds must have been met:

a. units of general local government will not be eligible to receive funding unless past CDBG programs awarded by HUD have been closed out.

b. units of general local government will not be eligible to receive funding unless past LCDBG programs (FY 1982, FY 1983 [including Jobs Bill Programs], FY 1984, FY 1985, FY 1986, FY 1987 and FY 1988) awarded by the state have been conditionally closed-out, with the following exception.

For recipients of economic development awards under the FY 1986, FY 1987, and FY 1988 LCDBG Programs and for recipients of demonstrated needs awards under the FY 1988 LCDBG Program, the state will, at its own discretion on a case-by-case basis, make a determination on the recipient's performance. If the state makes the determination that the recipient has performed adequately, the state may deem that recipient also eligible for FY 1989 funding.

c. Audit and monitoring findings made by the state or HUD have been cleared.

d. All required reports, documents, and/or requested data have been submitted within the time frames established by the state.

e. Any funds due to HUD or the state have been repaid or a satisfactory arrangement for repayment of the debt has been made and payments are current.

Any applications that were determined to be ineligible for FY 1988 funding will be re-evaluated for eligibility for FY 1989 funding. The state is not responsible for notifying applicants as to their performance status. No waivers to the thresholds will be given by the state except for applicants requesting economic development and Demonstrated Needs funds. All requests for waivers must be submitted in writing to the state prior to the submittal of the application. There shall be no waiver granted if funds are due to HUD or the state unless a satisfactory arrangement for repayment of the debt has been made and payments are current.

Section III. METHOD OF SELECTING GRANTEEES

C. RATING SYSTEMS

3. ECONOMIC DEVELOPMENT

The economic development program category involves two types of projects: loans to a business/developer and grants to the local governing body. The specific requirements of each type are identified herein and must be adhered to according to type. Although most economic development awards will involve only one type, both types (loan and grant) may be involved in one award.

The economic development loan set aside is to be used to provide loans to businesses for job creation or retention projects. The LCDBG-ED funds go from the state to the local unit of government to the private developer. A three-way agreement (contract) is signed by these three participants, and other parts of the application are reviewed by them, to ensure a complete understanding by the three parties of the planned development, the expected number of jobs to be created or retained, the sources and uses of all funds to be committed to the project, the payback arrangements for all funds borrowed, the security assigned to each loan granting institution or agency, the financial and other reporting requirements of the developer and the local unit of government to the state, and all other obligations of the developer, the local governmental unit and the state.

An application for LCDBG-ED funds may be submitted at any time during the year.

The term "developer" shall mean the corporate entity as well as the individual investors, stockholders, and owners of the applicant business. As an example of the effect of this definition, an LCDBG-ED loan to Company A cannot be used to purchase equipment, land, etc., from Company B, when both Company A and Company B are substantially owned by one or more of the same individuals.

The state will recoup 100 percent of the payback of LCDBG-ED loans (program income to the state) unless the local governing body will utilize the payback for expansion of the originally funded development. These program income funds received by the state will be placed in an Economic Development Revolving Loan Fund which will be used to supplement funding for economic development projects. These funds will be subject to the federal regulations regarding use of program income. The interest rate charged on the LCDBG-ED loan depends on the financial and cash flow projections of the applicant business. This rate will be determined in the application review.

In some instances it may be necessary and appropriate for a local unit of government to receive a grant for infrastructure improvements or the acquisition, construction, or rehabilitation of a building needed by a specific developer before his proposed job creation project can be fully implemented. This economic

development grant could be used by the local unit of government to provide sewer, water, and street/road access on public property to the industrial/business site. It cannot be used to acquire, construct, or rehabilitate a building or to create a general industrial park project with the hope that a business client will then be attracted. It must be tied to a specific developer creating a specific number of jobs for low to moderate income people. Although the grant will be tied to a specific developer, all/any other developments that occur within the life of the program as a result of the infrastructure or building improvements must also be considered to fall under LCDBG requirements. Therefore, when preparing the closeout documents, the job creation/retention and low/moderate income figures would be the total of all the benefitting businesses in aggregate. It must be a "but for" situation where the business cannot locate or expand at the site unless the particular infrastructure is provided. The developer must show why this location, which lacks proper infrastructure, must be used instead of another site which already has proper infrastructure. The developer must provide sufficient financial and other statements, projections, etc., to establish that the business is likely to be successful, and will create the appropriate number of jobs at the site in a specific time frame. Certain assurances by the developer, related to the timing of his development on the site, will be required. Other agreements between the local governing body and the developer/property holder, relative to public rights of way, availability of site to local governing body upon failure or change in operation by the developer, etc., will be required as needed on an individual project basis.

The maximum amount available to the local governing body for an infrastructure or building acquisition, construction, or rehabilitation type project grant is \$10,000 per job created or retained, with a \$1,000,000 limit for infrastructure improvements on any single project or a \$300,000 limit for the acquisition, construction, or rehabilitation of a building.

The following five requirements must be met by all economic development applicants:

A. A firm financial commitment from the private sector will be required upon submission of the application.

For a loan, the private funds/public funds ratio must not be less than 1:1 for manufacturing firms with Standard Industrial Code classifications of 20-39. A private to public ratio for non-manufacturing firms must have a ratio of 2.5:1.

For a grant to the local governing body for infrastructure improvements, the private funds/public funds ratio for a grant of less than \$500,000 must be 1:1 and for a grant of \$501,000 to \$1,000,000 must be 2:1. For a grant to the local governing body for the acquisition, construction, or rehabilitation of a building for economic development, the private funds/public funds ratio must be 1:1.

In addition, the state must be assured that non-manufacturing projects will have a net job creation impact on the community and not simply redistribute jobs around the community.

Private funds must be in the form of a developer's cash or loan proceeds. Revenues from the sale of bonds may also be counted if the developer is liable under the terms of the bond issue. Previously expended funds will not be counted as private funds for the purpose of this program, nor will private funds include any grants from federal, state or other governmental programs, nor any recaptured funds. The value of land, buildings, equipment, etc., already owned by the developer and which will be used in the new or expanded operation, will not be considered as private match.

Personal endorsement from all principals of corporations, partnerships, or sole proprietorships shall be required on the LCDBG loan documents. The principals shall: 1) endorse the LCDBG loan to the corporation and 2) guarantee the payment and fulfillment of any obligation of the corporation. These endorsements will be made jointly to the local government and State of Louisiana.

Normally, a principal is defined as owning five percent or more of the business.

B. If cost per job created or retained exceeds \$15,000 for a loan to a developer or \$10,000 for a grant to the local governing body, applications will not be considered for funding.

C. A minimum of 10 jobs created or retained is required for LCDBG-ED assistance.

D. A minimum of 60 percent of the employment will be made available to people who at the time of their employment are living in households whose total income is below the low to moderate income limit for the parish where the development occurs (see Appendix 3).

E. The application must include documentation showing that the project is feasible from the management, marketing, financial and economic standpoints. Management feasibility has to do with the past experience of the developer in managing the type of project described in the application, or other similar managerial experience. Marketing feasibility deals with how well the market for the product has been documented at the application stage - the best case being that the developer has verifiable commitments substantiating the first year's sales projection. A typical market study includes a detailed analysis of competition, the expected geographical sales plan, and letters of intent to buy, specifying quantity and price. Economic feasibility relates to whether or not the developer has realistic projections of revenues and variable costs, such as labor and cost of materials, and whether they are consistent with industry value-added comparisons. An assessment will be made of the industry sector performances for the type of industry/business described in the application. Financial feasibility has to do with the ability of the firm to meet all of its financial obligations in the short and long run, determined by a cash flow analysis of the financial history and projections of the business. In analyzing the financial feasibility of a project, the state may suggest alternatives in the timing of expenditures, the amount and proposed use of public and private funds, as well as other financial arrangements proposed in the application.

For an application to be funded, the state must be assured that: the project is credit worthy; there is sufficient developer equity; the LCDBG funds will be efficiently and effectively invested; the maximum amount of private and the minimum amount of public funds will be invested in the project; the project will make an adequate return in the form of public benefits commensurate with the money invested; the state and the local community will not assume a disproportionate amount of risk in the project; and, the state and the community will receive an adequate security interest proportionate to the LCDBG funds invested in the project.

DEFAULT: The local governing body shall be ultimately responsible for repayment of the contract funds which were provided by the state.

The state shall look to the local governing body for repayment of all funds disbursed under this contract and default by the developer shall not be considered as just cause for non-payment by the local governing body. In case of a default by the local governing body in the repayment of contract funds to the state, in accordance with the terms and conditions of the con-

tract, the full sum remitted to the local governing body shall become due and payable to the state upon demand, without the need of putting the local governing body in default.

The state shall deem the local governing body in default, regardless of the fact that the default was precipitated by the developer, to the extent that the local governing body failed to perform its contractual obligations in good faith.

This amendment is to become effective on October 20, 1989, and is to remain in force until it is amended or rescinded.

Dennis Stine
Commissioner

RULE

Office of the Governor Division of Administration Property Assistance Agency

Notice is hereby given that the Office of the Governor, Division of Administration, Louisiana Property Assistance Agency, under authority of R.S. 39:321 amends and replaces the existing State Property Control Regulations with revised regulations, as follows.

Title 34 GOVERNMENT CONTRACTS PROCUREMENT AND PROPERTY CONTROL Part VII. Property Control

Chapter 1. General Provisions

§101. Definitions

A. *Agency* means any state office, department, board, commission, institution, division, officer, or other person, or functional group, heretofore existing or hereafter created, which is authorized to exercise, or that does exercise any function of the government of the state, excluding, however, any governing body or officer of any local government or subdivision of the state or any parochial officer who exercises functions coterminous with the municipality in which he performs those functions.

B. *Commissioner* means the commissioner of the Division of Administration.

C. *Division* means the Division of Administration.

D. *Property* means all tangible non-consumable moveable property owned by an agency with the exception of property specifically exempted by the commissioner. The commissioner hereby designates that state-owned timber should be considered to be moveable and state-owned pecans shall be considered to be non-consumable for purposes of the Louisiana Property Control Law (R.S. 39:321 et seq.).

Timber and pecans are considered moveable and non-consumable for the purpose of sales and are not to be included in the agency's inventory of moveable property.

E. *Louisiana Property Assistance Agency Director* means the individual in the Louisiana Property Assistance Section of the Division of Administration who has been designated by the commissioner as the person responsible to the commissioner for the administration of the State Property Control regulations. The responsibility of the director is to develop and organize the agency units necessary to carry out the requirements and functions of Louisiana Revised Statutes 39:321 et al.

F. *Head of the agency* means the individual responsible for the administration and operations of the agency.

G. *Agency property manager* means the officer or employee designated by the head of the agency as property manager for the agency.

H. *Surplus property* means any moveable state property which is deemed to be of no further use to an agency.

I. *Educational organization* means an organization authorized and doing business in the State of Louisiana with its primary purpose being the imparting of knowledge or skill through systematic instruction by the teaching of structured courses at regularly scheduled intervals.

J. *Charitable organization* means an organization authorized and doing business in the State of Louisiana with its primary purpose being the providing of help and assistance to the needy, by providing direct assistance or indirect assistance through an institution, organization, or fund established to help the needy. Said organization must have and maintain an IRS Section 501 status.

K. *Religious organization* means an organization authorized and doing business in the State of Louisiana with its primary purpose pertaining to or teaching a generally accepted and practiced religion within the state.

§103. Inventory Classification Codes

A. A listing of items of state property alphabetized by their commonly used names will be developed and maintained by the Louisiana property assistance agency director or his designee. A code number representing each item will be designated. These codes and only these codes are mandated for use in inventorying moveable property by all state agencies subject to the provisions of Title 39 of the Louisiana Revised Statutes.

B. The agency property manager shall use the mandated classification code when completing the classification code field on the Louisiana Property Control Transmittal Form and the classification code section of the BF-11 Form.

C. When an item has not been assigned an inventory classification code, the agency property manager must contact the Louisiana Property Assistance Agency for assignment of a new code number before submitting the Louisiana Property Control Transmittal Form.

§105. Agency Numbers

The agency number and sub-number are numbers assigned to the agency by the Louisiana property assistance agency director or his designee. This same number is the first five digits on all of the agency's State of Louisiana identification tags. Requests for new or additional agency numbers should be directed to the Louisiana property assistance agency director or his designee.

Chapter 3. State Property Inventory Regulations

§301. Appointment of Property Managers

A. The head of the agency shall designate one of its officers or employees as agency property manager. In cases where an agency owns a large amount of property situated in more than one location, the Louisiana property assistance agency director or his designee may authorize the appointment of more than one agency property manager within an agency. This authorization shall be in writing and granted only upon the request of the head of the agency. The head of the agency shall notify the commissioner, through the Louisiana property assistance agency director or his designee, in writing, or of the appointment of each agency property manager giving his name and domicile. The agency property manager's signature shall be placed on this letter.

B. The head of the agency shall notify the Louisiana property assistance agency director or his designee in writing prior to the date any agency property manager ceases to function in that position. The Louisiana property assistance agency director or his designee shall conduct an examination of the property inventory records under the jurisdiction of the agency property manager. On the basis of the report of this examination and the next accepted certification of moveable property inventory by the agency, the Louisiana property assistance agency director or his designee shall approve the release of the agency property manager from responsibility and liability or shall make a written report of any defects in the records or damage to or shortages of property. In cases of damage to or shortages of property, the commissioner shall take steps as necessary to satisfy the claims of the state, as provided by R.S. 39:330.

§303. Faithful Performance of Duty Bond

Where the Louisiana property assistance agency director or his designee has approved the appointment of one or more property managers within an agency, each property manager shall be covered by the Faithful Performance of Duty Bond.

§305. Responsibility for Property

A. Each agency property manager shall be the custodian of and shall be responsible for all the property within his agency until his release from responsibility is approved by the Louisiana property assistance agency director or his designee.

B. Each agency property manager shall maintain for three years past, the following files:

1. copies of all transmittals submitted for which no record of acceptance has yet been received;

2. annual printout of inventory used for certification (§313.C. and §313.G.2);

3. letters of certification of moveable property inventory and subsequent letters of acceptance or rejection (§313.F.11. and §313.G.12);

4. sequentially dated copies of all property acquisition/change transaction listings received (§317.A);

5. sequential copies of BF-11s submitted, and responses received (§501).

C. When any property is entrusted to any other officer or employee of the agency, the agency property manager shall secure a receipt for such property from the person receiving the property, and in such event, the agency property manager shall be relieved of responsibility for the property but shall continue to maintain accountability for the property. Upon the return of the property to the agency property manager, he shall return the person's receipt or issue acknowledgement of the return of the property and resume responsibility.

D. Whenever an agency property manager has knowledge or reason to believe that any property of the agency is lost, stolen, damaged, or destroyed through vandalism, fire, windstorm, or other acts of God, he shall immediately notify the head of his agency. The head of the agency shall immediately notify the commissioner, through the Louisiana property assistance agency director or his designee and follow up with a written report. The Louisiana property assistance agency director or his designee shall make an investigation and take necessary action as provided for in R.S. 39:330.

E. The agency property manager and each person to whom property is entrusted and receipted for as provided in these regulations shall be liable for the payment of damages whenever his wrongful or grossly negligent act or omission causes any loss, theft, disappearance, damage to or destruction of property of his agency for which he is responsible as provided

herein, and such damages shall be recoverable in a civil suit therefore prosecuted on behalf of the state by the attorney general.

F. The head of the agency shall allow the agency property manager(s) the necessary time and provide them with the necessary supplies and assistance for performance of their duties under these regulations, and the head of the agency shall be responsible for seeing that the provisions of these regulations are carried out.

G. The agency property manager shall submit, within the week it becomes known, each idle or surplus item within his agency for disposition request utilizing a State Property Transaction Form BF-11.

§307. Items of Property to be Inventoried

A. All items of moveable property having an "original" acquisition cost, when first purchased by the State of Louisiana, of \$250 or more, and all gifts and other property having a fair market value of \$250 or more, with the exception of items specifically excluded in §307.F and §307.G, must be placed on inventory. The term "moveable" distinguishes this type of equipment from equipment attached as a permanent part of a building or structure. The term "property" distinguishes this type of equipment from "supplies" with supplies being consumable through normal use in no more than one year's time. All acquisitions of qualified items must be tagged within 10 days of acquisition with a uniform State of Louisiana identification tag approved by the commissioner of administration and all pertinent inventory information must be forwarded to the Louisiana property assistance agency director or his designee within one month after receipt of these items.

B. The head of the agency, at his discretion, may include such items as electronic calculators, chairs, desks, file cabinets, tables, and other property having an acquisition cost of less than \$250 in the inventory.

C. Gifts of moveable property must be given a fair market value as agreed upon between the donor and head of the receiving agency and recorded in the inventory if the fair market value is \$250 or more.

D. Agencies manufacturing moveable property for use within the agency must determine the estimated cost based on the cost of labor and materials and include such items in the inventory provided that estimated cost is \$250 or more.

E. Agencies which are eligible to receive federal surplus property must place on inventory all items acquired from Federal Surplus which would ordinarily be classified as moveable property and which have an acquisition cost of \$250 or more. The acquisition date will be the date of acquisition by the state agencies and the acquisition cost will be the actual cost incurred by the state agency.

NOTE: There are federal regulations regarding accountability for federal surplus property. If not familiar with these contact Federal Surplus Property Agency.

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

dairy, or experimental purposes will be re-appraised by the agency property manager and the acquisition cost will be adjusted on the inventory in accord with current fair market value. When an agency acquires livestock by birth and determination is made that such animals will be slaughtered for food, the animals shall not be included in the inventory.

G. Computer software may be included on inventory but it is not mandatory to do so, regardless of acquisition cost.

§309. Marking and Identifying Items of Property on Inventory.

A. Each item which meets the definition of items of property to be inventoried (§307) must be identified with an identification tag approved by the commissioner of administration which shall bear a unique identification number.

B. Agencies shall submit their requests for State of Louisiana identification tags directly to Louisiana Property Assistance Agency.

C. The agency property manager shall be responsible for the tagging of property, location, identification of property, and maintenance of property identification tags as prescribed in these regulations.

D. Livestock may be tagged in the ear with a metal tag provided that tag number is set aside. If there is any type of identification mark or tag already on the animal, such as bangs, brucellosis, etc., such identification shall be entered as the tag number provided the number has not been used before.

E. If the item cannot have a State of Louisiana identification number placed on it for physical reasons, the identification number should be set aside and the identification number written on the item with indelible ink (in case of items of cloth), or the number inscribed on the item with a small engraving tool. Authorization must be given in writing by the Louisiana property assistance agency director or his designee for any inventoriable which does not have a state identification mark due to extenuating circumstances.

§311. Inventory of Property

A. The agency property manager shall establish and maintain a property location index which shall be used to keep track of the location of property of the agency. The agency property manager shall keep the property location index for the agency current and shall submit to the Louisiana property assistance agency director or his designee an up-to-date index each time a change or modification is made in the index.

B. The agency property manager shall submit all pertinent inventory information on items acquired by the agency and defined in these regulations as items to be inventoried. The means of submitting the information shall be the Louisiana Property Control Transmittal Form. These forms may be obtained from the Forms Management Section of the Division of Administration. This form shall be sent monthly to the Louisiana property assistant agency director or his designee listing the transactions of the agency for the month. The data submitted on the transmittal form will be forwarded to the Baton Rouge Computer Center by the Louisiana property assistance agency director or his designee, where it will be keypunched into the agency's inventory master file.

§313. Annual Inventory Requirements

A. The agency property manager shall conduct a complete physical inventory of the property owned by the agency each fiscal year and not more than 12 calendar months since the last physical inventory. The agency property manager is responsible for recording the true and actual results of the physical inventory.

B. The agency property manager shall notify the commissioner through the Louisiana property assistance agency director in writing 30 days prior to the date(s) inventory is to begin. Agencies inventorying on a rotation basis shall submit their schedule and shall notify the commission through the Louisiana property assistance agency director of any changes to be made in that schedule. The commissioner, Louisiana property assistance director, or their representatives, may supervise or observe all or any part(s) of any inventory.

C. Each agency property manager whose head of the agency elects to use Inventory Procedure I (§313.F.) shall utilize the second half of the Notification of Inventory/Request for Printout to also request an annual printout of the agency's inventory master file. Additional requests will result in the assessment of a fee to cover costs.

D. The commissioner shall cause periodic observations of inventories and examinations of records to be made and shall cause reports submitted to the Louisiana property assistance agency to be compared periodically with records of the agencies and with the physical property of the agencies for the purpose of testing the completeness and accuracy of inventories, records, and reports.

E. The head of the agency shall determine which of the two methods of inventory shall be used by the agency property manager in the annual physical inventory of the agency's property. The agency property manager shall be responsible for using the method determined by the head of the agency to be the best for the operations of his agency. Any procedure used other than the ones prescribed in these regulations (§313.F. and §313.G.) must have prior written approval of the Louisiana property assistance agency director or his designee.

F. Inventory Procedure I

1. The agency property manager shall, under the direction of the head of the agency, select the date(s) most convenient to the operations of the agency, but not more than 12 months since the last annual physical inventory.

2. The agency property manager shall complete and submit to the Louisiana property assistance agency director or his designee the Notification of Inventory/Request for Printout at least 30 days prior to the date(s) inventory is taken.

3. The agency property manager, under direction of the head of the agency, shall designate the personnel who will conduct the inventory by areas indicated in the agency's property location index (§311.A).

4. A copy of the property location index shall be provided to each of the persons participating in the physical inventory. It shall describe the areas and the property location code each is to inventory.

5. The agency property manager shall provide each person participating in the physical inventory a copy of the state master file listing printout of inventory for the agency covering the area or location to be inventoried.

6. The agency property manager shall instruct the persons participating in the inventory on the method to be used to: a) identify and mark on the inventory listing the items located, b) mark clearly on the inventory listing the items not located, and, c) conspicuously mark and report to the agency property manager those items found without a property tag. The agency property manager shall make a determination that the items should or should not be tagged and submitted to the state master file listing of inventory for the agency based on these regulations.

7. The physical inventory shall be taken on the date(s) pre-selected. The agency property manager shall notify Louisi-

ana property assistance agency director or his designee if, for some unforeseen reason, it is necessary to alter the date(s).

8. The agency property manager shall compile the true results of the physical inventory and shall submit a discrepancy report, (if applicable), to the Louisiana property assistance agency director or his designee with a copy to the legislative auditor, containing all exceptions or discrepancies found in relating physical inventory results with the state master file listing of inventory for the agency.

9. The discrepancy report shall list each of the missing items by agency, tag number, description, location, acquisition date and acquisition cost, along with an explanation of what is believed to have happened to the items not located. The commissioner may cause an investigation to be made upon receipt of a discrepancy report, according to §301.B of these regulations.

10. Items not located during inventory for which there is no explanation available as to their disappearance must be retained on inventory and placed in a suspense location for three years. The location must indicate the year in which the item was first not located, (e.g. "9989"). During these three years, efforts must continue to locate the missing items. If items are relocated, the proper location is to be transmitted for inventory purposes. If, after the third year missing items are still not located, a request to remove from inventory as "not located" may be submitted on a DABF-11 form, §501.

11. The agency property manager shall submit the Certification of Annual Property Inventory to the Louisiana property assistance agency director or his designee with a copy to the legislative auditor, after the physical inventory and the state master file listing of inventory for the agency have been reconciled according to the regulations.

G. Inventory Procedure II

1. The agency property manager shall, under the direction of the head of the agency, select the date(s) most convenient to the operations of the agency, but not more than 12 months since the last annual physical inventory.

2. The agency property manager shall complete and submit to the Louisiana property assistance agency director or his designee the Notification of Inventory/Request for Print-out of the state master file listing of agency inventory at least 30 days prior to the date(s) inventory is to be taken.

3. The agency property manager, under the direction of the head of the agency shall designate the personnel who will conduct the inventory by areas indicated in the agency's property location index (§311.A).

4. A copy of the property location index shall be provided to each of the persons participating in the physical inventory. It shall describe the areas and the property location code each is to inventory.

5. The agency property manager shall provide each of the persons participating in the inventory with the Inventory Procedure II Form and instruct each concerning its use.

6. The agency property manager shall also instruct those persons participating in the inventory on the method to be used to enter the agency number, tag number, and property location number of each item of property physically located and to conspicuously mark and report to the agency property manager those items found without a property tag. The agency property manager shall make a determination that the item should or should not be tagged and submitted to the state master file listing of inventory based on these regulations.

7. The physical inventory shall be taken on the date(s) selected. The Louisiana property assistance agency director shall

be notified by the agency property manager if, for some unforeseen reason, it is necessary to alter the dates.

8. The agency property manager shall reconcile each of the completed true results on the Inventory Procedure II Forms with the state master file listing of inventory for the agency.

9. The agency property manager shall submit a discrepancy report (if applicable) to the Louisiana property assistance agency director or his designee with a copy to the legislative auditor, containing all exceptions or discrepancies found in relating physical inventory results with the state master file listing of inventory for the agency.

10. The discrepancy report shall list each of the missing items by agency tag number, description, location, acquisition date, and acquisition cost, along with an explanation of what is believed to have happened to the items not located. The commissioner may cause an investigation to be made upon receipt of a discrepancy report, according to §301.B of these regulations.

11. Items not located during inventory for which there is no explanation available as to their disappearance must be retained on inventory and placed in a suspense location for three years. The location must indicate the year in which the item was first not located, (e.g. "9989"). During these three years, efforts must continue to locate missing items. If items are relocated, the proper location is to be transmitted for inventory purposes. If after the third year missing items are still not located, a request to remove from inventory as "not located" may be submitted on a DABF-11 form (§501).

12. The agency property manager shall submit to the Louisiana property assistance agency director or his designee the Certification of Annual Property Inventory after the physical inventory results and state master file listing of inventory for the agency have been reconciled in accordance with these regulations. The agency property manager shall submit a copy of the certification of annual property inventory to the legislative auditor.

§317. Reports from Louisiana Property Assistance Agency

A. The agency property manager submits the Louisiana Property Control Transmittal Form each month to the Louisiana Property Assistance Agency listing the transactions for the month. At least once each month, the agency property manager will receive from Louisiana Property Assistance Agency a report listing the property acquisitions and changes submitted for the month (if any). Eventually, this report will also include a listing of property dispositions recorded for the agency on the state master file listing for the respective month. This monthly report will show the change in total acquisition value of inventory accomplished for the agency by accepted transactions.

B. Agency Inventory Master File Report

This report contains all the current and updated items on the state master file listing of inventory for an agency and is received upon request from the agency property manager to the Louisiana property assistance agency director. If many transactions have occurred during a period of time, a special request may be submitted for this report other than annually.

C. Inventory Classification Codes

The Louisiana property assistance agency director or his designee will send, as deemed necessary by said director, an updated listing of approved classification codes for items of moveable property to all agency property managers of record. Upon special request from the agency property manager for this listing, a fee sufficient to cover costs will be assessed to the agency.

§319. Agency Reporting Requirements: Summary

A. Reports from Head of Agency

1. New agency or agency reorganization - notification of new property manager and domicile, §301.A.

2. Request for more than one agency property manager, §301.A.

3. Notification when agency property manager ceases to function/replaced, §301.B.

4. Notification when property is not located or destroyed, etc., §305.D.

B. Reports from Agency Property Manager

1. Request for agency code numbers, §105.

2. Request for new classification code number, §103.C.

3. Requisitions for State of Louisiana identification tags, §309.B.

4. Request for authorization not to tag an item, §309.E.

5. Copy of current agency property location index, §311.A.

6. Louisiana Property Control Transmittal Form - month, §311.B.

7. Request for Louisiana Property Control Transmittal Forms, §311.B.

8. Thirty days notice prior to annual inventory, §313.B.

9. Request for state master file listing of inventory using Inventory Procedure I, §313.C.

10. Discrepancy report using Inventory Procedure I, §313.F.8 and §313.F.9.

11. Certification of annual property inventory using Inventory Procedure I, §313.F.11.

12. Request for state master file listing of inventory using Inventory Procedure II, §313.G.2.

13. Discrepancy report using Inventory Procedure II, §313.G.9 and §313.G.10.

14. Certification of annual property inventory using Inventory Procedure II, §313.G.12.

§321. Acquisition by Transfer from State Surplus Property

A. Surplus property from state agencies is normally retained for the inspection of state agencies at least 45 days before it is sold at public bid or auctioned or scrapped.

B. The purpose for displaying surplus and idle items at the state surplus property warehouse is for transferring those items to an agency where a need exists, thereby reducing expenditures for additional items.

C. The agency property manager or his designated representative shall select the item which the agency needs. A value less than the expected price from public sale of the item shall have been established for each item in the possession of the State Surplus Property Unit of the Louisiana Property Assistance Agency and the receiving agency shall be billed for that value when the item has been received by the receiving agency. Payment to the Louisiana Property Assistance Agency shall be within 30 days.

D. The agency property manager shall use the Louisiana Property Control Transmittal Form to input acquisitions by transfer from State Surplus Property into the state master file listing of agency inventory.

§323. Responsibility of the Division of Administration Budget Office

The Division of Administration Budget Section shall provide the Louisiana Property Assistance Agency with the name and number of each new agency, each abolished agency, and information concerning consolidation or other change of status

of an agency. The status change of an agency shall also include those agencies that operate with revolving funds as non-budget units. This information shall be provided on a timely basis so that the inventory of state owned property can be kept accountable.

§325. Regulations and Orders by the Commissioner

The commissioner shall have power and authority to make necessary and reasonable regulations and orders to carry out the provisions of these regulations when it serves the best interest of the state, in addition to specific authorization contained in this Section.

Chapter 5. State Property Disposition Regulations

§501. Inventory Disposition Authority

A. No property of any agency shall be sold to any person or legal entity or otherwise alienated, or be transferred, assigned or entrusted to any other agency or to any officer or employee of any other agency without the written permission of the commissioner through an approved State Property Transaction Form BF-11.

B. The BF-11 is the request from an agency property manager and is not, in any case, to be considered an approval for any action until a copy is received by the agency property manager with Section II - Division of Administration Use Only, completed and signed as approved. Entries are to be made in type or print only, except for signatures.

C. An approved State Property Transaction Form BF-11 shall be used as the authority to sell, transfer, scrap, dismantle, loan out or otherwise remove an item from the state master file listing of agency inventory.

D. The disposition of the request is binding upon the agency property manager. If it is different than that requested by the agency property manager, the manager may proceed to dispose of the item in the manner prescribed in Chapter 3 or request that the BF-11 be voided. Disapproval of the BF-11 will require resubmittal of the item in the manner prescribed by the Louisiana property assistance director or his designee under the "Remarks" section.

E. The State Property Transaction Form BF-11 must be approved by the Louisiana property assistance agency director or his designee prior to any transfer or disposition of state owned property. The BF-11 is the request from an agency property manager and is not, in any case, to be considered an approval for any action until a copy is received by the agency property manager with Section II - Division of Administration Use Only, completed and signed as approved. Entries are to be made in type or print only, except for signatures. In no case shall property be destroyed prior to this approval. Requests to transfer or dispose of computer equipment must be approved by the director of State Purchasing or his designee prior to approval by the Louisiana property assistance agency director. Requests to transfer or dispose of telecommunications equipment must be approved by the director of the Office of Telecommunications or his designee prior to approval by the Louisiana property assistance agency director.

F. No agency property manager or head of the agency shall authorize the transfer of any items of surplus property to the State Surplus Property Unit of the Louisiana Property Assistance Agency without a prior approved BF-11 for each item and a scheduled delivery date from the state surplus property director or state auto delivery/maintenance/operations director or their designees. Items which arrive with unapproved BF-11's at the state surplus property or state auto delivery/maintenance/operations warehouses for disposition will be returned to the shipping agency for proper compliance to these regulations.

G. The agency property manager must either see to the delivery to the designated state surplus property warehouse of items approved for transfer to surplus or contact the state surplus property director or state auto delivery/maintenance/operations director to schedule pickup of these items. In either case, the property manager must clearly mark each item with the BF-11 number by which the item was approved for transfer. Items scheduled for pickup must be located in an easily accessible area.

H. Whenever an agency property manager has knowledge or reason to believe that any property of the agency is lost, stolen, damaged, or destroyed through vandalism, fire, wind-storm, or other acts of God, he shall immediately notify the head of the agency. The head of the agency shall immediately notify the commissioner, through the Louisiana property assistance agency director or his designee, and follow up with a written report. The Louisiana property assistance agency director or his designee shall make an investigation and take necessary action as provided for in R.S. 39:330.

I. A fee may be assessed to the receiving agency in accord with established policies approved by the commissioner governing the operations of the Louisiana Property Assistance Agency.

§505. Disposition of State Moveable Property

A. These regulations of the commissioner shall govern the condemnation and disposition of state property when it is determined that certain items of property are of no use to the agency or to the state.

B. Property transferred to the Louisiana Property Assistance Agency of the Division of Administration may be assigned for use in other agencies in accord with established policies of the Division of Administration when the commissioner deems it to be in the best interest of the state. A fee may be assessed to the receiving agency in accord with established policies approved by the commissioner governing the operations of the Louisiana Property Assistance Agency. Said property may, in accord with Division of Administration policies and Louisiana Revised Statutes 39:330(b) be sold to political subdivisions, municipalities, or religious, charitable, or educational organizations when the commissioner deems it to be in the best interest of the state. To purchase such property, said subdivisions, municipalities and/or organizations must:

1. follow agency listing procedures established by the Louisiana Property Assistance Agency director with the approval of the commissioner;

2. place purchased items in use within the subdivision, municipality, and/or organization within 90 days of purchase, and

3. maintain purchased items in use for subdivision, municipality, and/or organizational purposes for at least 18 months from date of purchase.

Exceptions to this regulation in individual instances require written approval from the Louisiana property assistance agency director or his designee. Purchasing subdivisions, municipalities, and/or organizations shall make available to Louisiana property assistance auditors upon request all necessary records and documentations supporting compliance with these requirements.

C. Property owned by the state for more than six months and of no use to the state or agencies may be considered for disposition to the public.

D. The Louisiana property assistance agency director or his designee may sell property "as is, where is" when it is deter-

mined to be in the best economical interest of the state.

E. The Louisiana property assistance agency director shall deposit the proceeds from transfer or sale of property at public bid to the Louisiana Property Assistance Agency revolving fund.

1. Originating purchase from any percentage of participating federal funds - For equipment with a unit acquisition cost of less than \$1,000, the Louisiana Property Assistance Agency will retain 20 percent of the proceeds received from sale of the item and the percentage of the remainder which corresponds to the percentage of federal funding in acquisition of the item will be refunded to the agency if the program is still active. There will be no refund if the program has been discontinued. For equipment with a unit acquisition cost of \$1,000, or more, \$100, or 10 percent of the total sales, whichever is greater, will be retained by the Louisiana Property Assistance Agency for handling expense and the remainder will be refunded to the agency. Unless contractual or legal disposition requirements specify otherwise, agencies will be reimbursed 80 percent of the proceeds received by the Louisiana Property Assistance Agency for any item originally purchased by other grants, funds, etc. which require reimbursement.

NOTE: The agency's use of the reimbursed percentage of federal funds must be documented for the legislative auditor.

2. Originating purchase from state revolving fund - The agency transferring the item shall be reimbursed at least 80 percent of the proceeds received by Louisiana Property Assistance Agency for the item.

3. Sale of farm produce - The cost to the agency for bid services rendered by Louisiana Property Assistance Agency shall be up to five percent of the proceeds of the sale.

4. Sale of state owned timber - The cost to the agency for bid services shall be up to five percent of the proceeds of the sale.

5. As an exception to the general state property disposition regulations, state agencies may sell their livestock at any authorized public auction or sale. A BF-11, any documentation pertaining to the sale, and a check for the full amount of the sale proceeds, should be sent to the Louisiana Property Assistance Agency immediately after the sale. The livestock will then be removed from the state master listing of inventory for the agency if such is required.

§507. Regulations and Orders by the Commissioner

The commissioner shall have power and authority to make necessary and reasonable regulations and orders to carry out the provisions of these regulations when it serves the best interest of the state, in addition to specific authorizations contained in this Part.

Chapter 7. Agencies with Integrated Inventory Control Systems and Miscellaneous Exceptions

§701. Qualifications

A. The commissioner shall have the authority to allow certain agencies which have utilized their own data processing facilities for their inventory control systems and those agencies which initiate data processing facilities for this purpose to maintain and use those systems provided those inventory systems can meet the requirements of R.S. 39:321 through 332 and these State Property Control regulations.

B. A prerequisite to receive written permission from the commissioner through the Louisiana property control assistance agency director is that the existing system must be integrated into other systems within the agency through data processing interfaces and not be a 'stand alone' system. 'Stand alone' inventory systems shall be converted to the State Property Control System.

The Office of Information Services of the Division of Administration shall make that determination through an examination of those agencies which apply to the commissioner through the Louisiana property assistance agency director for permission to continue to use their own data processing facilities for agency inventory control.

C. Those agencies which receive written permission to utilize their own data processing facilities for inventory control are excluded from utilizing the Louisiana Property Control Transmittal Form.

D. These regulations must be met in full unless the head of the agency applies to the commissioner through the Louisiana property assistance agency director for a specific exclusion from a requirement and receives written permission from the commissioner when he deems it to be in the best interest of the state.

§703. Agency Inventory Master File Interface

A. Those agencies which receive written permission from the commissioner through the Louisiana property assistance agency director to utilize their own data processing facilities for inventory control shall coordinate through the Office of Information Services of the Division of Administration and complete the following conversion programs for transferring the agency master file information.

B. If the agency has not previously listed inventory on the Louisiana Property Assistance System, the agency shall transfer to the Division of Administration, Louisiana Property Assistance Agency Inventory Control System at the Baton Rouge Computer Center the agency's inventory master file with the same data and field length as required when using the Louisiana Property Control Transmittal Form through a computer tape-to-tape conversion. If the agency has previously listed inventory on the Louisiana Property Assistance System, Louisiana Property Assistance Agency will provide the agency with a computer tape of inventory to be used in establishing the agency system.

C. Each subsequent month, the agency shall submit a like formatted computer tape showing all acquisition and change transactions for the preceding month involving the agency inventory master file. Each acquisition/change transaction tape must be submitted in the format approved by Louisiana Property Assistance Agency.

D. Disposition and removal of items from inventory may only be accomplished by submission and approval of a BF-11. (§501)

§705. Inventory Classification Code System

All state agencies shall utilize the inventory classification code system established by the Louisiana property assistance agency director or his designee for the coded numbers which identify each item of inventory. Any agencies currently not utilizing the Louisiana Property Assistance Agency inventory classification code system shall convert the items on the agency inventory master file to said classification code system. This conversion shall be coordinated by the Office of Information Services between the agency and the Louisiana Property Assistance Agency.

§707. Reporting Requirements

The head of the agency and the agency property manager(s) shall comply with the reporting requirements of these regulations with the exception of §311.B, §319.B.6, and §319.B.7, which relate to the use of the Louisiana Property Control Transmittal Form. This form will not be used when an agency has received permission in writing to utilize their own data processing facilities. Computer tapes will be submitted on a monthly basis instead of the transmittal form.

§709. Non-exclusion from State Property Control Regulations

These regulations, effective 02/20/86, Chapters 1 through 7, (§101 through §709) supersede all previous regulations and exceptional permissions, both written and verbal. Any exclusion request shall be submitted to the commissioner, through the Louisiana Property Assistance Agency director, for consideration. Any exclusion from these regulations must be approved in writing by the commissioner.

Dennis Stine
Commissioner of Administration

RULE

**Department of Health and Hospitals
Board of Examiners of Professional Counselors**

The Louisiana Licensed Professional Counselors Board of Examiners, under authority of the Louisiana Mental Health Counselor Licensing Act, R.S. 37:1101-1115, and in accordance with the Administrative Procedure Act R.S. 49:950 et seq., has adopted the following rule amendments regarding the board's adjudication procedures. The proposed rule amendments, which appeared as proposed rule amendments by notice of intent previously published in the *Louisiana Register*, LR 15:8 (August 20, 1989), are set forth below.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LX. Professional Counselors, Board of Examiners

Chapter 13. License; Adjudication

§1301. Denial, Revocation, or Suspension of License

A. Those who may request an investigation and/or hearing by the board are:

- 1. any individual, groups, organizations or general public classified as a client of the mental health counseling profession;
- 2. any licensed professional counselor;
- 3. any state official or an official of a political subdivision of the state.

B. Grounds for Disciplinary Action. R.S. 37:1110: In an adjudication, all parties who do not waive their rights shall be afforded an opportunity for a hearing after reasonable notice.

1. Necessary conditions for a hearing:

- a. The notice shall include:
 - i. a statement of the time, place, and nature of the hearing;
 - ii. a statement of the legal authority and jurisdiction under which the hearing is to be held;
 - iii. a reference to the particular section of the statutes and rules involved;
 - iv. a short and plain statement of the matters asserted.

2. If the board or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.

3. An opportunity shall be afforded all parties to respond and present evidence in all issues and fact involved and arguments on all issues of law and policies involved and to conduct

such cross-examination as may be required for a full and true disclosure of the facts.

4. Unless precluded by law, informal disposition may be made of any case of adjudication by stipulation, agreed settlement, consent order, or default.

5. The record in a case of adjudication shall include all pleadings, motions, intermediate rulings; evidence received or considered or a resumé thereof if not transcribed; a statement of matters officially noticed except matters so obvious that a statement of them would serve no useful purpose; offers of proof, objections, and rulings thereon; proposed findings and exceptions; any decision, opinion or report by the officer presiding at the hearing.

6. Hearings may be conducted under this procedure from and after the date the procedure is published, per the above germane section.

C. Authority: The board by an affirmative vote of at least four of its seven members shall withhold, deny, revoke or suspend any license issued or applied for in accordance with the provisions of this law. R.S. 37:1301.

1. The grounds upon which a licensed professional counselor may be disciplined are:

a. if the licensed professional counselor has been convicted in a court of competent jurisdiction of a felony or any offense involving moral turpitude, the record of conviction being conclusive evidence thereof;

b. if the licensed professional counselor has violated the Code of Ethics adopted by the board in March 1988 and entitled Code of Conduct: Louisiana Licensed Professional Counselors Board of Examiners;

c. if the licensed professional counselor is abusing drugs or alcohol to an extent or in a manner dangerous to any other person or the public or to an extent that said use impairs his ability to perform the work of a licensed professional counselor;

d. if the licensed professional counselor has impersonated another person holding a professional mental health counselor license or allowed another person to use his license;

e. if the licensed professional counselor has used fraud or deception in applying for a license or in taking an examination provided for in the law;

f. if the licensed professional counselor has allowed his name or license issued by the board to be used in connection with any person or persons who perform mental health counseling services outside of the area of their training, experience, or competence;

g. if the licensed professional counselor is legally adjudicated mentally incompetent, the record of such adjudication being conclusive evidence thereof;

h. if the licensed professional counselor has willfully or negligently violated any of the provisions of R.S. 37:1101 to and including 37:1115.

D. Procedures

1. The ground rules governing a hearing before the Licensed Professional Counselors Board of Examiners.

a. R.S. 37:1301 gives the ["Board"] the Licensed Professional Counselors Board of Examiners, the authority, for the purpose of hearings, to subpoena persons, books and papers on its own behalf or on behalf of the applicant or licensee who may appear by counsel or personally on his own behalf. By subpoena is meant that the board shall require that the licensee or applicant and legal counsel draw up the subpoena, convey it to the attorney for the board, Deutsch, Kerrigan and Stiles at 755 Magazine Street, New Orleans, Louisiana 70130 for the signature of

the chairperson of the Board of Examiners and these subpoenas shall be returned to the applicant or licensee for service to be effected by the applicant or licensee.

b. All complaints shall be addressed confidential to the chairperson of the board and shall be sent to the board office. The chairperson of the board shall during an executive session of the board convey the complaint to the board members. The board members by a vote of four of the seven members shall agree to investigate the charges or deny the charges. If a denial, the chairperson of the board shall request counsel to prepare the letters of denial for her signature. If the board agrees to investigate, the board shall prepare a Show Cause Order in which the accused shall be notified in sufficient specificity that s/he is being charged with a breach of the statute and/or ethical code adopted by the board and that s/he must show cause why the board should not discipline the accused. A response is to be made to the chairperson of the board at the board office address. R.S. 37:1110(A). The complaint letter of alleged violations shall not be given initially to the accused licensee. However, sufficiently specific allegations shall be conveyed to the accused for his/her response. Once the accused has answered the complaint, the board shall determine if a hearing is required.

2. Notice of a Hearing:

In an adjudication, all parties who do not waive their rights shall be afforded an opportunity for a hearing after reasonable notice.

a. The notice shall include:

- i. a statement of the time, place, and nature of the hearing;
- ii. a statement of the legal authority and jurisdiction under which the hearing is to be held;
- iii. a reference to the particular section of the statutes and rules involved;
- iv. a short and plain statement of the matters asserted.

b. If the board or other party is unable to state the matters in detail at the time the notice is served the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.

c. Unless precluded by law, informal disposition may be made of any case of adjudication by stipulation, agreed settlement, consent order, or default.

3. The Format for Adversarial Hearings.

a. All adversarial hearings shall be held in Baton Rouge, Louisiana. A certified court reporter shall be present only for adversarial hearings. (The fee will be shared evenly by the board and the licensee.)

b. The board chairperson will ask the licensee if s/he wishes a public or private hearing. The licensee's answer will be made part of the record.

c. Order of the Hearing

- i. opening statement by the board's attorney (15 minutes);
- ii. opening statement by licensee's attorney (15 minutes);
- iii. presentation of evidence by board's attorney;
- iv. cross examination by licensee's attorney;
- v. presentation of evidence by licensee's attorney;
- vi. cross examination by board's attorney;
- vii. presentation of evidence in rebuttal by board's attorney;
- viii. cross examination by licensee's attorney;
- ix. closing argument by board's attorney (15 minutes);

- x. closing argument by licensee's attorney (15 minutes);
- xi. final argument in rebuttal by board's attorney (five minutes).

d. Evidence

i. An assistant attorney general shall assist the board's chair and rule on matters of evidence and procedure.

ii. The board will receive and consider all evidence commonly accepted by reasonable prudent persons in the conduct of their affairs. Immaterial and unduly repetitive evidence may be excluded. To expedite the hearing, evidence may be received in written form as long as neither party is prejudiced.

iii. Notice may be taken of judicially cognizable facts, and the board may take notice of generally recognized technical facts within the specialized knowledge of the board.

iv. The rules of privilege recognized in law shall apply.

v. Any objections to evidence or the ruling on admission thereof shall be made part of the record.

e. Deliberation

i. The board will deliberate in closed session absent the board's counsel.

ii. The board will vote on each charge as to whether the charge has been supported by the evidence. The standard will be "preponderance of the evidence."

iii. After considering each charge, the board will vote on a resolution to dismiss the charges, suspend or revoke licensee's license. The vote must be four out of seven for a revocation or suspension.

f. Transcript

The testimony taken at the hearing shall be transcribed and retained with the evidence received, by the board, for a period of at least one year from the hearing.

4. Format for Show Cause Hearings (denial of license, and any other nonadversarial appeals)

a. Notification of the hearing shall be issued 30 days in advance by registered mail or personal service.

b. The applicant may bring written documentation and witnesses (limited to two).

c. The order shall be:

- i. opening statement by the applicant (five minutes);
 - ii. presentation of written documentation and explanation thereof;
 - iii. witness testimony (limited 15 minutes each witness) (questions of clarification from members of board);
 - iv. presentation by the applicant (20 minutes);
 - v. questions of clarification by members of board.
- d. The board will then deliberate in closed session.
- e. The results of this deliberation will be communicated by registered mail or personal service within 15 days of the hearing.
- f. N.B.

i. If applicant chooses to have counsel present, counsel's role shall be advisory only. Counsel may not address the board nor question witnesses.

ii. Show Cause Hearings shall not have a certified court reporter and shall not be adversarial in nature.

E. Notice of denial, revocation, suspension, or disciplinary action shall be sent to the applicant or licensee by registered mail or personal service setting forth the particular reasons for the proposed action and fixing a date at which time the applicant or licensee shall be given an opportunity for a prompt and fair hearing. The written notice shall be sent to the person's last known address, but the nonappearance of the person shall not prevent such a hearing. For the purpose of such hearing, the board may subpoena persons, books, and papers, on its own

behalf or on the behalf of the applicant or licensee who may appear by counsel or personally on his own behalf.

F. On the basis of any hearing or upon default of applicant of licensee, the board shall make a determination specifying its findings of fact and conclusions of law. A copy of such determination shall be sent by registered mail or served personally upon the applicant or licensee. The decision of the board denying, revoking, or suspending the license, shall become final 30 days after receipt of the copy of the determination unless within said period the applicant or licensee appeals the decision as provided by R.S. 49:955-965. No such appeal while pending appropriate court action shall supersede such denial, revocation, or suspension. All proceeding and evidence presented at hearings before the board may be admissible during appellate proceedings.

G. Every order and judgment of the board shall take effect immediately on its promulgation unless the board in such order or judgment fixes a probationary period for applicant or licensee. Such order and judgment shall continue in effect until expiration of any specified time period or termination by a court of competent jurisdiction. The board shall notify all licensees of any action taken against a licensee and may make public its orders and judgments in such manner and form as it deems proper if such orders and judgments are not consent orders or compromise judgments.

H. The board is authorized to suspend the license of a licensed professional counselor for period not exceeding two years. At the end of this period, the board shall re-evaluate the suspension and may recommend to the chairman the reinstatement or revocation of the license. A person whose license has been revoked may apply for reinstatement after a period of not less than two years from the date such denial or revocation is legally effective. The board may, upon favorable action by a majority of the board members present and voting, recommend such reinstatement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Professional Counselors, LR 14:84 (February 1988), amended by the Department of Health and Hospitals, Board of Examiners of Professional Counselors, LR 15:

Jane C. Chauvin, Ph.D.
Board Chairman

RULE

Department of Health and Hospitals Office of Public Health

The Department of Health and Hospitals (DHH), Office of Public Health (OPH) has adopted as a rule, in accordance with the Administrative Procedure Act (R.S. 49:950, et seq.), the following updated policies and procedures affecting eligibility to participate in the Handicapped Children's Services (HCS) Program throughout the state.

These revised policies and procedures also rescind the previously published definition of "family."

Title 48 PUBLIC HEALTH - GENERAL Part V. Preventive Health Services Subpart 17. Handicapped Children's Services (HCS)

Chapter 49. General Provisions

§4901. Purpose and Scope

A. Direct Treatment Services

3. Service Level III

Some 121 conditions are designated as types of handicapping conditions which can be treated through an outpatient clinic approach. For those families who meet all program eligibility criteria, the program offers direct treatment services, counseling case management, nutritional counseling, dental services, and other support services are available.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:31.2, R.S. 40:1299.111-120, and Title XIX, Public Health Service Act, §1905.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Preventive and Public Health Services, LR 13: 246 (April 1987), amended by the Department of Health and Hospitals, Office of Public Health, LR 15: (October 1989).

§4905. Definitions

1. *Applicant* - An applicant is the child for whom the services are being applied.

2. *Family* - A family includes people related by blood, marriage and/or legal adoption, who are living together as one economic unit and are supported by the reported income.

Chapter 51. Eligibility Criteria

§5101. Eligibility Criteria

A. Eligibility determination is based on two factors, diagnostic eligibility and financial/resource eligibility. This determination shall first be made by the intake medical social workers at the nine Handicapped Children's Services Program offices statewide. To be eligible to receive these services the applicant:

1. - 3. ...

4. the applicant's family must be financially eligible to receive services. This eligibility is based upon the applicant's family size, income(s) and resource(s) as outlined below:

a. **FAMILY SIZE** - For the purposes of this financial determination a family's size shall be defined as the number of persons living together and related to the applicant through blood, marriage and/or legal adoption. Foster parents are not to be counted as family members. If a child is in a foster placement and is in the custody of the Department of Health and Hospitals, he shall be considered a family of one.

i. In situations of divorce, blended families, etc. the legal custody decree will be considered as the rule in how to determine family size and income.

ii. A parent or step-parent required by a legal custody decree to pay child support to a legal child/children residing outside the family home is allowed to subtract the amount of the annual child support payment from the applicant's family gross income.

iii. Other family situations which are not identified in this rule will be forwarded in writing to the HCS Program Administrator for consideration.

b. **FAMILY INCOME** - Refers to total annual cash receipts before taxes from all sources. (Income data for a part of a year may be annualized in order to determine eligibility -- for instance, multiply by four the amount of income received during the most

recent three months). Income includes money, wages, and salaries before any deductions, but does not include food or rent received in lieu of wages. Income also includes regular payments from social security, railroad retirement, unemployment compensation, strike benefits from union funds, veterans' benefits, public assistance (including Aid to Families with Dependent Children and Supplement Security Income), alimony, child support, and military family allotments or other regular support, from an absent family member or someone not living with the family; private pension, government employee pensions, cash gifts, regular insurance or annuity payments; and income from dividends, interest, rent royalties, or periodic receipts from estates or trusts.

i. Excluded from family income are noncash benefits, such as employer or union paid health insurance or other fringe benefits, food or rent received in lieu of wages, the value of food produced and consumed on farms, and state entitlement programs such as family subsidy.

ii. Accumulated family medical payment for bills not paid by insurance for the previous 12 months will be deducted from the annual income before eligibility is determined. The annual medical insurance premium paid by the family will also be subtracted from the gross income.

iii. All income must be verified by check stubs, previous year federal income tax form, statement from employer, and/or upon request, other appropriate documents.

c. **RESOURCE ELIGIBILITY** - Resources are assets or possessions which a family can apply (directly or by sale or conversion) to meeting needs.

Resources for consideration in determining eligibility are as follows:

- i. Bank accounts (checking and/or saving)
- ii. Individual family member's checking/saving accounts
- iii. Joint checking/saving accounts
- iv. Promissory note
- v. Time deposits
- vi. Mortgage held by applicant and/or family (only those from which income is derived)
- vii. Mutual fund shares
- viii. Municipal, corporate and government bonds
- ix. Excess property (other than primary home)
- x. Undivided estate (if the disposing of property is not within the control of the family, then it will not be considered)
- xi. Trusts
- xii. Mineral rights
- xiii. Power-driven conveyance (not used in business, farming or other income producing activity. If the vehicle is not used for necessary transportation, i.e., the vehicle is not considered an automobile, but instead is personal property countable at equity value. Examples are motor homes, trailers, campers and boats.) The family is allowed two vehicles per family unit.
- xiv. Lump sum settlements
- xv. Crops in storage
- xvi. IRA's and Keogh Plans (when another retirement option is also available.) Resources include assets held singly or in joint names to which the family has unrestricted access.

Resource exclusions are as follows:

- i. Burial insurance and/or funds set aside for burial
- ii. Term life insurance
- iii. Home and contiguous property vehicle used for necessary transportation
- iv. Resources to which a person rather than the family holds the usufruct, i.e. designated trust

The maximum allowable resource limit for HCS Program

are as follows:

\$4,000 for individual

\$5,000 for two

\$6,000 for three

Add \$1,000 for each additional family member.

The HCS Program staff will determine the total net income (resource and family income) of the applicant's family by completing a Family Income and Resource Worksheet with responses and documentation supplied by the applicant, parent(s) and/or guardian(s). The completed worksheet will be reviewed for correctness of documentation and signed as indicated.

The HCS Program Family Income and Resource Worksheet is as follows:

HANDICAPPED CHILDREN'S SERVICES PROGRAM
FAMILY INCOME AND RESOURCE WORKSHEET

FAMILY INCOME

Persons Employed	Yes	No	Total Income
Father	_____	_____	\$ _____
Mother	_____	_____	_____
Other	_____	_____	_____
Sources of Other Income:			
A.F.D.C.	_____	_____	_____
S.S.I.	_____	_____	_____
Refugee Cash Assistance	_____	_____	_____
Social Security	_____	_____	_____
Veterans Benefits	_____	_____	_____
Pension or Retirement	_____	_____	_____
Unemployment Benefits	_____	_____	_____
Workman's Compensation	_____	_____	_____
Child Support	_____	_____	_____
Military Family Allotment	_____	_____	_____
Alimony	_____	_____	_____
Interest & Dividends from Savings, Stocks, Bonds, etc.	_____	_____	_____
		TOTAL	\$ _____

FAMILY RESOURCES

	Yes	No	Value or Equity
Saving Accounts			\$ _____
Individual	_____	_____	_____
Joint	_____	_____	_____
Both	_____	_____	_____
Promissory Note	_____	_____	_____
Time Deposit (i.e. certificate of deposit)	_____	_____	_____
Family-held Mortgage	_____	_____	_____
Mutual Fund Shares	_____	_____	_____
Municipal, Corporate and/or Government Bonds	_____	_____	_____
Property (other than home)	_____	_____	_____
Share in Estate (when in control of family)	_____	_____	_____
Trust	_____	_____	_____
Mineral Rights	_____	_____	_____

**HANDICAPPED CHILDREN'S SERVICES PROGRAM
FAMILY INCOME AND RESOURCE WORKSHEET (continued)**

Vehicles (other than 2 family cars) (Description include boats, campers, motor homes, motorcycles, 4 wheelers)	Yes	No	Value of Equity \$
Lump Sum Settlements	_____	_____	_____
Crops in Storage	_____	_____	_____
IRA (when other retirement benefits are available)	_____	_____	_____
Keogh (same as above)	_____	_____	_____
Less:	SUB TOTAL SUM		\$ _____
Child Support Payments	_____	_____	_____
Annual Medical Insurance Premium	_____	_____	_____
Out of Pocket Medical Payments for previous 12 months	_____	_____	_____
SUB TOTAL SUM	\$ _____		
TOTAL NET INCOME			\$ _____

The information I have given is true and correct to the best of my knowledge. I understand that verification of income and/or resources may be requested.

I understand that my application will be reviewed for eligibility purposes and that I have the right to appeal if my child is denied acceptance or if I feel my civil rights have been violated.

If verification of family income and resources is requested, the requested items must be returned within fifteen (15) days of this date to the HCS Program office or the case will be closed and services terminated.

Parent/Applicant or Appropriate Representative	Relationship
_____	_____
Witness	Date
_____	_____
Date Reviewed by	Title
_____	_____

d. HCS PROGRAM MEDICAL CATEGORY NUMBER - is a value of 1, 5, or 10 used in the financial determination of the formula to reflect the relative weight of the costliness of the medical condition of the child. This value enables families with the highest medical costs to be considered the highest priority for treatment. The HCS Program medical category numbers are defined in Table I below:

TABLE I
HCS PROGRAM MEDICAL CATEGORY NUMERICAL DETERMINATION

HCS MEDICAL CATEGORY	PHASE OF TREATMENT	NUMBER 1 = High cost 5 = Moderate cost 10 = Least costly
1. AUDIOLOGY	Diagnosis Testing Audiology Appliances and Mold Follow-up	5 5 10
2. AMPUTEE	Active Treatment	1
3. ARTHRITIS	Active Treatment Inactive - Remission	1 10
4. CARDIOLOGY	Surgery/Hospitalization Diagnostic Test (inpatient) Follow-up (including routine clinic test)	1 1 5
5. CEREBRAL PALSY	Surgery/Hospitalization Active Treatment Follow-up (No surgery, therapy or bracing anticipated)	1 1 10
6. CLEFT PLATE & LIP	Surgery/Hospitalization Orthodontic Treatment Follow-up (No surgery or orthodontia anticipated)	1 1 10
7. CLEFT LIP ONLY	Surgery/Hospitalization No surgery indicated	1 10
8. CONGENITAL ANOMALIES (Pediatric Surgery)	Surgery/Hospitalization Follow-up	1 10
9. CYSTIC FIBROSIS	Treatment	1
10. LEARNING DISABILITIES (Shreveport only)	Treatment	10

11. NEUROLOGY	Hospitalization/Active Treatment Follow-up (No medication)	1 10
12. NEPHROLOGY	Active Treatment Inactive - Remission	1 10
13. NEUROSURGERY	Surgery/Hospitalization Active Treatment (Medically Fragile) Routine Treatment (Medically Stable) Follow-up (No surgery or therapy anticipated)	1 1 5 10
14. OPHTHALMOLOGY	Surgery/Hospitalization Active Treatment Follow-up (No medication or treatment anticipated)	1 5 10
15. ORTHOPEDIC	Surgery/Hospitalization Active Treatment/Wheelchair/Bracing Active Treatment (No bracing) Follow-up (No surgery or treatment anticipated)	1 1 5 10
16. OTOTOLOGY	Surgery/Hospitalization Active Treatment Follow-up (No surgery or treatment anticipated)	1 5 10
17. PLASTIC SURGERY (Other than Cleft Lip & Palate)	Surgery/Hospitalization Active Treatment/Therapy Follow-up (No surgery or therapy anticipated)	1 5 10
18. SCOLIOSIS	Surgery/Hospitalization/Bracing Active Treatment/Scolitron Evaluation/Monitoring Follow-up (No surgery or bracing anticipated)	1 1 5 10
19. SPINA BIFIDA/ SPINAL CORD INJURY	Active Treatment Follow-up (No surgery, bracing or therapy anticipated)	1 10
20. UROLOGY	Surgery/Hospitalization Active Treatment (Medically Fragile) Active Treatment (Medically Stable-Routine Testing Only) Follow-up (No surgery or hospitalization anticipated)	1 1 5 10

If a child has multiple conditions in mixed levels of activity the lowest value shall be chosen.

If two or more children in a family are applying for services, each child will be considered separately for medical eligibility.

The financial formula to be used to determine eligibility for services provided by the HCS Program includes three factors. They are as follows:

1. Family Income
2. Family Size
3. Medical Category Number

The formula represents a value which is calculated as follows:

ADD:

1. Family income in thousands

Less: (a.) Child Support Payments

(b.) Annual Medical Insurance Premium

(c.) Out of Pocket Medical Payments for previous 12 months

Example: If the family income is \$15,000, use 15.

If the family income is \$15,500, use 16. (\$500 or more, use the next higher number)

2 Medical Category Number (See Table I)

SUBTRACT:

1. Family size

Example: Family of six with income of \$15,500 whose child has Cystic Fibrosis.

Formula:

Family Income	16
Less Family Size	-6
Medical Category Number	<u>1</u>
Eligibility Determination Value	<u>11</u>

Any family that has an eligibility determination value of less than 25 will be eligible for HCS Program services. Applicants possessing a valid Medicaid Card are automatically eligible for HCS Program services.

e. INSURANCE COVERAGE - Families enrolled in Health Maintenance Organizations (HMO's) and Preferred Providers Organizations (PPO's) are automatically ineligible for HCS Program as both organizations provide for the medical needs of their enrollees. Applicants currently on the HCS Program who are enrolled in these organizations will be discharged after a discharge plan is made and discussed with the family. Medical re-

cords will be provided to the HMO or PPO after Medical Release forms are signed by the family.

The HCS Program will seek financial reimbursement for services rendered to families with medical insurance coverage. A family failing to sign an Assignment of Insurance Benefits form for reimbursement for services rendered will be denied participation in HCS Program (See Exhibit I).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:31.2, R.S. 40:1299.111-120, and Title XIX, Public Health Service Act, §1905.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Preventive and Public Health Services, LR 13: 246 (April 1987), amended by the Department of Health and Hospitals, Office of Public Health, LR 15: (October 1989).

§5103. Appeal Process for Applicants

A. For new applicants, the eligibility determination formula shall be calculated at the time of establishing eligibility for the program and annually thereafter, or when a major expenditure is anticipated or whenever staff becomes aware of major changes in any portion of the formula, i.e. salary raises, unemployment, additions or deletions of family members from the home, or any changes in the diagnostic category. If such a reassessment of eligibility occurs prior to a major expenditure (i.e. hospitalization, purchase of an appliance, etc.) and the family is no longer eligible for services, the expenditure may be covered and then the family will be discharged. To initiate this revised eligibility process for children already on the program, determination will be made as they receive the first major expenditure and/or eligibility annual update from the HCS Program.

B. The HCS Program staff shall document extenuating circumstances that may arise in certain cases, and refer it for special consideration to the program administrator. The program administrator may seek the assistance and guidance of the Advisory Committee (See R.S. 40:1299.117), or convene a special "case review committee" made up of a medical consultant, nursing and medical social services consultants, and the HCS program administrator, for a team decision, which would then become the administrator's final decision.

C. When an applicant is rejected, for whatever reasons, including financial eligibility matters, the rejection by HCS Program staff must be in writing and dated, and it shall inform the applicant of his/her rights to have the rejection referred to the program administrator for review. The applicant may then submit a written request to the program administrator for reconsideration within 15 days of the date of mailing or hand-delivery of the rejection notice.

When the program administrator has reviewed a case at the request of the HCS program staff, the program administrator's decision shall be forwarded to the applicant through the HCS Program staff office. If the applicant rejects the decision, the applicant shall be notified that he/she has 30 days from the date of mailing or hand-delivery of the program administrator's rejection, to request a fair hearing. There would be no need for a "second" referral back to the program administrator.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:31.2, R.S. 40:1299.111-120, and Title XIX, Public Health Service Act, §1905.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Preventive and Public Health Services, LR 13: 246 (April 1987), amended by the Department of Health and Hospitals, Office of Public Health, LR 15: (October 1989).

§5117. Lawsuits File on Behalf of Applicants

When the applicant or his or her parent(s) or guardian(s) files a law suit to recover financial compensation for injuries sustained by the applicant, the applicant (age 18 and older) and/or his parent(s) or guardian(s) will be required to sign and have notarized an Intervention and Subrogation form. This form is to be returned to the HCS Program office of residence within 30 days of the date of mailing or hand-delivery (See Exhibit I). Failure to execute and submit the Intervention and Subrogation form will cause the applicant to be removed from the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:31.2, R.S. 40:1299.111-120, and Title XIX, Public Health Service Act, §1905.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Preventive and Public Health Services, LR 13: 246 (April 1987), amended by the Department of Health and Hospitals, Office of Public Health, LR 15: (October 1989).

EXHIBIT I ASSIGNMENT OF INSURANCE BENEFITS

NAME OF INSURANCE COMPANY: _____

ADDRESS OF INSURANCE COMPANY: _____

NAME OF INSURED: _____

ADDRESS OF INSURED: _____

POLICY NO.: _____

I/We, _____, am/are

the parent(s) and/or guardian(s) of _____, who has been enrolled in the HANDICAPPED CHILDREN'S SERVICES PROGRAM of the Office of Public Health of the Department of Health and Hospitals.

I/We hereby authorize and direct the HANDICAPPED CHILDREN'S SERVICES PROGRAM to prepare and submit claims for the medical or hospital expense incurred by _____ to the captioned insurance company.

I/We hereby authorize and direct the said insurance company to honor and recognize this instrument wherein I/we assign, transfer, set over and deliver to the said HANDICAPPED CHILDREN'S SERVICES PROGRAM of the Office of Public Health of the Department of Health and Hospitals, as assignee herein, all money, checks, drafts or payments now due and payable to me/us, and to become due and payable to me/us, for the medical care and treatment of _____, under the terms and conditions of the above numbered insurance policy. The insurance company is further directed to forward all such payment directly to the HANDICAPPED CHILDREN'S SERVICES PROGRAM at the address indicated on the papers submitting the claims(s).

In witness whereof I/we have executed this assignment at _____, the _____ day of _____, 19____.

WITNESSED BY:

NOTE: Two witnesses are required who are age 21 or older.

EXHIBIT II

INTERVENTION AND SUBROGATION AGREEMENT

STATE OF LOUISIANA
PARISH OF _____
BEFORE ME, _____,
a Notary Public, duly commissioned and qualified, in and for the
Parish of _____, State of Louisiana,
on this _____ day of _____, 19__ in
the presence of the witnesses hereinafter named and under-
signed, personally came and appeared:

WHO DECLARED that they are the parents or guardians of
_____, who has received and/or is now under
medical treatment and care provided by the Handicapped Chil-
dren's Services Program of the Office of Public Health of the
Department of Health and Hospitals, as the result of accidental
injuries sustained by the said child on or about _____.
AND THE SAID APPEARERS FURTHER DECLARED that
they hereby assign transfer, set over and deliver unto the Handi-
capped Children's Services Program of the Office of Public
Health of the Department of Health and Hospitals, its successors
and assigns, to its proper use and benefit forever, any and all
sum or sums now due or owing said assignors, and all claims,
demands and cause or causes of action of whatever kind and
nature which said assignors had or now have or may have
against _____,
arising out of or as a result of the accidental injuries sustained by
the said child on or about _____.

This assignment, however, is EXPRESSLY LIMITED to the
value of the said medical treatment and care provided, furnished
or obtained by the Handicapped Children's Services Program of
the Office of Public Health of the Department of Health and
Hospitals on behalf of the said child as the result of accidental
injuries sustained by the said child on or about _____.
Nothing herein shall prevent the said appearers from presenting
claims or claims, if any they had or have or may have against
_____ for damages in an amount in excess of
the assigned value of medical treatment and care described and
referred to hereinabove; however, the said appearers do hereby
further agree, consent and promise to duly notify the Handi-
capped Children's Services Program of the Office of Public
Health of the Department of Health and Hospitals of any legal
steps, if any, they may have taken or are now taking or may take
against the said _____, as a result of the acci-
dental injuries sustained by the said child as described and re-
ferred to hereinabove.

APPEARERS FURTHER hereby authorize and direct and em-
power the said Handicapped Children's Services Program of the
Office of Public Health of the Department of Health and Hospi-
tals to intervene in any legal cause of action of proceeding that
appearers may have taken or are now taking or may take against
_____ as a result of the accidental injuries sus-
tained by the said child as described and referred to hereinabove,
such intervention-power EXPRESSLY LIMITED to the value of
the said medical care and treatment.

THUS DONE AND PASSED AS AN AUTHENTIC ACT BE-
FORE ME, _____, a Notary Public, duly
commissioned and qualified in and for the Parish of _____,
State of Louisiana in the presence of the under-

signed witnesses and sworn to by the said appearers _____
_____ and _____
this _____ day of _____, 19__.

APPEARERS:

WITNESSES: _____
(address) _____

NOTARY PUBLIC

(affix seal)

and _____
(address) _____

6/89

David L. Ramsey
Secretary

RULE

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

The Department of Health and Hospitals, Office of the
Secretary, Bureau of Health Services Financing, is adopting LAC
48 Chapter 55, which was published as a notice of intent in the
Louisiana Register Vol. 15, No. 8, dated August 20, 1989.

The Bureau of Health Services Financing is adopting li-
censing standards for Adult Day Care Services to promote the
well-being of persons involved in adult day care programs. The
public comments received by the department as a result of the
notice of intent indicated that certain portions of the proposed
rule lacked clarity and definition in regard to intent; therefore,
these sections have been removed for separate promulgation at a
later date.

These rules may be viewed in their entirety at the Depart-
ment of Health and Hospitals, Bureau of Health Services Fi-
nancing, Health Standards Section, Sixth Floor, 1201 Capitol
Access Road, Baton Rouge, LA.

David L. Ramsey
Secretary

RULE

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

The Bureau of Health Services Financing is adopting the
following rule which was published as a notice of intent in the
Louisiana Register Vol. 15, No. 8, dated August 20, 1989.

RULE

5. Beds for patients diagnosed with AIDS: Skilled Nurs-

ing Facility - Infectious Disease (SNF-ID)

The service area for SNF-ID beds is the state.

a. There shall be no more than 100 SNF-ID beds statewide.

b. The number of beds which a provider may enroll shall not exceed 15.

c. The beds approved for each public health region should conform to the geographic distribution of AIDS patients (by region of residence).

David L. Ramsey
Secretary

RULE

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

The Bureau of Health Services Financing is adopting the following rule which was published as a notice of intent in the *Louisiana Register* Vol. 15, No. 8, dated August 20, 1989.

RULE

Drug products which are available from multiple sources shall be included under Louisiana Maximum Allowable Cost (LMAC) regulations when the following conditions are met.

1. The drug product has been identified as available from multiple sources from the bureau's review of drug claims submitted by providers; and

2. Providers have been provided at least 15 days advance notice of inclusion under LMAC regulations.

David L. Ramsey
Secretary

RULE

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

(DIRECTOR'S NOTE: Because there were several changes from the Notice of Intent, this Rule is being republished in its entirety and is therefore the valid rule for MAP - Reimbursement for Private ICF-MR facilities).

The Medical Assistance Program is adopting the following rule which was published as a notice of intent in the *Louisiana Register* Vol. 15, No. 7, dated July 20, 1989.

As a result of public comments received by the department, the proposed base rates for 1-8 bed facilities were recalculated. Additionally, the requirements for new facilities were clarified to reflect current policy on filing of initial cost reports. These corrections resulted in no change in the original fiscal economic impact statement published by the department and therefore are not considered significant.

RULE

I. Definitions

A. Private Facilities - Private long term care facilities clas-

sified and licensed as Intermediate Care Facilities for the Handicapped and/or Mentally Retarded (ICF-H, ICF-MR) certified to provide services to Title XIX recipients.

B. Indices

1. CPI - ALL ITEMS - The Consumer Price Index for all Urban Consumers - South Region (All Items line) as published by the United States Department of Labor.

2. CPI - FOOD - The Consumer Price Index for all Urban Consumers - South Region (Food line) as published by the United States Department of Labor.

3. CPI - MEDICAL CARE - The Consumer Price Index for all Urban Consumers - South Region (Medical Care line) as published by the United States Department of Labor.

4. WAGE - The average annual wage for production or non-supervisory service workers in SIC code 80 as furnished by the Dallas Regional Office of the Bureau of Labor Statistics of the U.S. Department of Labor. This figure will be obtained by telephone in May and will be the average annual hourly wage as of December of the prior year. It will be multiplied times 40 hours, times 52 weeks to determine the average annual wage. The adjustment factor derived from the figure will be calculated by dividing the value of the corresponding average annual hourly wage, 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. Economic Adjustment Factors

1. CPI - All Item Factor

2. CPI - Food Factor

3. CPI - Medical Care Factor

Each of the above economic adjust 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).

4. Wage Factor - The wage factor is computed in the same manner as the other adjustment factors except that the average annual wage for the calendar year ending in the indicated December is used instead of an index value.

D. 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.

E. Base Rate - The base rate is the rate calculated in accordance with Section II.A, plus any base rate adjustments granted in accordance with G.2 of this Section, and which is in effect at the time of calculation of new rates or adjustments. The base rate was initially calculated using the current weighted average rate for all providers by size grouping (1-8, 9-32, and 33+) and levels of care, plus an inflation adjustment factor. Initial rate calculations were utilized as a basis establishing a reasonable rate not to exceed the eightieth percentile of cost.

II. Implementation Procedure

A. Initial Reporting

The initial cost report submitted by providers must be based on the most recent fiscal year end. The report must contain costs for the 12-month fiscal year. Limited exceptions to the report requirement will be considered on an individual facility basis upon written request from the provider to the Bureau of Health Services Financing. 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:

1. 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.

2. 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 12-month report.

3. 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 a full statement of the cause of difficulties which rendered timely preparation of the cost report impossible.

4. If a facility is new, it will be required to file a cost report for the period ending June 30 following the open date of the facility.

B. Subsequent Reports

Cost reports shall be submitted annually by each provider within 90 days of the end of the state's fiscal year.

III. Determination of Limits

Cost limits will be established based on a statistical analysis of industry data to assure that total payments under Title XIX 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.

IV. Increased Capacity

Increased bed capacity requires a review by Licensing and Certification and Facility Need Review approval.

V. 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.

Facilities purchased as on-going concerns are not considered new facilities for cost reporting purposes.

VI. New Facilities

For cost-reporting purposes a new facility is defined as:

A. a newly constructed facility; and

B. a facility which has been certified for a higher or lower level of care.

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.

A new facility is paid the applicable facility rate. There is no retroactive adjustment for either over - or underpayment to the facility.

VII. 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 long term care facilities 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 providers. The burden of proof as to the extent and cost effect of the unanticipated change will rest with the providers requesting the change. In computing the costs, all capital expenditures will be converted to interest and depreciation. The

Bureau of Health Services, 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.

A. Temporary Adjustments

Temporary adjustments may be made in the rate when changes which will eventually be reflected in the Economic Indices, such as a change in the minimum wage, a change in FICA or a utility rate change, 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 rate calculation which used Economic Adjustment factors based on index values computed after the change causing the adjustment. Temporary adjustments do not affect the base rate used to calculate new rates.

B. Base Rate Adjustments

Base rate adjustment may be made when the event causing the adjustment is not one that would be reflected in the Indices. This would normally be a change in licensure standards. Base rate adjustment will result in a new base rate component value(s) which will be used to calculate the new rate for the next year.

VIII. Determination of Inflation Adjustment Factor

The determination of the inflation adjustment factor for these levels is described in Section I.C.

IX. Rate Determination

A. Calculation Of The Rate

A base rate will be calculated for each level of care which the state determines is reasonable to adequately reimburse in full the allowable cost of a provider facility that is economically and efficiently operated. The rate for each level of care will be recalculated periodically to determine the need for establishing a new base rate. The rate for the first year of transition to a flat rate structure (FY 89/90) will be based upon the overall facility level of care as currently determined.

Rates for subsequent fiscal years will be based upon client levels of care determined through use of an instrument developed and validated by the agency prior to implementation. Rates determined by the bureau will be published in the *Louisiana Register* each year as a potpourri notice. The base rate established for implementation of this reimbursement methodology shall be as follows:

FLAT RATE LEVEL REIMBURSEMENT			
LEVEL OF CARE	1-8 BEDS	9-32 BEDS	33+ BEDS
2	\$ 85.00	\$ 58.00	\$55.00
3	\$ 94.00	\$ 63.00	\$60.00
4	\$ 94.00	\$ 77.00	\$65.00
5	\$105.00	\$ 86.00	\$70.00
6	\$113.00	\$ 98.00	\$86.00
7	\$135.00	\$106.00	\$89.00

B. Parameters And Limitations

Payment will be made in an amount not to exceed the total number of beds occupied by the Title XIX recipients which will have been approved by Licensing and Certification, and Facility Need Review times the number of days in the month times the appropriate level of care rate. Such payment will be considered the total agency payment for all Title XIX recipients in the facility. Leave day policies which apply to recipients in the facility will be applied towards occupancy limits.

X. Level of Care Appeals

Level of care determinations may be appealed by providers utilizing the same appeal process afforded to other long term care providers by the bureau.

David L. Ramsey
Secretary

RULE

Public Safety and Corrections Board of Private Security Examiners

Notice is hereby given that the Department of Public Safety and Corrections, Louisiana State Board of Private Security Examiners amended LAC 46:LIX as follows:

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIX. Private Security Examiners

Chapter 1. Organization and General Provisions

§101. Organization and General Provisions

A. The name of the board is the Louisiana State Board of Private Security Examiners, hereinafter referred to as the board.

B. The board is domiciled in Baton Rouge, Louisiana and the office is located at 5235 Florida Boulevard, Suite H, Baton Rouge, Louisiana, 70896-6707.

C. The board shall meet quarterly at a location within the state as designated by the board. A special meeting may be held at such time and place on the call of the chairperson or by request of any four members.

D. The chairperson shall exercise general supervision of the board's affairs, shall preside at all meetings when present, shall appoint any committees within the board and shall perform all other duties pertaining to the office as deemed necessary and appropriate.

E. The vice-chairperson shall perform the duties of the chairperson in his absence or other duties assigned by the chairperson.

F. The executive secretary shall be the chief administrative officer of the board and serves at the pleasure of the board. The executive secretary shall act as its recording and corresponding secretary and shall have custody of the records of the board; cause written minutes of every meeting to be kept and open to inspection to the public; keep the board's seal and affix it to such instruments and matters that require attest and approval of the board; act as treasurer and receive and deposit all funds; attest all itemized vouchers for payment of expenses of the board; make such reports for payment of expenses of the board; make such reports to the governor and legislature as provided for by law or as requested by same; and keep the records and books of account of the board's financial affairs and any other duties as directed by the board.

G. The executive secretary shall arrange the order of business of all meetings and shall, at least 10 calendar days prior, notify all persons who are to appear at such meeting.

H. Meetings shall be announced and held in accordance with the Administrative Procedure Act commonly referred to as the Public Meeting Law. The executive secretary shall give written notice of all interested members of the public who make a written request for such notice. Said minutes of meetings will be

made available upon written request to the board and a monetary fee will be assessed in accordance with Division of Administration rules and regulations governing public records to any individual or company requesting said minutes.

I. The official seal of the board consists of the Louisiana State Seal with a pelican in the middle.

J. Standing committees of the board are:

1. General Committee - duties to include special projects as authorized by the chairperson.

2. Finance Committee - duties include periodic review of the budget; recommendations regarding the establishment of fees charged by the board; recommendations to the board regarding all expenditures requested by the Administrator in excess of \$500.

3. Ethics Committee - duties to include review of allegations and recommendations to the board regarding any alleged misconduct, incompetence or neglect of duty by board members.

K. The chairperson shall appoint board members to committees as needed to fulfill the duties of the board. Majority of the committee members must be present at the time of appointment. Committee members will be responsible for making recommendations to all board members.

L. The executive secretary may spend up to \$500 for board purchases without prior approval by the board or the chairperson.

M. The board shall consist of nine members appointed by the governor, one member shall be appointed from and shall reside in each of the five public service commission districts established by law. Four members shall be appointed from the state at large.

N. A majority of the voting members of the board shall constitute a quorum for all purposes, including the granting or issuance of licenses and the rule making and adjudicative functions of the board, of which a majority vote is required for the approval of any decision.

O. Each board member shall have one vote on all motions before the board. Proxy voting is not allowed.

P. Any complaints to the board must be in writing, signed by the individual making said complaint, and include a means by which to contact said individual for investigative purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:751 (December 1987), amended LR 15:11 (January 1989), LR 15: (October 1989).

§103. Definitions

A. *Rule* means any agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedure or practice requirements of the board. Does not include statements concerning only the internal management or organization and not affecting private rights or procedures.

B. *Applicant* means a person who seeks to be examined for licensure, certification or registration by the board.

C. *Personal Service* when required, may be made by the board mailing the notice certified or registered mail, to the person's last known address.

D. *Licensee* means any person to whom a license is granted in accordance with the provisions of R.S. 37:3270 et seq.

E. *Principal Corporate Officer* means the president, vice-

president, treasurer, secretary, or comptroller or any other person who performs functions for the corporation corresponding to those performed by the foregoing officers and who is recorded in the corporation minutes as an officer.

F. *Qualifying Agent* means a responsible officer or executive employee meeting the experience qualifications set forth herein for operating a contract security company.

G. *Registrant* means an individual who holds a valid registration card issued by the board.

H. *Branch Manager* means the individual endowed with the responsibility and liability for a branch office.

I. *Branch Office* means a separate office which is part of a company licensed by the Louisiana state board of Private Security Examiners.

J. *Armed Security Officer* is an individual who provides security services and who at any time wears, carries, possesses, or has access to a firearm in the performance of his duties. An armed security officer also includes:

1. a security officer who may carry a shotgun; and/or
2. a straight baton; and/or
3. a P.R. 24 baton; and/or
4. any other defensive tactic weapon the board may so define;
5. all other defensive or offensive weapons not approved by the board are prohibited.

K. *Dog Handler* will be considered an unarmed security officer unless he has access to weapons as defined under armed security officer.

L. *Armored car company or armed courier company* means any person that provides secured transportation and protection from one place or point to another place or point involving money, currency, coins, bullion, securities, bonds, jewelry, or other valuables.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:751 (December 1987), amended LR 15: (October 1989).

Chapter 2. Application and Requirements for Company License

§201. Application and Requirements for Company License

A. Request for information packages must be in writing, and provide the business address, phone number and contact person of the company requesting package.

B. An applicant shall meet the following criteria:

1. be of good moral character;
2. be of legal age (18 years of age or older);
3. be a citizen of the United States;
4. has not been convicted in any jurisdiction of any felony or any crime involving moral turpitude, or illegal use or possession of a dangerous weapon for any of which a full pardon or similar relief has not been granted under the laws of the United States, the state of Louisiana or any state or country;
5. has not been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease which has not been restored;
6. applicant must possess a high school diploma (or GED) or equivalent work experience;
7. if in the opinion of the board, the applicant provides inadequate information to allow the board to determine whether the applicant meets the qualifications for licensing, the applicant

shall be required to provide additional information to the board;

8. if the applicant possesses an arrest record as issued by the Louisiana State Police, Bureau of Identification, without the disposition thereof, it shall be incumbent upon the applicant within 30 days, to provide the written disposition of his arrest from the district attorney's office or the criminal clerk of court's office from the judicial district in which the arrest occurred;

9. a corporation seeking a license shall be incorporated under the laws of this state, or shall be duly qualified to do business within this state with a valid certificate of authority issued by the secretary of state and shall have an agent for service of process designated as required by law;

10. an applicant and/or qualifying agent for a security business shall have three years consecutive experience as an employee, manager, or owner of a security company, or three years experience as a law enforcement officer with any federal, state or local agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:752 (December 1987), amended LR 15: (October 1989).

§203. Application Procedure

A. Application must be made to the board on application forms obtained from the board. If the applicant is an individual, the application shall be subscribed and sworn to by such person. If the applicant is a partnership, the application shall be subscribed and sworn to by each partner. If the applicant is a corporation, it shall be subscribed and sworn to by the qualifying agent. The application shall include the following information:

1. full name and business address of applicant; and if the applicant is a partnership, the name and address of each partner, or if a corporation, the name and address of the qualifying agent;
2. name under which the business is to operate;
3. address of the principal place of business and all branch offices of the applicant within this state, and the corporate headquarters of the business, if outside this state;
4. if the applicant is a corporation, the correct legal name, the state of incorporation, date of incorporation, date qualified to do business in Louisiana, along with a copy of the certificate of good standing; and the names of the two principal officers of the corporation, other than the qualifying agent, and the business address, residence address and the office or position held by each within the company; further, if the qualifying agent is not a resident of Louisiana, the application shall also include the name and the address of the applicant's agent for service of process designated as required by law;
5. statement as to the general nature of the business;
6. if the applicant is to operate as a sole proprietor, he must furnish a copy of his occupational license with the application;
7. as to each individual applicant; or if the applicant is a partnership, as to each partner, or if the applicant is a corporation, as to the qualifying agent and two principal corporate officers, the following information:
 - a. full name;
 - b. age;
 - c. date and place of birth;
 - d. all residences during the immediate past five years;
 - e. all employment or occupations engaged in during the immediate past five years;

- f. one set of classifiable fingerprints;
 - g. one recent photograph no larger than 2" x 2";
 - h. a general physical description;
 - i. letters attesting to good moral character from three reputable individuals, not related by blood or marriage, who have known the applicant(s) or qualifying agent for at least five years;
 - j. a list of all convictions and/or pending criminal charges in any jurisdiction for any felony, crime involving moral turpitude, or illegal use of a dangerous weapon, for which a full pardon or similar relief has not been granted;
8. one classifiable set of prints of the applicant, or of the manager, of each officer, partner or shareholder who owns a 25 percent or greater interest;
9. copy of DD214 form, if applicable, showing type of discharge;
10. a certificate of general public liability insurance in an amount of at least \$25,000 with the state of Louisiana named as an additional insured;
11. copy of company's badge and insignia;
12. copy of occupational license from parish where company or branch has operations.

B. Verification of required experience shall be in the form of affidavits from clients, employers, copy of DD214, and other types of information the board may reasonably deem sufficient.

C. An administrative fee of \$25 made payable to the board will be assessed on all checks returned from the bank and deemed non-sufficient funds.

D. An administrative fee of \$5 made payable to the board will be assessed on all fingerprint cards repeatedly rejected by the Department of Public Safety.

E. Company applications must be notarized; however, individual security officer applications need not be.

F. Out-of-state company

1. Companies wishing to do business in Louisiana must either incorporate here or be duly qualified to do business within this state with a valid certificate of authority issued by the Secretary of State, and shall have an agent for service of process designated as required by law.

2. Out-of-state companies wishing to do business in Louisiana, who satisfied all the licensing requirements outlined in this law, may do so without examination if the state under which it holds a valid license has comparable licensing requirements. Verification of satisfactory completion of such other state's examination must be submitted to the board. If the out-of-state company is licensed by a state that does not have licensing requirements comparable to those of Louisiana, then the company must satisfy all the licensing requirements outlined in R.S. 37:3270 et seq.

3. Fees for out-of-state companies are the same as for in-state companies except that an out-of-state company shall be required to pay the board of the cost of transportation, lodging and meals at the state rate when an examination of records is performed if those records are kept outside of the state.

G. It shall be unlawful for any individual to make an application to the board as qualifying agent unless that person intends to maintain and maintains that supervisory position on a regular, full-time basis.

H. Licenses issued by the board shall be valid for a one-year period to begin from the date application was submitted to the board.

I. Renewal Provisions

1. A \$200 annual renewal fee must be submitted to the board 30 days prior to the expiration date of license. If there have been any changes in the status of the company, then a new

company application must also be submitted, along with a \$20 application fee.

J. All material changes of facts affecting the licensee must be communicated to the board in writing within 10 calendar days. These changes of facts include the following:

- 1. change in any of the principal corporate officers or qualifying agent of a corporation, any partner in a partnership, or individual, noncorporate owners of a 25 percent or greater interest in the applicant;
- 2. termination of a branch manager;
- 3. change of business name;
- 4. change of business address;
- 5. change of business telephone number;
- 6. change of ownership if the business is a sole proprietorship.

K. Any change of the current listed principal officers in a corporation that is a licensee must be accompanied with a copy of the minutes electing the new officers and verification that these changes have been recorded with the secretary of state's office.

L. A branch office of a board licensed company which desires to register with the board may do so on a voluntary basis at a fee of \$100 per year. A letter requesting to register a branch officer, a current list of active security officers, including social security numbers, should be submitted to the board along with a \$100 check or money order made payable to the Louisiana State Board of Private Security Examiners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:753 (December 1987), amended LR 15:12 (January 1989), amended LR 15: (October 1989).

Chapter 4. Registration of Security Officers

§401. Registration of Security Officers

A. Minimum Qualifications:

- 1. Be of good moral character.
- 2. A security officer must be 18 years or older for unarmed assignments and 21 years or older for armed assignments.
- 3. Citizen of the United States or a resident alien.
- 4. Has not been convicted of a felony or of any crime involving moral turpitude, or illegal use or possession of a dangerous weapon under the laws of the United States, the state of Louisiana, or any state or country for any of which a full pardon or similar relief has not been granted. The board may, however, at its discretion, issue or renew a license or registration card, where the registrant or licensee has maintained a good record and evidenced honest character from the date of expiration of sentence, and for good cause shown.
- 5. Has not been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease which has not been restored.
- 6. Does not suffer from habitual drunkenness or from narcotics addiction or dependence.
- 7. If the applicant possesses an arrest record as issued by the Louisiana State Police, Bureau of Identification, without the disposition thereof, it shall be incumbent upon the applicant within 30 calendar days to provide the written disposition of his arrest from the district attorney's office or the criminal clerk of court's office from the judicial district in which the arrest occurred.
- 8. If applicant served in the military, a copy of the DD214

form showing type of discharge.

B. Any person hired to perform the functions and duties of a security officer after March 31, 1986, shall apply to the board for a registration card within 20 calendar days after the effective date of employment.

C. Prior to or after issuance of any registration card, the board may require documented evidence verifying the applicant meets all requirements. Failure to provide this information shall be sufficient cause for the board to deny, revoke, suspend, reprimand or demand the surrender of any registration card or license. Falsification of application may result in an administrative fine being assessed on the applicant, not to exceed \$500.

D. Denial of Application Due to Conviction

1. If an applicant has a felony conviction, as evidenced by the background check run by the Louisiana State Police Bureau of Identification, then his employment as a security officer must be terminated immediately. Written notification from the employer advising of termination date must be submitted to the board within 10 calendar days after denial notification from the board.

2. If the background check reveals a misdemeanor conviction that would disqualify the applicant under the provisions of this Chapter, he may continue to work pending the outcome of the appeal process.

3. If the applicant does not appeal the board's denial of his application due to his misdemeanor conviction, then the applicant must be terminated 30 days after receipt of written notice of denial from the board.

4. The board will notify the applicant and his employer if the application is denied and the reason therefor.

E. Procedure for Registration

1. Cover letter must accompany application being submitted, identifying name of officer and categorizing fees by application, reapplication or transfer, fingerprints, and armed or unarmed status.

2. A security officer must submit an application on a form prescribed by the board, with a current photograph no larger than 2" x 2", and a \$20 application fee payable to the board.

3. One classifiable set of fingerprints of the applicant must accompany the application with a \$10 fee payable to the Louisiana State Board of Private Security Examiners for the processing of the prints.

4. The applicant must sign the application to verify that the information is correct.

5. The licensee or branch manager must review and sign the application to certify that the applicant will be given the required training. The licensee or branch manager must also review the application to insure the application is complete and signed by the security officer.

6. The employer shall give the applicant a copy of the application and/or the portion of the application indicating temporary registration and shall retain a copy in the individual's personnel file in the employer's office.

7. The applicant's copy of the application and/or the portion of the application indicating temporary registration shall be carried by the applicant when he is within the scope of his employment until such time as he receives his permanent registration card from the board. Temporary or permanent registration card shall be exhibited upon the request of any representative of the board or law enforcement officer.

8. A registration card will not be issued until an investigation determines that the applicant meets the requirements to

become registered and certification has been received by the board that the required training has been successfully completed.

9. Special Events

a. Armed security officers must be registered with the board and have received all board training.

b. Unarmed security officers may work a maximum of 20 days within a six month period of time, prior to registering with the board.

c. Company must provide a list of security officers and their social security numbers who worked a special event within five days after event.

10. Dual Registration

a. A security officer who works for more than one company must register with the board for each individual company.

b. A security officer application, marked "dual registration" and a \$20 application fee made payable to the Louisiana State Board of Private Security Examiners must be submitted to the board within 20 days from date of hire of each company security officer will be working for.

c. Each company security officer works for is responsible for ensuring security officer is trained in accordance with R.S. 37:3284.

F. Registration Cards

1. Shall be in the form of a pocket card and shall be issued to the applicant through the licensee with whom he is employed.

2. The registration card shall bear the name of the employer, current photograph of the applicant, and any other identifying data required by the board. The registration card must be signed by the applicant.

3. Each registrant shall carry his registration card whenever such individual is performing the duties of a security officer and it shall be exhibited upon request by a representative of the board or any law enforcement agency.

G. The registrant shall be required to advise the board in writing within 10 calendar days of any change in his status, eligibility, or permanent address.

H. Registration cards issued by the board are valid for a two year period, based on date of first work assignment and/or hire date.

I. A licensee shall notify the board in writing within 10 calendar days after the death, termination, or loss of eligibility of any of its employees who are registrants.

J. The holder of a registration card whose employment is terminated, or loses eligibility, must surrender the card to his/her employer within 48 hours.

K. The licensee shall return the registration card of any applicant who ceases employment with the licensee to the board within 10 working days (excluding Saturday, Sunday and holidays).

L. Registration cards are the property of the Louisiana State Board of Private Security Examiners and must be surrendered to the board upon request.

M. Registrant will be held responsible for the loss or mutilation of registration card and will be assessed a \$10 fee by the board for reissuance of the card. Registrant must submit to the board in writing his name, social security number, registration card number and circumstance surrounding loss or mutilation of registration card.

N. Transfers

1. In the event a registrant terminates employment with one licensee and is reemployed within 30 calendar days as a security officer with another licensee, then the licensee must sub-

mit a transfer application with a \$10 transfer fee made payable to the board.

2. After receipt of the transfer application and fee, the board shall then issue a new registration card reflecting the name of the new employer or license number, or both, of the new employer.

3. The company that the security officer transfers is responsible for ensuring that officer is trained, or has been trained in accordance with R.S 37:3284 and that proper documentation is, or has been, submitted to the board.

O. In the event that a registrant terminates employment and is rehired within 30 calendar days, a letter requesting reinstatement must be submitted with a \$10 reinstatement fee made payable to the board. The reinstatement letter must provide the security officer's name, social security number, date of termination, and date of reinstatement.

P. An armed security officer's registration card issued by the board shall suffice for the firearm permit requirement in R.S. 37:3285. Nothing in this law shall be construed as permitting the carrying of concealed weapons.

Q. Should a security officer desire to change his status from unarmed to armed, or vice versa, a \$10 fee made payable to the board will be assessed for reissuing the registration card.

R. The board will inform the company 45 to 60 days prior to the expiration date of the registration card of each security officer in their employ. A renewal application and \$20 fee made payable to the board must be submitted to the board within 30 days prior to the expiration date.

S. A security officer who will only carry a baton or PR-24 baton and has successfully completed training and does not carry any other defensive weapon shall be issued an armed registration card classified as straight baton or PR-24 baton only.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:753 (December 1987), amended LR 15:12 (January 1989), LR 15: (October 1989).

Chapter 5. Training

§501. Training

A. All security officers employed after the effective date of R.S. 37:3270 et seq. shall complete eight hours of classroom training within 30 calendar days of employment by a certified trainer and training program approved by the board. Within three months of employment each security officer shall receive an additional eight hours of classroom training to be conducted by a certified trainer. Upon completion of each of the eight-hour segments of the prescribed training, a 50-question examination will be given to each security officer by the board-certified trainer and he/she must achieve a minimum passing score of 70 percent. All scores of such examination must be recorded and submitted to the board on its prescribed form, within 10 calendar days of said training.

B. Armed security officers in addition to the training requirements outlined in §501.A. shall complete 12 hours of firearms training and range qualifications prior to armed work assignment. The nature and extent of firearms training shall be adequately described, approved, and monitored by the board to include at a minimum the following:

1. legal limitations on use of weapons;
2. handling of a weapon;
3. safety and maintenance;
4. dim light firing;

5. a shoot, don't shoot program;
6. stress factors.

Armed security officers must also complete an annual re-training course of at least four hours, which includes two hours of refresher courses on subjects previously specified and at least two hours aggregate retraining in firearms instructions to include minimum marksmanship qualification of 75 percent.

C. Basic Training Course for All Security Officers

1. First eight hours of training should contain:

- a. Orientation and Introduction to the Law and the Board Rules and Regulations 2 hours
- b. Legal Powers and Limitations 2 hours
- c. First Aid Training/Emergency Procedures . . . 2 hours
- d. General Duties/Field Notes/Report Writing . . 2 hours

TOTAL: 8 hours

2. Second eight hours of training are to be submitted to the board for approval by the board certified instructor.

d. Firearms Proficiency Course

1. An armed security officer must successfully pass a written examination administered by board-certified firearms instructor and achieve a minimum passing score of 70 percent. In addition, security officers must pass the course of fire outlined as follows and all scores must be recorded on a form prescribed by the board. The caliber weapon trained with must be the same caliber weapon he/she carries while on his/her security work assignment.

2. .357 caliber revolver, minimum four inch barrel, with .357 or .38 caliber ammunition;

3. .38 caliber revolver minimum four inch barrel, .38 caliber ammunition.

4. 75 percent required to qualify, 188 points out of 250. Seconds

5. 4 Yards 12 Shots, unsupported, 45
point-shooting, without sights
6 Shots, strong hand only
6 Shots, weak hand only

6. 7 Yards 2 Shots, unsupported 5
Two handed - with sights
(Indexing these rounds)
12 Shots, unsupported

Two-handed with sights 60
12 Shots, unsupported
Two-handed with sights 60

7. 15 Yards 12 Shots, barricade-strong hand
Two-handed, with sights 60
6 Shots, standing right barricade
6 Shots, standing left barricade

8. INRA B-27 or TQ-10 Target is required.

9. Shotgun

a. 5 shots buckshot (9 pellets only), 5 shots slugs. 60 percent required to qualify out of 100 points possible on a NRA B-27 target. (B-29 target may be used for 25 yards at 15 yards)

b. Training in use of shotgun is to be taught only if the security officer is required to carry a shotgun in the performance of his duties.

c. Scoring: 2 points for each hit (pellets or slugs) within the 7 ring. One point for each hit outside the 7 ring, in the black.

d. At the end of each stage of firing, all firearms will have their actions open, safeties on, with barrels up and muzzle above head.

- e. Buckshot Stage
 - i. 15 Yards 2 Rounds, standing from the shoulder 10
 - ii. 25 Yards 3 Rounds total, from the shoulder; one round standing, two rounds kneeling. Time includes loading time with the shotgun starting from the "cruiser-safe" position. (Chamber empty, magazine loaded, safety on). 20

- f. Slug Stage
 - i. 25 Yards 2 Rounds total, from the shoulder; one round kneeling, one round standing 15
 - ii. 25 Yards 3 Rounds total, from the shoulder; one round standing, two rounds kneeling. Starting from the "cruiser-safe" position. 20

E. Baton Training Requirements

1. Security officers carrying a straight baton as a weapon must complete a minimum of eight hours of an initial straight baton training course prior to carrying such weapon on post and complete a four hour annual refresher straight baton training course within one year from date of initial training.

2. Security officers carrying a PR-24 baton as a weapon must complete a minimum eight hours of a pre-basic PR- 24 baton training course prior to carrying such weapon on post and complete an eight hour annual refresher PR-24 baton training course within one year from date of initial training.

3. Security officers trained in baton must successfully pass a written examination administered by a board-certified baton instructor and achieve a minimum passing score of 70 percent.

F. Certified Trainers and Programs

All training shall be administered by a certified trainer and the board shall approve all training programs and shall develop training criteria outlining specific curriculum to be used in the instructing and training of all security officers.

G. Qualifications for certification as a classroom instructor are:

- 1. approved by the Board of Private Security Examiners; and
- 2. qualifications of an applicant as required by R.S. 37:3276 A(1) - (6); and
- 3. minimum of three years supervisory experience with a contract security company; proprietary security organization; or with any federal, state, parochial, or municipal law enforcement agency; or
- 4. a degree in Administration of Justice from an accredited college or university or the equivalent thereof; or
- 5. P.O.S.T. certified instructors certificate; or
- 6. teaching certificate issued by the State of Louisiana, Department of Education or the equivalent thereof; and one year supervisory experience in the security field.

H. Qualifications for certification as a firearms instructor are:

- 1. approved by the Board of Private Security Examiners; and
- 2. qualifications of an applicant as required by R.S. 37:3276 A(1) - (6); and
- 3. minimum of three years supervisory experience with a contract security company; proprietary security organization; or with any federal, state, parochial, or municipal law enforcement

agency; or

- 4. a degree in Administration of Justice from an accredited college or university or the equivalent thereof; or
- 5. P.O.S.T. certified instructors certificate; or
- 6. teaching certificate issued by the State of Louisiana, Department of Education or the equivalent thereof; and one year supervisory experience in the security industry; and
- 7. the successful completion of training and the possession of a (1) National Rifle Association Security or Police Firearms Instructor Certificate; or (2) a P.O.S.T. Firearm Instructor Certificate or (3) a DOE Firearms Instructor Certificate.

I. Verification of the security officer's completion of firearms training from a board-certified instructor must be submitted on a form prescribed by the board. Security officer is accepted by passing a written examination determined by instructor and successfully achieving a 75 percent marksmanship qualification score.

J. Qualifications for certification as a baton instructor

- 1. approval by the Board of Private Security Examiners; and
- 2. qualifications of an applicant as required by R.S. 37:3276 A(1) - (6); and
- 3. minimum of three years supervisory experience with a contract security company; proprietary security organization; or with any federal, state, parochial, or municipal law enforcement agency; or

4. a degree in Administration of Justice from an accredited college or university or the equivalent thereof; or

5. P.O.S.T. certified instructor; or

6. teaching certificate issued by the State of Louisiana, Department of Education, or the equivalent thereof, and one year supervisory experience in the security industry; and

7. possess a recognized police certification impact weapon system for straight baton and Monadnock PR-24 System for PR-24 Baton.

K. Fees/Trainers

- 1. a. License and renewal fee for certified inhouse and outside firearms instructor \$75
- b. License and renewal fee for certified inhouse and outside classroom instructor \$50
- c. Application fee \$20
- d. Transfer fee from one company to another \$20
- e. Transfer licensing fee from inhouse to outside (classroom) \$50
- f. Transfer licensing fee from inhouse to outside (firearms) \$50
- g. License and renewal fee for certified inhouse and outside straight baton and for PR-24 baton instructor \$50
- 2. Certification for trainers are renewable every two years from the date the certificate is issued.

3. An inhouse instructor must submit a new trainer application plus a \$20 application fee to transfer license from one company to another.

4. An inhouse instructor who desires to become an outside instructor must submit a new trainer application, \$20 application fee, transfer licensing fee, and complete course of study.

L. Guest Instructors

1. Classroom, baton and firearms instructors must be certified by the board; however, qualified guest instructors are not required to be certified but must be supervised by the certified instructor, with the exception of baton or firearms instruction, which shall be conducted by a board-certified instructor only.

M. Liability of Certifying Trainer

1. A certified trainer may be held accountable for improperly certifying security officers, and upon showing of cause, his/her certification as a trainer may be suspended or revoked.

N. Board-certified instructors are required to carry \$25,000 general liability insurance with the State of Louisiana named as additional insured and provide the board with a Certificate of Insurance as proof of coverage. Inhouse instructors who are covered under his/her employer's company insurance policy in this amount shall be required to send a letter to that effect.

O. Trainer Examination

1. All applicants who apply to the board to become licensed as an instructor after October 1, 1988 are required to pass a written examination administered by the board.

2. The passing grade of the exam shall be 70 percent.

3. Fee for the examination is \$25.

4. A person who does not successfully pass the examination may reapply to take the examination for a fee of \$15. A person may take the examination no more than three times within a 12-month period.

P. Current and former law enforcement officers who have successfully completed a P.O.S.T. certification program within three years prior to application may submit proof of such documentation to the board as proof of training and shall be considered the equivalent of the 16 hours classroom training in R.S. 37:3284 (B) (1) and (4).

Q. Instructor licenses are categorized in three classifications identified as follows:

1. Inhouse - instructor is licensed with company and may only train security officers employed with that company.

2. Outside (limited) - instructor is licensed with a training academy or educational institution and may only train students of that particular school.

3. Outside - may train any security officer in the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:753 (December 1987), LR 15:13 (January 1989), LR 15: (October 1989).

Chapter 7. Investigations, Records and Unlawful Acts

§709. Inspection of Records

A. Licensee shall make available to any authorized representative of the board for inspection such employee records and other information as the board may reasonably require to ensure compliance with the Private Security Regulatory and Licensing Law and with these rules and regulations.

B. The board shall notify the company in writing 15 days prior to the conducting of a routine inspection of employee records.

C. The board shall notify the company in writing three days prior to conducting an inspection of their employee records brought on by a complaint.

D. A company will have no more than 30 days to comply with the board's written findings as a result of any inspection in addition to paying any fine assessed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:757 (December 1987), amended LR 15:14 (January 1989), LR 15: (October 1989).

§711. Investigations

A. The board may investigate the actions of any licensee. The investigation shall be conducted for the purpose of determining whether a licensee is in compliance with the law.

B. An investigation conducted by a duly authorized representative of the board is not to be construed as an inspection of files as described in Chapter 7, §709.C. It is an investigation of actions by licensee or registrant of non-compliance of R.S. 37:3270-3298 as a result of a complaint, and is exempt from written and verbal notification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:757 (December 1987), amended LR 15: (October 1989).

§715. Unlawful Act

No person shall engage in the business of providing contract security services except in accordance with this Chapter and the rules and regulations adopted by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:757 (December 1987), amended LR 15: (October 1989).

§717. Violations by Registrants

A. The following shall be considered a violation of this Act:

1. performing security duties for any other person other than the employer under whom the registration was issued or exempted by R.S. 37:3270 et seq.;

2. failure to affix security officer's signature on the card issued.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:752 (December 1987), amended LR 15: (October 1989).

Chapter 8. Insignias, Markings, Restrictions

§801. Restrictions

A. With the exception of sworn peace officers in police uniforms, no individual, while performing the duties of a security officer, shall wear or display any badge, patch, or insignia that contains the word "police" or which would lead a reasonable man to believe that he is a sworn peace officer.

B. The board will decide on an individual basis whether circumstances are such as would lead a reasonable man to believe that the badge, patch, insignia or other markings were those of a sworn peace officer.

C. A copy of such badges and insignias of the licensee shall be submitted for approval to the board at the time of filing for initial and renewable license application.

D. No person, while performing any security services, shall have or utilize any vehicle or equipment displaying the words "police" or "law enforcement," or have any sign, shield, marking or insignia that would lead a reasonable man to believe that such vehicle or equipment is from a public law enforcement agency.

E. Security officer uniforms shall be specifically described in writing and a full length picture of said uniform shall be submitted in writing to the board for approval.

F. No badge or insignia with the initials "SP" or "SO" may be worn on the uniform of a security officer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:758 (December 1987), amended LR 15:14 (January 1989), LR 15: (October 1989).

Cynthia Fonté
Executive Secretary

RULE

Department of Public Safety and Corrections Corrections Services Office of Adult Services

In accordance with the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, the Department of Public Safety and Corrections, Corrections Services, Office of Adult Services, has promulgated and amended the rules and regulations relative to adult offender furloughs and the policy for implementation and regulation.

Title 22 CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT Part I. Corrections

Chapter 3. Adult and Juvenile Services

Subchapter A. General

§305. Adult Offender Furloughs

A. Purpose

The purpose of this regulation is to establish the adult offender furlough policy of the Department of Public Safety and Corrections.

B. Responsibility

Unit Heads and the Office of Adult Services are responsible for implementing this regulation and advising all adult offenders and affected employees of its contents.

C. General

Furloughs for adult offenders sentenced to the Department of Public Safety and Corrections may be granted only by headquarter officials and shall be approved before they begin. Headquarters reserves sole discretion in determining eligibility. The period during which the adult offenders will be on furlough will be clearly indicated in the approval.

D. Definitions

1. *Furlough* - A release from incarceration during the last six months of an offender's sentence for the purpose of assisting in his/her transition from an institution into society.

2. *Close Family Member* - The mother, father, wife, husband, adult child, grandparent, responsible brother or sister, verified legal guardian, or verified regularly visiting aunt or uncle.

3. *Furlough Violation* - The commission of any new offense, as well as any misconduct resulting in any disciplinary action while on furlough.

4. *Furlough Residence* - A verified, established residence of a close family member approved for an offender's furlough.

5. *Unit Head* - The sheriff, warden of a departmental

facility, or administrator of a community corrections center, or their designee(s).

E. Procedures

1. Furlough requests should be reviewed by the unit head to determine that the application is justified and is not in contravention of this regulation. All furlough requests must be recommended by the unit head.

2. Necessary verification of furlough plans, transportation, and coordination with family is the responsibility of the unit head recommending the furlough.

3. It is the responsibility of each unit head to devise and implement a system for monitoring offenders on furlough and to ensure that the approved frequency of furloughs is adhered to.

4. Requests are to be forwarded to the Office of Adult Services where it shall be determined whether the sheriff and/or district attorney, and/or chief of police of the locality where the offender is going objects. Any written objection received from a public official from the parish of conviction will take precedence over any other approval. The Office of Adult Services will notify the unit head at the originating institution of headquarters' decision.

5. When a request is received, the Office of Adult Services shall certify that the offender meets the eligibility standards.

6. All furlough violations shall be immediately reported to the Office of Adult Services. A quarterly report of all violations in the previous quarter shall be due at the Office of Adult Services within five working days after the end of each quarter. The reports shall indicate the nature of the incident, age of the offender, original offense, length of sentence, prior criminal record, and other characteristics found to be predicative of success or failure. Any recommended changes in furlough eligibility standards will be included in the report.

F. Eligibility

Adult offenders must meet the following criteria in order to be eligible for a furlough:

1. must have been sentenced for at least one year. (Probation, parole, and good time violators must serve one year from date of revocation);

*2. must not be serving a sentence for any of the following crimes:

a. first or second degree murder or attempted first or second degree murder;

b. aggravated or attempted aggravated rape;

c. forcible rape;

d. aggravated kidnapping;

e. aggravated arson;

f. armed robbery or attempted armed robbery;

*Cannot be waived (R.S. 15:833(B); 15:811) except in last six months of sentence.

g. producing, manufacturing, distributing, dispensing or possession with intent to produce, manufacture, distribute, or dispense a controlled dangerous substance classified in Schedule I or Schedule II of R.S. 40:964;

h. habitual felon conviction;

i. must not be serving a sentence for any crime of sexual nature or have a history of such crime.

3. must not have more than six months to discharge;

4. must not have escaped, attempted to escape, or abetted an escape during the preceding five years;

5. must be classified as minimum custody according to the criteria of the institution where the offender is confined and have exemplary conduct (no high court disciplinaries during the last six months being a minimum requirement);

6. must submit a furlough plan stating the purpose of the furlough, destination, and name of the person with whom the offender will stay, as well as a telephone number where the offender can be reached at all times. A responsible close family member must sign a statement agreeing to be accountable for the offender and shall ensure that transportation is provided for the adult offender. No public transportation is allowed. A copy of the furlough plan must be forwarded with the request to the Office of Adult Services. In cases of extreme emergency, portions of this requirement may be waived by headquarters.

G. Length and Frequency of Furloughs

1. Furloughs will be approved for a specific period not to exceed three days.

2. Furloughs will be no more frequent than bi-monthly for a maximum of three during an offender's last six months.

3. Offenders, other than those on work release, will be eligible for no more than one furlough.

4. Offenders on work release will be eligible for three bi-monthly furloughs during their last six months. The unit head is responsible for monitoring the frequency.

5. All offenders on furlough must be at their approved residence from 10 p.m. to 8 a.m. during their furlough period unless they have received prior approval.

H. Administrative Requirements

1. Requests for furloughs should be submitted at least 30 days prior to the start of the requested furlough period. Emergency furloughs exempted.

2. Furloughs should not be requested for offenders even though they meet the criteria established herein when it is known to the unit head that the offender might present a danger to himself or others or cause adverse public reaction should he be released.

I. The effective date of this regulation is October 20, 1989. This regulation supersedes department Regulation 30-7 dated January 20, 1986.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:811(C) and R.S. 15:833.

HISTORICAL NOTE: Promulgated by the Department of Corrections, Office of Adult Services, LR 4:418 (November 1978), amended LR 4:487 (December 1978), LR 8:274 (June 1982), and LR 15:.

Bruce N. Lynn
Secretary

RULE

**Department of Public Safety and Corrections
Liquefied Petroleum Gas Commission**

In accordance with the provisions of R.S. 49:950, et seq., the Administrative Procedure Act, and R.S. 40:1846 relative to the authority of the Liquefied Petroleum Gas Commission to make and enforce rules and regulations, the commission adopted the following changes to its rules and regulations:

**Title 55
PUBLIC SAFETY**

Part IX. Liquefied Petroleum Gas

Chapter 1. General Requirements

Subchapter A. New Dealers

§107. Requirements

Before any permit can be issued from the office of the director, all applicants must have complied with the following:

A. Must deposit filing fee of \$100 for Class I: for Class VI-X and \$25 for all others. This fee must accompany application.

B. Application must have been approved by the Liquefied Petroleum Gas Commission.

C. Must have on file in the office of the director a CERTIFICATE OF INSURANCE signed by a Louisiana resident agent, showing kinds and amounts in force; said certificate shall be considered evidence of liability insurance coverage in the minimum sum of \$100,000; said certificate must bear the clause that in the event the insurance company intends to cancel, the insurance company will notify the director of the Liquefied Petroleum Gas Commission 30 days prior to date of cancellation.

1. In lieu of such liability insurance coverage the applicant may post with the commission bonds or other securities issued by the United States of America or the state of Louisiana, or certificates of deposit or similar instruments issued by a lending institution regulated by an agency of this state or of the federal government, in the minimum sum of \$100,000, which bonds or securities shall be held in trust by the commission for the benefit of any person, firm or corporation to which such legal liability may accrue.

2. Nothing in this Paragraph shall be construed as reducing the insurance requirements imposed by the laws or rules and regulations of the federal government or the state of Louisiana upon persons, firms or corporations engaged in the liquefied petroleum gas business.

D. Where applicable, storage tank and location must be approved. Storage tanks may not be located inside corporate limits without written permission of the governing body.

1. All sketches or drawings of proposed bottle filling plants and/or liquid withdrawal systems must be submitted to the office of the director and approved before system is put into operation.

E. Where applicable, must provide adequate transport and delivery trucks satisfactory to the commission. Each transport and/or delivery truck shall be equipped with at least two fire extinguishers of the dry chemical types having an aggregated capacity of not less than 24 pounds.

F. Must have paid Permit Fee in the amount of \$75 to the Liquefied Petroleum Gas Commission of the state of Louisiana. For all succeeding years the Permit Fee shall be one-fourth of one percent of gross annual sales of liquefied petroleum gases with a minimum of \$75.

G. Persons in charge of operations must furnish proof satisfactory to the commission and the director of the Liquefied Petroleum Gas Commission, that they have had experience in and are familiar with and will abide by all safety precautions necessary in the conducting of the business for which they are granted a permit.

H. All service and installation personnel, fuel transfer personnel, carburetion mechanics and tank truck drivers must have a card of competency from the office of the director. A card of competency will be issued to applicant upon receipt of \$10 examination fee and successfully completing the test providing applicant holds a current driver's license.

1. All certificates of competency must be renewed annually by permit holder. There will be a charge of \$5 per card. After expiration, there will be a penalty of \$3 per card. There will be a charge of \$5 for replacing a lost card; change of employer; or change of company name. A card with improper employer or company name shall not be valid.

2. All employees who are qualified by this commission and have been issued certificates of competency, shall have their certificates of competency on their person while on duty. Should an employee lose his card, dealer is to notify this office within 10 days for the issuance of a new card. If an employee terminates his employment with the dealer for whom the card is issued, the card must be picked up by the dealer and returned to this office immediately.

I. Must have necessary experience in liquefied petroleum gas business or have employed a recognized operator of such experience and competency. The commission reserves the right to demand that such knowledge and competency be proved by a written examination.

J. Where applicable must provide adequate switch track or tank loading and unloading facilities. All auxiliary equipment such as pumps, hose, electrical switches, etc., shall be, where possible, Underwriters Laboratory approved for liquefied petroleum gases. If equipment is not so approved, drawings and descriptions shall be submitted to the office of the director of the Liquefied Petroleum Gas Commission for his approval before installation.

K. Applications for a change of name must be on file with the commission 30 days prior to date of commission meeting, and must deposit a filing fee of \$25 with application. A representative of the new firm or corporation will be required to be present when the application is considered by the commission. All certificates of competency must be changed to new name.

L. Any permit holder who does not actively engage in business for which permit was granted, for a period of six consecutive calendar months, may have his permit revoked by the LP-Gas Commission.

M. The commission shall grant Class I Liquefied Petroleum Gas Permits to nonresident applicants only after the commission has reached a reciprocal agreement with the Liquefied Petroleum Gas regulating authority of the state in which the applicant resides.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 1:315 (July 1975), LR 4:86 (March 1978), LR 7:633 (December 1981), LR 11:557 (May 1985), LR 15: (October 1989).

§113. Classes of Permits

The Liquefied Petroleum Gas Commission will issue upon application the following classes of permits:

A. Class I. Holders of these permits may enter any phase of the LP-Gas business.

1. Must file formal application with the Liquefied Petroleum Gas Commission 90 days prior to the date of the commission meeting at which time the application is to be considered, listing the names and addresses of the principal owners or, in the case of a corporation, the names and addresses of the principal officers and directors. The name and address of the manager must also be furnished. Presence of the applicant is required at the commission meeting when the application is heard. Only with special approval of the commission, under extenuating cir-

cumstances, will the commission allow applicant to be represented by another party. Application forms will be furnished by the commission upon request.

2. Must deposit filing fee of \$100 with application.

3. Must furnish evidence of liability insurance in the minimum sum of \$100,000 covering each of the following classes of insurance, covering applicant's legal liability:

a. Products Property Damage Liability

b. Products Public Liability

c. Manufacturer's and Contractor's Property Damage Liability

d. Manufacturer's and Contractor's Public Liability

e. Automobile Public Liability

f. Automobile Property Damage

i. In lieu of such insurance, the applicant may post with the commission bonds or other securities issued by the United States of America or the state of Louisiana, or certificates of deposit or other similar instruments issued by a lending institution regulated by an agency of this state or of the federal government in the sum of \$100,000, which bonds or securities shall be held in trust by the commission for the benefit of any person, firm or corporation to which legal liability may accrue.

ii. Nothing in this Paragraph shall be construed as reducing the insurance requirements imposed by the laws or rules and regulations of the federal government or the state of Louisiana upon persons, firms or corporations engaged in the liquefied petroleum gas business.

4. Must provide a storage capacity of not less than 15,000 gallons in one location, under fence, located within the dealer trade area within the state of Louisiana, and must show evidence of ownership of storage tank or a bonafide legal lease of five years minimum. This requirement shall not be retroactive.

5. Storage tank and location must be approved. Storage tanks may not be located inside corporate limits without permission of the governing body.

6. Must provide adequate delivery trucks satisfactory to the commission.

7. Must pay permit for first year's operations in the amount of \$75 to the Liquefied Petroleum Gas Commission of the state of Louisiana. For all succeeding years the permit fee shall be one-fourth of one percent of the gross annual sales of liquefied petroleum gases, with a minimum of \$75.

8. Person in charge of operations must be satisfactory to the commission and the director of the Liquefied Petroleum Gas Commission.

9. All service and installation personnel, fuel transfer personnel, carburetion mechanics, and tank truck drivers must have a card of competency from the office of the director.

10. Must have necessary experience in liquefied petroleum gas business or have employed a recognized operator of such experience and competency. The commission reserves the right to demand that such knowledge and competency be proved by a written examination.

11. Must provide adequate switch track of tank loading and unloading facilities. All auxiliary equipment such as pumps, hose, electrical switches, etc., shall be, where possible, Underwriters Laboratory approved for liquefied petroleum gases. If equipment is not so approved, drawings and description shall be submitted to the office of the director of the Liquefied Petroleum Gas Commission for his approval before installation.

12. Where fuel is used direct from cargo tank, an approved valve with proper excess flow device shall be used. Connector to vehicle's engine shall be approved for such use and

protected from mechanical injury.

13. No truck shall be parked on a street or highway at night in any city, town or village, except that it be for the purpose of serving a customer, then only in an emergency.

14. Compliance with all other applicable rules and regulations will be required.

15. The name of the dealer or permit holder must appear on all tank trucks, storage tank sites, and/or advertising being used by the dealer.

B. Class II. Holders of these permits may install and service LP-Gas containers, piping and appliances, but shall not deliver gas. This class will also apply to the installation and service of LP-Gas containers, piping and appliances on mobile homes, motor homes, travel trailers or any other recreational vehicles.

1. Must file formal application with the Liquefied Petroleum Gas Commission 30 days prior to the date of the commission meeting at which time the application is to be considered. Presence of the applicant (owner, manager or officer) is required at the commission meeting when the application is heard. In no case will the applicant's supplier be the authorized representative. Application forms will be furnished by the commission upon request.

2. Must deposit filing fee of \$25 with application.

3. Must furnish evidence of liability insurance in the minimum sum of \$100,000 covering each of the following classes of insurance, covering applicant's legal liability:

a. Products Property Damage Liability

b. Products Public Liability

c. Manufacturer's and Contractor's Property Damage Liability

d. Manufacturer's and Contractor's Public Liability

e. Automobile Public Liability

f. Automobile Property Damage

i. In lieu of such insurance, the applicant may post with the commission bonds or other securities issued by the United States of America or the state of Louisiana, or certificates of deposit or other similar instruments issued by a lending institution regulated by an agency of this state or of the federal government in the sum of \$100,000, which bonds or securities shall be held in trust by the commission for the benefit of any person, firm or corporation to which legal liability may accrue.

ii. Nothing in this Paragraph shall be construed as reducing the insurance requirements imposed by the laws or rules and regulations of the federal government or the state of Louisiana upon persons, firms or corporations engaged in the liquefied petroleum gas business.

4. Must pay permit for first year's operations in the amount of \$75 to the Liquefied Petroleum Gas Commission of the state of Louisiana. For all succeeding years the permit fee shall be one-fourth of one percent of the gross annual sales of liquefied petroleum gases, with a minimum of \$75.

5. Person in charge of operations must be satisfactory to the commission and the director of the Liquefied Petroleum Gas Commission.

6. All service and installation personnel must have a certificate of competency from the office of the director.

7. Must have necessary experience in liquefied petroleum gas business or have employed a recognized operator of such experience and competency. The commission reserves the right to demand that such knowledge and competency be proved by a written examination.

8. The obligation of the manufacturers and dealers of mobile homes, motor homes, travel trailers, or any recreational

vehicle will be to see that all safety standards are complied with and all safety tests are performed on mobile homes, motor homes, travel trailers, or any recreational vehicles using liquefied petroleum gas.

9. Upon delivery of a mobile home, motor home, travel trailers, or any other recreational vehicle; new or used; the required inspection and testing of any LP-Gas system and appliances shall be performed by the dealer, using LP-Gas in system. An inspection report properly completed and signed by the customer must be sent to the director of the Liquefied Petroleum Gas Commission verifying that the tests were performed and that the pressure test was eyewitnessed by the customer or his/her authorized representative.

10. The mobile home or recreational vehicle dealer will be responsible to this commission to make the required inspection and test or make arrangements for it to be made by a qualified permit holder.

11. Compliance with Liquefied Petroleum Gas Law and all other applicable rules and regulations is required.

C. Class III. Holders of these permits may sell, install and service LP gas appliances with any auxiliary piping. They shall not deliver gas.

1. Must file formal application with the Liquefied Petroleum Gas Commission 30 days prior to the date of commission meeting at which time the application is to be considered. Presence of the applicant (owner, manager or officer) is required at the commission meeting when the application is heard. In no case will the applicant's supplier be the authorized representative. Application forms will be furnished by the commission upon request.

2. Must deposit filing fee of \$25 with application.

3. Must furnish evidence of liability insurance in the minimum sum of \$100,000 covering each of the following classes of insurance, covering applicant's legal liability:

a. Products Property Damage Liability

b. Products Public Liability

c. Manufacturer's and Contractor's Property Damage Liability

d. Manufacturer's and Contractor's Public Liability

e. Automobile Public Liability

f. Automobile Property Damage

i. In lieu of such insurance, the applicant may post with the commission bonds or other securities issued by the United States of America or the state of Louisiana, or certificates of deposit or other similar instruments issued by a lending institution regulated by an agency of this state or of the federal government in the sum of \$100,000, which bonds or securities shall be held in trust by the commission for the benefit of any person, firm or corporation to which legal liability may accrue.

ii. Nothing in this Paragraph shall be construed as reducing the insurance requirements imposed by the laws or rules and regulations of the federal government or the state of Louisiana upon persons, firms or corporations engaged in the liquefied petroleum gas business.

4. Must pay permit for first year's operations in the amount of \$75 to the Liquefied Petroleum Gas Commission of the state of Louisiana. For all succeeding years the permit fee shall be one-fourth of one percent of the gross annual sales of liquefied petroleum gases, with a minimum of \$75.

5. Person in charge of operations must be satisfactory to the commission and the director of the Liquefied Petroleum Gas Commission.

6. All service and installation men must have a certificate

of competency from the office of the director.

7. Must have necessary experience in liquefied petroleum gas business or have employed a recognized operator of such experience and competency. The commission reserves the right to demand that such knowledge and competency be proved by a written examination.

8. Compliance with all other applicable rules and regulations will be required.

D. Class IV. Wholesalers-Holders of these permits may deliver, sell and transport LP-Gas over the highways of the state but can to deliver to dealers only; utilize aboveground steel storage and/or approved salt domes, shale and other underground caverns for storage of LP-Gas; do general maintenance work on their own equipment using qualified personnel; but may not sell or install systems and appliances.

1. Must file formal application with the Liquefied Petroleum Gas Commission 30 days prior to the date of the commission meeting at which time the application is to be considered. Presence of the applicant (owner, manager or officer) is required at the commission meeting when the application is heard. In no case will the applicant's supplier be the authorized representative. Application forms will be furnished by the commission upon request.

2. Must deposit filing fee of \$25 with application.

3. Must furnish evidence of liability insurance in the minimum sum of \$100,000 covering each of the following classes of insurance, covering applicant's legal liability:

a. Products Property Damage Liability

b. Products Public Liability

c. Manufacturer's and Contractor's Property Damage Liability

d. Manufacturer's and Contractor's Public Liability

e. Automobile Public Liability

f. Automobile Property Damage

i. In lieu of such insurance, the applicant may post with the commission bonds or other securities issued by the United States of America or the state of Louisiana, or certificates of deposit or other similar instruments issued by a lending institution regulated by an agency of this state or of the federal government in the sum of \$100,000, which bonds or securities shall be held in trust by the commission for the benefit of any person, firm or corporation to which legal liability may accrue.

ii. Nothing in this Paragraph shall be construed as reducing the insurance requirements imposed by the laws or rules and regulations of the federal government or the state of Louisiana upon persons, firms or corporations engaged in the liquefied petroleum gas business.

4. Must pay permit for first year's operations in the amount of \$75 to the Liquefied Petroleum Gas Commission of the state of Louisiana. For all succeeding years the permit fee shall be one-fourth of one percent of the gross annual sales of liquefied petroleum gases, with a minimum of \$75.

5. Person in charge of operations must be satisfactory to the commission and the director of the Liquefied Petroleum Gas Commission.

6. All transport and tank truck drivers must have a certificate of competency from the office of the director.

7. Must have necessary experience in liquefied petroleum gas business or have employed a recognized operator of such experience and competency. The commission reserves the right to demand that such knowledge and competency be proved by a written examination.

8. Must provide adequate switch track or tank loading

and unloading facilities. All auxiliary equipment such as pumps, hose, electrical switches, etc., shall be Underwriters Laboratory approved for liquefied petroleum gases. If equipment is not so approved, drawings and a description shall be submitted to the office of the director of the Liquefied Petroleum Gas Commission for his approval before installation.

9. Compliance with all other applicable rules and regulations is required.

E. Class V. Carburetion Permit - Holders of these permits may install equipment, including containers, and service LP-Gas equipment used on internal combustion engines. They shall not deliver LP-Gas.

1. Must file formal application with the Liquefied Petroleum Gas Commission 30 days prior to the date of the commission meeting at which time the application is to be considered. Presence of the applicant (owner, manager or officer) is required at the commission meeting when the application is heard. In no case will the applicant's supplier be the authorized representative. Application forms will be furnished by the commission upon request.

2. Must deposit filing fee of \$25 with application.

3. Must furnish evidence of liability insurance in the minimum sum of \$100,000 covering each of the following classes of insurance, covering applicant's legal liability:

a. Manufacturer's and Contractor's Property Damage Liability

b. Manufacturer's and Contractor's Public Liability

i. In lieu of such insurance, the applicant may post with the commission bonds or other securities issued by the United States of America or the state of Louisiana, or certificates of deposit or other similar instruments issued by a lending institution regulated by an agency of this state or of the federal government in the sum of \$100,000, which bonds or securities shall be held in trust by the commission for the benefit of any person, firm or corporation to which legal liability may accrue.

ii. Nothing in this Paragraph shall be construed as reducing the insurance requirements imposed by the laws or rules and regulations of the federal government or the state of Louisiana upon persons, firms or corporations engaged in the liquefied petroleum gas business.

4. Must pay permit for first year's operations in the amount of \$75 to the Liquefied Petroleum Gas Commission of the state of Louisiana. For all succeeding years the permit fee shall be one-fourth of one percent of the gross annual sales of liquefied petroleum gases, with a minimum of \$75.

5. Person in charge of operations must be satisfactory to the commission and the director of the Liquefied Petroleum Gas Commission.

6. All service and installation personnel must have a certificate of competency from the office of the director.

7. Must have necessary experience in liquefied petroleum gas business or have employed a recognized operator of such experience and competency. The commission reserves the right to demand that such knowledge and competency be proved by a written examination.

8. Compliance with all other applicable rules and regulations will be required.

F. Class VI. Holders of these permits may engage in the filling of approved cylinders and motor fuel tanks with liquefied petroleum gas on their premises, but shall not deliver gas.

1. Must file formal application with the Liquefied Petroleum Gas Commission 30 days prior to the date of the commission meeting at which time the application is to be considered.

Presence of the applicant (owner, manager or officer) is required at the commission meeting when the application is heard. In no case will the applicant's supplier be the authorized representative. Application forms will be furnished by the commission upon request.

2. Must deposit filing fee of \$25 with application.

3. Must furnish evidence of liability insurance in the minimum sum of \$100,000 covering each of the following classes of insurance, covering applicant's legal liability:

a. Products Property Damage Liability

b. Products Public Liability

i. In lieu of such insurance, the applicant may post with the commission bonds or other securities issued by the United States of America or the state of Louisiana, or certificates of deposit or other similar instruments issued by a lending institution regulated by an agency of this state or of the federal government in the sum of \$100,000, which bonds or securities shall be held in trust by the commission for the benefit of any person, firm or corporation to which legal liability may accrue.

ii. Nothing in this Paragraph shall be construed as reducing the insurance requirements imposed by the laws or rules and regulations of the federal government or the state of Louisiana upon persons, firms or corporations engaged in the liquefied petroleum gas business.

4. Storage tank and location must be approved. All tanks located in corporate limits must also be approved by the governing body.

5. Must pay permit for first year's operations in the amount of \$75 to the Liquefied Petroleum Gas Commission of the state of Louisiana. For all succeeding years the permit fee shall be one-fourth of one-percent of the gross annual sales of liquefied petroleum gases, with a minimum of \$75.

6. Person in charge of operations must be satisfactory to the commission and the director of the Liquefied Petroleum Gas Commission.

7. All employees handling LP-Gas must have a certificate of competency from the office of the director.

8. Must have necessary experience in liquefied petroleum gas business or have employed a recognized operator of such experience and competency. The commission reserved the right to demand that such knowledge and competency be proved by a written examination.

9. Compliance with all other applicable rules and regulations will be required.

G. Class VI-X. Holders of these permits may engage in the exchange of approved LP-Gas cylinders on their premises, but shall not fill cylinders. They shall not deliver gas.

1. Must file formal application with the Liquefied Petroleum Gas Commission 30 days prior to the date of the commission meeting at which time the application is to be considered. Presence of the applicant (owner, manager or officer) is required at the commission meeting when the application is heard. In no case will the applicant's supplier be the authorized representative. Application forms will be furnished by the commission upon request.

2. Must deposit filing fee of \$50 with application.

3. Must furnish evidence of liability insurance in the minimum sum of \$100,000 covering each of the following classes of insurance, covering applicant's legal liability:

a. Products Property Damage Liability

b. Products Public Liability

i. In lieu of such insurance, the applicant may post with the commission bonds or other securities issued by the United

States of America or the state of Louisiana, or certificates of deposit or other similar instruments issued by a lending institution regulated by an agency of this state or of the federal government in the sum of \$100,000, which bonds or securities shall be held in trust by the commission for the benefit of any person, firm or corporation to which legal liability may accrue.

ii. Nothing in this Paragraph shall be construed as reducing the insurance requirements imposed by the laws or rules and regulations of the federal government or the state of Louisiana upon persons, firms or corporations engaged in the liquefied petroleum gas business.

4. Storage capacity per cage must not be over 500 lbs. The water gallon capacity of any container shall not exceed 30 gallons.

5. Must pay permit fee for first year's operations in the amount of \$75 to the Liquefied Petroleum Gas Commission of the state of Louisiana. For all succeeding years the permit fee shall be one-fourth of one percent of the gross annual sales of liquefied petroleum gases, with a minimum of \$75.

6. Any current Class VI permit holder may convert to a Class VI-X permit by filing formal application with the Liquefied Petroleum Gas Commission and submitting a \$25 filing fee. Presence of the applicant at the commission meeting will be waived. Upon receipt of the application and filing fee, permit will be issued. No dealer can hold a Class VI and a Class VI-X permit at the same location.

7. Person in charge of operations must be satisfactory to the commission and the director of the Liquefied Petroleum Gas Commission.

8. Compliance with all other applicable rules and regulations will be required.

H. Class VII. Holders of these permits may transport LP-Gas by motor vehicle over the highways of the state of Louisiana but shall not sell product in the state. This permit may be secured from the office of the director upon receipt of the following:

1. Must file formal application with the Liquefied Petroleum Gas Commission 30 days prior to the date of the commission meeting at which time the application is to be considered. Presence of the applicant (owner, manager or officer) is required at the commission meeting when the application is heard. In no case will the applicant's supplier be the authorized representative. Application forms will be furnished by the commission upon request.

2. Check for filing fee in the amount of \$25 made payable to LP-Gas Commission must be submitted.

3. Check for permit fee for first year's operations in the amount of \$75 made payable to the Liquefied Petroleum Gas Commission must be submitted. Each succeeding year the permit fee will be \$75.

4. Must furnish evidence of liability insurance in the minimum sum of \$100,000 covering each of the following classes of insurance, covering applicant's legal liability:

a. Automobile Public Liability

b. Automobile Property Damage

i. In lieu of such insurance, the applicant may post with the commission bonds or other securities issued by the United States of America or the state of Louisiana, or certificates of deposit or other similar instruments issued by a lending institution regulated by an agency of this state or of the federal government in the sum of \$100,000, which bonds or securities shall be held in trust by the commission for the benefit of any person, firm or corporation to which legal liability may accrue.

ii. Nothing in this Paragraph shall be construed as reduc-

ing the insurance requirements imposed by the laws or rules and regulations of the federal government or the state of Louisiana upon persons, firms or corporations engaged in the liquefied petroleum gas business.

5. Inventory of all trucks traveling in Louisiana showing the following is required:

- a. name of LP-Gas tank manufacturer,
- b. code under which constructed,
- c. design working pressure and water capacity,
- d. relief valve setting,
- e. tank serial number,
- f. type and size of fuel tanks,
- g. size, rating and number of fire extinguishers.

6. Each transport and delivery truck shall be equipped with at least two fire extinguishers of the dry chemical type having an aggregate capacity of not less than 24 pounds.

7. All transport trucks are subject to inspection and approval of the Liquefied Petroleum Gas Commission.

8. Where fuel is used direct from cargo tank an approved valve with proper excess flow device shall be used. Connector to vehicle's engine shall be approved for such use and protected from mechanical injury.

9. No truck shall be parked on a street or highway at night in any city, town, or village, except that it be for the purpose of serving a customer and this only in an emergency.

10. Compliance with all other applicable rules and regulations will be required.

11. All transport and tank truck drivers must have a certificate of competency from the office of the director.

I. Class VII-E. Holders of these permits may transport LP-Gas over the highways of the state of Louisiana but shall not sell product in the state. These permits are valid only for 90 days from the date of issuance and may be secured from the office of the director upon receipt of the following.

1. Application must be submitted to the officer of the LP Gas Commission.

2. Check for filing fee in the amount of \$25 made payable to the LP Gas Commission must be submitted.

3. Check for Emergency Permit (valid for 90 days only) made payable to the Liquefied Petroleum Gas Commission in the amount of \$100 must be submitted. In the event the applicant desires to obtain a permanent Class VII, \$75 of the emergency fee will be applicable to the current year's fee.

4. Must furnish evidence of liability insurance in the minimum sum of \$100,000 covering each of the following classes of insurance, covering applicant's legal liability:

- a. Automobile Public Liability
- b. Automobile Property Damage

i. In lieu of such insurance, the applicant may post with the commission bonds or other securities issued by the United States of America or the state of Louisiana, or certificates of deposit or other similar instruments issued by a lending institution regulated by an agency of this state or of the federal government in the sum of \$100,000, which bonds or securities shall be held in trust by the commission for the benefit of any person, firm or corporation to which legal liability may accrue.

ii. Nothing in this Paragraph shall be construed as reducing the insurance requirements imposed by the laws or rules and regulations of the federal government or the state of Louisiana upon persons, firms or corporations engaged in the liquefied petroleum gas business.

5. All trucks entering the state of Louisiana shall be inspected by a field inspector from the staff of the commission and

certified safe.

6. Operators of the equipment must pass appropriate examination.

7. Section 105 of the rules and regulations is hereby declared non-applicable to the Class VII-E permit.

J. Class VIII. Holders of these permits may: store, transport and sell LP-Gas used solely in the cutting and metal work industry, sell and install piping and containers for those gases and engage in the filling of approved ICC or DOT containers used in the metal working industry.

1. Must file formal application with the Liquefied Petroleum Gas Commission 30 days prior to the date of the commission meeting at which time the application is to be considered. Presence of the applicant (owner, manager or officer) is required at the commission meeting when the application is heard. In no case will the applicant's supplier be the authorized representative. Application forms will be furnished by the commission upon request.

2. Must deposit filing fee of \$25 with application.

3. Check for permit fee for first year's operations in the amount of \$75 made payable to the Liquefied Petroleum Gas Commission must be submitted. Each succeeding year the permit fee will be \$75.

4. Must furnish evidence of liability insurance in the minimum sum of \$100,000 covering each of the following classes of insurance, covering applicant's legal liability:

- a. Products Property Damage Liability
- b. Products Public Liability
- c. Manufacturer's and Contractor's Property Damage Liability

d. Manufacturer's and Contractor's Public Liability

e. Automobile Public Liability

f. Automobile Property Damage

i. In lieu of such insurance, the applicant may post with the commission bonds or other securities issued by the United States of America or the state of Louisiana, or certificates of deposit or other similar instruments issued by a lending institution regulated by an agency of this state or of the federal government in the sum of \$100,000, which bonds or securities shall be held in trust by the commission for the benefit of any person, firm or corporation to which legal liability may accrue.

ii. Nothing in this Paragraph shall be construed as reducing the insurance requirements imposed by the laws or rules and regulations of the federal government or the state of Louisiana upon persons, firms or corporations engaged in the liquefied petroleum gas business.

5. Storage location must be approved.

6. All transportation equipment must be satisfactory to the commission.

7. Person in charge of operations must be satisfactory to the commission and the director of the Liquefied Petroleum Gas Commission.

8. All transport and tank truck drivers must have a certificate of competency from the office of the director.

9. Must have necessary experience in liquefied petroleum gas business or have employed a recognized operator of such experience and competency. The commission reserves the right to demand that such knowledge and competency be proved by a written examination.

10. Must provide adequate switch track or tank loading and unloading facilities. All auxiliary equipment such as pumps, hose, electrical switches, etc., shall be, where possible, Underwriters Laboratory approved for liquefied petroleum gases. If

equipment is not so approved, drawings and description shall be submitted to the office of the director of the Liquefied Petroleum Gas Commission for his approval before installation.

11. Compliance with all other applicable rules and regulations will be required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 3:315 (July 1977), LR 7:633 (December 1981), LR 8:53 (January 1982), LR 11:557 (May 1985), LR 15: (October 1989).

Subchapter B. Dealers

§115. Compliance with Rules and Act

Dealers must comply with R.S. 40:1849-1850 of the Louisiana Revised Statutes and the rules and regulations of the Liquefied Petroleum Gas Commission in order to obtain permit and to avoid cancellation of said permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 8:53 (January 1982), LR 15 (October 1989).

§139. Improper Installation

A dealer shall not serve any liquefied petroleum gas system which the dealer knows or should know is not installed pursuant to the Liquefied Petroleum Gas Commission regulations or is in a dangerous condition. All new installations or reinstallations must be checked by the dealer for tightness of lines, poor workmanship, used of unapproved pipe or appliances or use of poor piping design. All improper installations shall be corrected before the dealer services such installation or reinstallation with fuel for the first time. Any subsequent servicing dealer shall not be responsible for unauthorized changes in or failures of an existing system or connected appliances.

A. No individual shall be subject to a criminal fine or imprisonment under this Section as a result of any willful and wrongful acts of a fellow employee or subordinate employee whose willful and wrongful act was carried out without the knowledge of the individual. Whoever is found to be guilty of any of the following acts shall be fined not more than \$50,000, or imprisoned with hard labor for not more than 10 years, or both:

1. willful or knowing violations of a rule or regulations of the commission which endangers human life or health,
2. failure to properly odorize gas as required by law and §129 of the rules and regulations of the Liquefied Petroleum Gas Commission.

B. Anyone violating this Section shall also be liable for all damages resulting from any fire or explosion involving that shipment. The liability imposed by this Section may not be delegated by contract or practice to any transporter or subcontractor responsible for the transportation of the liquefied petroleum gas.

C. A permit may be suspended or revoked by the commission whenever the commission has assessed two or more penalties against a dealer for willful violation of or failure to comply with such rules and regulations provided the second or succeeding penalty or penalties have been imposed for violations of, or failure to comply with the regulations of the commission committed after the imposition of the first penalty or forfeiture, reserving to the dealer the right to resort to the courts for reinstatement of the permit suspended or revoked. The commis-

sion may suspend or revoke the permit of any person who violates the provisions of R.S. 40:1846.1 (C)(1) and (2), or who fails to pay any civil penalty imposed by the commission under the provisions of R.S. 40:1846.1 (E) within 30 days after the assessment becomes final. Any dealer who continues to operate after such permit is revoked or during the period of such suspension shall be liable to prosecution under the provisions hereof in the same manner as if no such permit had ever been issued. A permit may be revoked or suspended only by a ruling of the commission based on adjudicatory hearing held in accordance with the Administrative Procedure Act. The commission may institute civil proceedings to enforce its rulings in the district court for the parish in which the commission is domiciled or in the district court for the parish in which the violation occurred.

D. No dealer shall service an LP-Gas system, tank or another dealer after having received notification by the commission that the system, tank or dealer is not in compliance with these rules and regulations. Mailing of an AD letter which states that a system, tank or dealer is not in compliance, or certified letter stating the same shall constitute notification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 15: (October 1989).

§153. Must Sell only to Dealers

Manufacturers of LP-Gas containers must sell only to dealers or applicant for Class One Permit holding a letter of authorization from the LP-Gas Commission. A list of such dealers will be furnished upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 15: (October 1989).

§155. Data Reports

Manufacturers must mail two copies of the data report to the dealer making the purchase ON THE DATE OF SHIPMENT.

1. The reverse side of each manufacturer's data report shall include the following form to be filled out by the manufacturer.

This vessel constructed in accordance with plans and specifications as shown on our drawing No.

Louisiana LP-Gas Commission
Catalogue No. _____ Approved
_____ 19_____

Signed _____
(Name of Mfg.)

By _____

Title _____

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 15: (October 1989).

§157. Report of Tanks Shipped

On the date of shipment, the manufacturer must report all tanks sold in the state of Louisiana, as well as a list of the

fittings, and the name of the manufacturer of the fittings. This report is to be mailed to the office of the director of the Liquefied Petroleum Gas Commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 15: (October 1989).

Subchapter D. Forms and Reports

§159. Installation Report

An Installation Report form shall be used for all installations and reinstallations of DOT and ASME containers, and must be filed with the office of the director of the Liquefied Petroleum Gas Commission by the twentieth day of the following month (except in the case of a bulk storage installation which shall be filed at the time of installation).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 11:559 (May 1985), LR 15: (October 1989).

§161. Manufacturer's Report

A Manufacturer's Report of Tanks Shipped shall be used to report all tanks sold in the state of Louisiana. Manufacturers, on date of shipment, shall file this form, as well as a list of the fittings and the manufacturer of the fittings, for each tank reported. This report shall be filed with the office of the director of the Liquefied Petroleum Gas Commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 11:559 (May 1985), LR 15: (October 1989).

§163. Re-installation Report

Repeal

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, repealed LR 15: (October 1989).

Chapter 3. Storage Containers

Preface

This Chapter applies specifically to containers used in storing gas for any one combination of the following uses: filling truck tanks, bottle filling plants, stationary internal combustion engines, industrial applications, motor fuels dispensing stations, or any station from which gas is dispensed in liquid state into another container, and to all other installations where gas is stored but not used on the premises.

§301. Capacity Requirements

A. All Class I dealers must have a storage capacity of not less than 15,000 gallons.

B. No liquid storage container shall exceed 90,000 standard U.S. gallons. Commission will have final approval on location of site of tank.

C. In the case of Class VI-X: Storage capacity per cage must not be over 500 lbs. The water gallon capacity of any container shall not exceed 30 gallons.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 15: (October 1989).

§303. Requirements for Construction and Original Test of Containers

A. All containers in which LP-Gases are stored shall be designed, constructed and tested in accordance with Paragraph U-68 and U-69 of the 1949 edition of the ASME Unfired Pressure Vessel Code, or in accordance with the 1950 edition of the ASME Unfired Pressure Vessel Code or Section 8, Division 1 of the 1971 Edition of the ASME code.

B. Any transfer of new or second-hand tanks made by one dealer to another dealer shall be reported to the office of the director of the Louisiana Liquefied Petroleum Gas Commission by letter, giving the manufacturer's name, serial number of the tank, size of tank, date of transfer, and name of dealer to whom transferred. This report is to be made at the time of the transaction.

C. Field welding where necessary shall be made only on saddle plates or brackets where applied by the manufacturer of the tank.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 15: (October 1989).

§313. Location of Containers

A. 1. Each container, according to its capacity, shall be located not less than the following distance from the nearest important building or group of buildings, or line of adjoining property which may be built upon: less than 2001 gallons, 25 feet; 2001 gallons to 30,000 gallons, 50 feet; 30,001 gallons to 70,000 gallons, 75 feet; 700,001 to 90,000, 100 feet. Each container, irrespective of capacity, shall be located not less than 25 feet from any public street, highway or railroad.

a. The point of liquid transfer shall be located at least 25 feet from the nearest important building, or group of buildings, or line of adjoining property which may be built upon, or from any public street.

2. The director of the Louisiana Liquefied Petroleum Gas Commission shall, in case of hardship, have authority to approve special exceptions to the above minimum distance regulations upon the submission by the dealer of a sketch, in triplicate, showing the facts as to the location.

B. Storage in Congested Areas: In cases of bulk storage in heavily populated or congested areas, the authority having jurisdiction shall determine restrictions of individual tank capacity, total storage, and distance to line of adjoining property which may be built on and other reasonable protective methods.

C. Storage at Industrial Plants: In industrial installations involving containers of 150,000 gallons aggregate capacity or more, where serious mutual exposures between the container and adjacent properties prevail, the authority having jurisdiction may require fire walls designed and constructed in accordance with good engineering practice.

D. All storage containers shall be at least 25 feet from other flammables.

E. In the case of Class I-X: Cylinder storage cages:

1. shall be an outside display only;

2. shall be tamper proof to eliminate vandalism;

3. shall meet all requirements of the Fire Underwriters Code for storage of propane;

4. shall be placarded on all visible sides with a UN 1075

placard along with no smoking signs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 15: (October 1989).

§317. Container Valves and Accessories

A. Shut-off Valves. All shut-off valves and accessory equipment (liquid or gas) shall be suitable for liquefied petroleum gas service; and designed for not less than the maximum pressure to which they may be subjected. Valves and accessories which may be subjected to container pressure shall have a rated working pressure of at least 250 pounds per square inch gauge.

B. Location of Shut-off Valves. All connections to containers, except safety relief connections, liquid level gauging devices and plugged openings shall have shut-off valves located as close to the container as practicable.

C. Excess Flow Valves: Excess flow valves where required by these standards shall close automatically at the rated flows of vapor or liquid as specified by the manufacturer. The connections or line including valves, fittings, etc., being protected by an excess flow valve shall have a greater capacity than the rated flow of the excess flow valve.

D. Location of Excess Flow Valves. Excess flow and back pressure check valves where required by these standards shall be located inside of the container or at a point outside where the line enters the container; in the latter case, installation shall be made in such a manner that any undue strain beyond the excess flow or back-pressure check valve will not cause breakage between the container and such valve.

E. Design of Excess Flow Valves. Excess flow valves shall be designed with a by-pass, not to exceed a Number 60 drill size opening to allow equalization of pressures.

F. Filling Connection. The filling connection shall be fitted with one of the following:

1. combination back-pressure check valve or excess flow valve;
2. one double or two single back-pressure check valves;
3. A positive shut-off valve, in conjunction with either,
 - a. an internal back-pressure valve, or
 - b. an internal excess flow valve.

G. Liquid Level Gauge

1. Each container shall be equipped with a liquid level gauging device of approved design. These gauges shall be used in filling containers as required in §325 of this Chapter.

2. Liquid level gauging devices which are so constructed that outward flow of container contents shall not exceed that passed by a Number 54 drill size opening, need not be equipped with excess flow valves.

3. Lengths of fixed tube device shall be designed to indicate the maximum level to which the container may be filled for the product contained. This level shall be based on the volume of the product at 40°F. at its maximum permitted filling density for aboveground containers and at 50°F. for buried containers. Refer to §325.C for calculating filling point for which tube shall be designed.

4. When a fixed tube device is used on containers other than ICC, the length of the dip tube, expressed in inches carried out to one decimal place and prefixed with the letters "DT" shall be stamped on the exterior of the device. When a fixed tube device is used on ICC containers, the length of the dip tube expressed in inches carried out to one decimal place and prefixed with the letters "DT" shall be stamped on the exterior of the

device and on the container.

5. Gauging devices of the float, or equivalent type which do not require flow for their operation and having connections extending to a point outside the container do not have to be equipped with excess flow valves providing the piping and fittings are adequately designed to withstand the container pressure and are properly protected against mechanical damage and breakage.

H. Pressure Gauge. Openings from tank or through fittings attached directly on tank to which pressure gauge connection is made need not be equipped with shut-off or excess flow valve if such openings are restricted to not larger than Number 54 drill size opening.

I. Label Outlets. All inlet and outlet connections except safety relief valves, liquid level gauging devices and pressure gauges on containers of 1,200 gallons water capacity, or more, and on any container used to supply fuel directly to an internal combustion engine, shall be labeled to designate whether they communicate with vapor or liquid space. Labels may be on valves.

J. In the case of Class VI-X; All cylinders on display in a storage cage for resale shall have installed a POL plug in the valve of the cylinder.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December, 1974, LR 15: (October 1989).

§327. Transfer of Liquids

A. At Least One Attendant. At least one attendant shall remain close to the transfer connection from the time the connections are first made until they are finally disconnected during the transfer of product.

B. Venting to the Atmosphere Prohibited. Except for venting of fixed liquid level, rotary or slip tube gauges; venting between shut-off valves for disconnecting loading line; venting vapor from listed liquid transfer pumps using vapor as a source of energy.

C. Maximum Vapor Pressure. The maximum vapor pressure of the product at 100°F. which may be transferred into a container shall be in accordance with the following table:

STORAGE CONTAINERS			
Container Type	For Gases with Vapor Press. Not to Exceed lbs. per sq. in. gauge at 100 F.	Minimum Design of Container ASME U-68—U-69	Working Pressure lbs. per sq. in. gauge ASME 1950-1971 Edition
100	100	100	125
125	125	125	156
150	150	150	187
175	175	175	219
200	215	200	250

D. Use Gases Only for Which System is Designed. Marketers and Users shall exercise precaution to assure that only those gases for which the system is designed, examined, and listed, are employed in its operation, particularly with regard to pressures.

E. The main liquid shut-off valve on the container shall be in a closed position when there is no qualified person on the premises or when the business is closed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November

1972, amended December 1974, LR 7:634 (December 1981), LR 15: (October 1989).

§341. Report Installations

A. At time of installation, bulk storage tank is to be reported to the commission on an Installation Report form which will be furnished by the Liquefied Petroleum Gas Commission.

B. The above provision shall not apply to any container of 3500 gallon capacity or less utilized for storing gas used only by the owner or operator of the premises.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 15: (October 1989).

§345. Report Transfer of Containers

A. Any transfer of new or second-hand tanks made by one dealer to another dealer shall be reported to the office of the director of the Liquefied Petroleum Gas Commission by letter, giving the manufacturer's name, serial number of the tank, size of tank, date of transfer, and name of dealer to whom transferred. This report is to be made at the time of the transaction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 15: (October 1989).

Chapter 5. Tank Trucks, Semi-Trailers and Trailers Preface

This Chapter applies specifically to containers and pertinent equipment mounted on trucks, semi-trailers and trailers used for the transportation of liquefied petroleum gases.

§501. Required for Construction and Original Test of Containers

A. All containers in which LP-Gases are stored shall be designed, constructed and tested in accordance with Paragraph U-68 and U-69 of the 1949 edition of the ASME Unfired Pressure Vessel Code, or in accordance with the 1950 edition of the ASME Unfired Pressure Vessel Code or Section 8, Division 1 of the 1971 Edition of the ASME code.

B. Any transfer of new or second-hand tanks made by one dealer to another dealer shall be reported to the office of the director of the Liquefied Petroleum Gas Commission by letter, giving the manufacturer's name, serial number of the tank, size of tank, date of transfer, and name of dealer to whom transferred. This report is to be made at the time of the transaction.

C. Field welding where necessary shall be made only on saddle plates or brackets which were applied by the manufacturer of the tank.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 15: (October 1989).

§549. Additional Equipment Required

A. All motor vehicles used for the purpose of delivering liquefied petroleum gas at retail shall, in addition to the usual safety equipment, be provided with adequate emergency repair equipment suitable for making emergency repairs to liquefied petroleum gas installations. In the alternative, dealers shall maintain at least one service truck, adequately equipped to service, repair and maintain liquefied petroleum gas installations.

B. Each tank delivery truck driver for dealers in the above category must be qualified by a card of competency for service-

men. Dealers not equipped with a service truck must provide the following tools and equipment on each tank delivery truck:

1. Tools:

Adjustable wrenches, 6" - 12"
Pipe wrench, 14"
Screw driver, 8" regular
Pliers, slip-joint pliers
Vapor-proof flashlights

2. Materials:

Filler valve gaskets
Vapor return gaskets
Filler valve caps
Vapor return caps

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 15: (October 1989).

Chapter 9. Systems Utilizing ASME Containers

§913. Installation of Containers

A. Report Installations: All dealers must report by the twentieth of the following month, all installations made in the previous month on an Installation Report form.

B. Sale of Tank Without Installation. Any dealer selling a liquefied petroleum gas container to an individual or firm or corporation for installation in the state of Louisiana, is responsible for the legal installation and reporting of said tank.

C. Sketches Required. No dealer shall make an installation for a school, church, or any other place of public assembly, without first submitting plans and specifications in triplicate as required by §1301 of these rules and regulations.

D. Dealer Responsibility. (See §139)

E. Containers Installed Level. Containers must be installed in a level position in order that accurate gauging may be possible.

F. Aboveground Containers: Containers installed above ground except as provided in §913.I shall be provided with substantial masonry or noncombustible structural supports on firm masonry foundation.

G. Supports: Aboveground containers shall be supported as follows:

Horizontal containers shall be mounted on saddles in such a manner as to permit expansion and contraction. Every container shall be supported as to prevent the concentration of excessive loads on the supporting portion of the shell. Structural metal supports may be employed when they are protected against fire in an approved manner. Suitable means of preventing corrosion shall be provided on that portion of the container in contact with the foundations or saddles.

H. Containers Less than 1,200 Gallon Capacity: Containers of 1,200 gallons water capacity or less may be installed with non-fireproofed ferrous metal supports if mounted on concrete pads or footings, and if the distance from the outside bottom of the container shell to the ground does not exceed 24 inches.

I.1. Underground Containers. Containers buried underground shall be so placed that the top of container is not less than one foot below the surface of the ground, except that where ground conditions make compliance with this requirement impracticable, installation shall be made otherwise to prevent mechanical injury. It will not be necessary to cover the portion of the container to which manhole and other connections are affixed. When necessary to prevent floating, containers shall be securely

anchored or weighted.

2. Underground containers shall be set on a firm foundation (firm earth may be used) and surrounded with soft earth or sand well tamped in place. As a further means of resisting corrosion, the container, prior to being placed underground, shall be given a protective coating satisfactory to the authority having jurisdiction. Such protective coating shall be equivalent to hot dip galvanizing, or to two preliminary coatings of red lead followed by a heavy coating of coal tar or asphalt, and the container thus coated shall be so lowered into place as to prevent abrasion or other damage to the coatings.

J. Skid Tanks. Containers with foundation attached (portable or semi-portable containers with suitable steel "runners" or "skids" and popularly known in the industry as "skid tanks") shall be designed, installed and used in accordance with these rules subject to the following provisions:

1. If they are to be used at a given general location for a temporary period not to exceed six months they need not have fire-resisting foundations or saddles but shall have adequate ferrous metal supports.

2. They shall not be located with the outside bottom of the container shell more than five feet above surface of the ground unless fire-resisting supports are provided.

3. The bottom of the skids shall not be less than two inches or more than 12 inches below the outside bottom of the container shell.

4. Flanges, nozzles, valves, fittings and the like, having communication with the interior of the container shall be protected against mechanical injury.

Note: It is recommended that such containers should have outlets only in the heads.

5. When not permanently located on fire-resisting foundations, piping connections shall be sufficiently flexible to minimize possibility of breakage or leakage of connections if container settles, moves, or is otherwise displaced.

6. Skids, or lugs for attachment of skids, shall be secured to container in accordance with the code or rules under which the container is designed and built (with a minimum factor of safety of four) to withstand loading in any direction equal to four times the weight of the container and attachment when filled to the maximum permissible loaded weight.

7. Skid tanks shall not be used in place of tank trucks, tank trailers or tank semi-trailers for regular deliveries. They shall be employed only where there is a necessity for their joint use as a transport and storage unit.

8. Tanks with a capacity of less than 1,000 gallons shall be placarded with a UN 1075 placard on two sides while being transported over the highways. Tanks with a capacity of 1,000 gallons or more shall be placarded with a UN 1075 placard on four sides; front or rear placard may be on the vehicle. While in transit, portable tanks may not contain liquefied petroleum gas in excess of five percent of tank capacity.

K. Field Welding. Field welding where necessary shall be made only on plates or brackets which were applied by manufacturer of tank.

L. Anchorage. For aboveground containers secure anchorage or adequate pier height shall be provided against possible container flotation wherever sufficiently high flood water might occur.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November

1972, amended December 1974, LR 15: (October 1989).

§915. Reinstallation of Containers

A. Report Reinstallations. All dealers must report by the twentieth of the following month, all reinstallations of any tank or system in the state of Louisiana, made in the previous month on an Installation Report form.

B. Uncoded Tanks. No reinstallation of an uncoded tank shall be permitted. Where tank is excavated for inspection, it may be reinstalled after inspection and approval of an inspector of the Liquefied Petroleum Gas Commission.

C. Dealer Responsibility. (See §139).

D. Containers Recoated. Containers installed underground may be reinstalled underground or above ground if they do not show evidence of harmful external corrosion or other damage. Where containers are reinstalled underground the corrosion-resistant coating shall be put in good condition. (See §913.I).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 1:401 (September 1975), LR 7:635 (December 1981), LR 11:559 (May 1985), LR 15: (October 1989).

§927. Transfer of Liquids

A. At Least One Attendant. At least one attendant shall remain close to the transfer connection from the time the connections are first made until they are finally disconnected, during the transfer of product.

B. Authorization of Owner. Containers shall be filled or used only upon authorization of owner.

C. Venting to Atmosphere Prohibited. Except for venting of fixed liquid level, rotary or slip tube gauges; venting between shut-off valves for disconnecting loading line; venting vapor from listed liquid transfer pumps using vapor as a source of energy.

D. Gauge and Charge Containers in Open Air. Fuel supply containers shall be gauged and charged only in the open air or in buildings especially provided for that purpose.

E. Use Gases Only for Which System is Designed. Marketers and users shall exercise precaution to assure that only those gases for which the system is designed, examined, and listed, are employed in its operation, particularly with regard to pressures.

F. Inspection of Old System. Where an installed system has not been in use for some time, the dealer must inspect all lines to see that they are connected to the appliances or that any openings are properly capped or plugged before filling the tank.

G. Must Not Serve Illegal Installations. Dealers must not serve any liquefied petroleum gas containers installed illegally in the state of Louisiana or posted by the Liquefied Petroleum Gas Commission. Ignorance will not be accepted as an excuse, as it is the duty of the dealer to investigate before servicing any doubtful liquefied petroleum gas containers.

H. Must Not Serve Improperly Installed System. Dealers must not serve any liquefied petroleum gas system which, upon investigation, is found to be improperly installed or which is in a dangerous condition.

I. The main liquid shut-off valve on the container shall be in a closed position when there is no qualified person on the premise or when the business is closed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of

Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 7:635 (December 1981), LR 15: (October 1989).

Chapter 11. LP-Gas as a Motor Fuel

Preface

This Chapter applies specifically to containers and pertinent equipment for utilizing liquefied petroleum gas as a motor fuel for operating self propelled equipment whether permanently mounted on, or detachable from the vehicle. These standards do not apply to containers for transportation of liquefied petroleum gas.

§1101. Capacity of Containers

A. No single fuel container used on passenger carrying vehicles shall exceed 200 gallons water capacity. No single fuel container on other vehicles normally operating on the highway shall exceed 300 gallons water capacity except as provided in Subsection B of this Section.

B. Use of fuel from cargo containers: Fuel may be used from cargo containers. The use of fuel from cargo containers to operate stationary engines is permitted providing wheels are securely blocked.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 15: (October 1989).

§1125. Qualified Personnel

A. The installation shall be made only by a competent mechanic in the service of a dealer who is familiar with the regulations of the Liquefied Petroleum Gas Commission and having satisfactorily passed the written examination attesting thereto.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 15: (October 1989).

Chapter 13. Specifications for LP-Gas Installations at Schools and Place of Public Assembly

§1303. Requirements for LP-Gas Piping

A. Installation. All LP-Gas piping shall be installed by a person or firm qualified by the Liquefied Petroleum Gas Commission to install such pipe. Where all the work is not done by an LP-Gas dealer, he is, nevertheless, responsible, and his contracts, exclusive of financial detail, covering contractors other than LP-Gas dealers must be submitted to the commission. All work must be supervised by a dealer or his representative.

B. Use Of Old Pipe. No LP-Gas piping shall be removed, replaced, or extended by any person other than one qualified by the Liquefied Petroleum Gas Commission, and shall not be re-used until it has been thoroughly cleaned, inspected and determined to be the equivalent for new materials.

C. Piping Materials. All pipe used for the installation, extension, alteration and/or repair of any LP-Gas piping shall be of the other type of tubing is deemed necessary, special permission must be obtained.

D. Pipe Joints. Pipe joints may be screwed, flanged, welded, brazed or soldered with a solder having a melting point of over 1000°F. Where fittings are used they shall have a working pressure of at least 125 pounds in systems where the operating pressure is 125 pounds per square inch or less. Extra heavy fittings shall be used for pressure exceeding 125 pounds per square inch. Cast iron fittings shall be prohibited. Joints on seamless copper, brass, steel or non-ferrous gas tubing shall be

made by means of approved gas tubing fittings or soldered with solders having a melting point exceeding 1000°F. The individual doing this work must have passed an examination given by the director of the Liquefied Petroleum Gas Commission.

E. 1. Unions. Where unions are necessary in installing liquefied petroleum gas piping they shall be of the ground joint type. Gasket type unions shall not be used.

2. Unions shall not be installed in any place where there is insufficient ventilation to insure prompt dissipation of any escaping gas.

F. 1. Valves. All valves and connections shall be of approved type suitable for use with liquefied petroleum gas and designed for not less than the maximum pressure to which they may be subjected.

2. Valve seat material, packing, gaskets, etc., shall be of such quality as to be resistant to the action of liquefied petroleum gases.

G. Where piping or tubing is thimble through a masonry wall, one-half inch total clearance shall be allowed between the wall of the pipe and thimble.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 7:635 (December 1981), LR 15: (October 1989).

Jimmy Long
Director

RULE

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

Pursuant to the authority granted by R.S. 42:871(c) and R.S. 42:874 the Board of Trustees of the State Employees Group Benefits Program has amended its Plan Documents of Benefits as necessitated by the Tax Reform Act of 1986 adding Section 89 (k) to the Internal Revenue Code, as follows:

1. Add definitions GG and HH to Article 1, Section I:

GG. The term Board of Trustees as used herein shall mean the entity created and empowered to administer the State Employees Group Benefits Program in accordance with the provisions of R.S. 42:871 et seq.

HH. The term Health Maintenance Organization (HMO) as used herein shall mean any legal entity which has received a certificate of authority from the Louisiana commissioner of insurance to operate as a health maintenance organization in Louisiana.

2. To describe employer contributions to the plan, add Section V to Article I:

V. Contributions

Pursuant to the provisions of R.S. 42:851 the State of Louisiana may contribute up to 50 percent of the premium cost. As of December 1, 1989, the state contributes 50 percent of the monthly premium cost for the Comprehensive Medical Plan and the Life Insurance Plan, and up to 50 percent of the monthly cost of a Health Maintenance Organization Option, not to exceed the contribution to the Comprehensive Medical Plan.

3. To describe the HMO option and annual open enrollment procedures, add Subsection (G) to Section II of Article 2:

G. Health Maintenance Organization (HMO) Option

In lieu of participating in the Comprehensive Medical Plan employees and retirees may elect coverage under an approved Health Maintenance Organization (HMO) operating within the zip code area of such persons' home residence. As of December 1, 1989, approved HMOs by geographic service area are as follows: CIGNA Health Plan of North Louisiana in Shreveport; Ochsner Health Plan, Community Health Network of Louisiana, Inc., and Gulf South Health Plan in Baton Rouge; and Maxicare of Louisiana, Ochsner Health Plan, and Principal Health Care of Louisiana, Inc. in New Orleans.

New employees may elect to participate in an HMO during their initial period of eligibility in accordance with the effective date and eligibility provisions of Article 2, Section II. Additionally, each HMO shall hold an annual open enrollment period in April for coverage effective date of July 1 for employees and retirees electing to enter or leave the HMO. Transfer of coverage from the State Employees Group Benefits Program to the HMO or vice-versa shall only be allowed during this annual open enrollment period, for an effective date of July 1. Transfer of coverage shall also be allowed as a consequence of the employee's being transferred into or out of the HMO geographic service area, with an effective date of the first of the month following transfer.

4. Amend Article 3, Section I (H), second paragraph add:

"... in a licensed medical facility..."

When a mental or nervous condition and/or substance abuse requires the covered person to be confined as a resident patient in a licensed medical facility which does not otherwise meet the definition of Hospital as defined in Article 1, Section I (R), the Program will pay 50 percent of all eligible expenses, (subject to the limitations contained in the Schedule of Benefits) including those of a Physician, following the satisfaction by the covered person of a separate \$300 deductible. This deductible will be in addition to any deductible amounts required under any other provision of this contract.

5. Add Subsection 1, to Section I, Article 3:

I. Continuation of Benefits for Certain Illnesses

Pursuant to the provisions of R.S. 42:851.6 effective June 26, 1989, any covered person who was receiving benefits for an illness which: (a) did not arise from alcohol or substance abuse; (b) commenced prior to and has continued without interruption since January 1, 1987; (c) requires either inpatient confinement or supervised residential confinement; (d) is certified by a physician to be permanent and irreversible; and (e) is further certified by a physician to necessitate a lifetime of inpatient care or supervised residential care in a licensed facility shall be reimbursed for eligible medical expenses incurred on or after June 26, 1989, in accordance with the plan of benefits as set forth in the Plan Document in effect as of January 1, 1987.

6. To recognize that the UR services are being performed by August International Corporation, amend Article 3, Section III Subsections B and C:

III. Utilization Review

B. Pre-Admission Certification (PAC) and Continued Stay Review (CSR) refer to the process used to certify the medical necessity and length of any hospital confinement as a registered bed patient. PAC and CSR are performed pursuant to a contract between the Board of Trustees and August International Corporation (AIC). PAC should be requested by plan members

or plan member's dependents through the treating physician for each inpatient hospital admission.

C. PAC shall include a second surgical opinion when required by AIC. Such second surgical opinion shall be rendered by a physician approved by AIC and the cost for the second opinion will be covered at 100 percent. AIC may, at its option, require a third opinion which will be covered at 100 percent. Benefits provided for a second or third surgical opinion shall be subject to applicable limitations of the Fee Schedule.

7. To recognize the means by which a plan may be terminated, amend Article 4, Section XVII:

XVII. Contract Amendments or Termination

The State of Louisiana, Board of Trustees of the State Employees Group Benefits Program has the statutory responsibility of providing health and accident and death benefits for covered persons to the extent that funds are available for such benefits. The board specifically reserves to itself the unilateral right to terminate or amend the eligibility and benefit provisions of its contracts from time to time as it may deem necessary to prudently discharge its duties. Any such termination or modifications shall be promulgated subject to the applicable provisions of law, and nothing contained herein shall be construed to guarantee or vest benefits for any participant, whether active or retired.

8. To indicate the means of contacting the administrator for further information, add Section XVIII to Article 4:

XVII. Plan Information

All documents and other contracts referenced herein are available for inspection upon request at the offices of the State Employees Group Benefits Program, located at 5825 Florida Boulevard, Baton Rouge, LA 70806.

Additional information about the plan may be obtained by writing to James D. McElveen, Ph.D., Executive Director for the State Employees Group Benefits Program at Box 44036, Capitol Station, Baton Rouge, LA 70804.

9. Remove second paragraph of Article 4, Section II, "Deadline for Filing Claims."

"Failure to furnish notice ... as soon as was reasonably possible."

10. Amend third paragraph of the letter to plan members from the chairman of the Board of Trustees, by deleting reference to equal sharing in the premium. Add paragraph reciting specific Section 89 requirements.

The program provides you and your dependents adequate health insurance protection at a reasonable premium in light of the health care available and the cost thereof at this time. The program operates entirely on the premiums received with the state sharing with you the premium charges. Administrative costs are kept low and \$.95 of every premium dollar is returned to the plan members in benefits paid.

The benefits provided through the program are maintained exclusively for the benefit of active and retired employees and their dependents. These individuals' rights under the program are legally enforceable.

11. To describe eligibility provisions for participation by legislative assistants, substitute the following for Subsection (E) to Section II of Article 1 and change the current Subsection (E) to Subsection (F):

E. Legislative Assistants

In accordance with the provisions of R.S. 24:31.5(D), legislative assistants shall be eligible to participate in the program, provided (a) they are employed on a full-time basis as defined by Article 1, Section I(E) and (b) have at least one year experience or receive at least 80 percent of the total compensation as such

assistants. Except as otherwise provided herein, all other eligibility provisions of Article 1, Section II shall apply.

James D. McElveen
Executive Director

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Special Bait Dealer's Permit

§329. Bait Dealer's Permit

A. Policy

The special bait dealer's permit is intended solely for the benefit of the recreational fishing public which desires to use live shrimp as bait during the closed season between the spring and fall shrimp season. Its purpose is to allow the uninterrupted operation of those commercial establishments which sell live bait shrimp to the fishing public during the spring and fall shrimp season. The permit is not intended for the direct use of recreational fishermen, charter boats, commercial fishermen who sell dead shrimp, or for any other entity which may wish to catch shrimp for its own use during the closed season.

B. Application

1. Application for the special bait dealer's permit will be accepted from January 1 through April 30.

2. Application will be accepted only from the owner of an existing business which sells or plans to sell live bait to recreational fishermen.

3. Application must be made on forms provided by the department; all information requested must be provided before the application will be processed.

4. Applicant must show proof of having acquired all necessary licenses and permits before the permit will be issued. This includes, if relevant, boat registration, vessel license, gear license, commercial fishing licenses, wholesale/retail dealers license, state sales tax number.

5. Applicant must post a \$1,000 cash bond or surety bond before the permit is issued. This bond will be forfeited if the permittee, his employee, or his contractor violates any provision of the rules and regulations concerning the special bait dealer's permit or if the permittee, his employee, or his contractor violates any commercial fishing law or regulation while operating under the permit. Property bonds are not acceptable.

6. Before the permit is issued an agent of the department must inspect the facilities of the applicant and verify that the applicant is operating a commercial establishment which sells live shrimp to the fishing public for use as bait, and that the applicant does have the facilities to maintain live shrimp. Notice to the public must be posted that live bait shrimp are available for sale. The applicant must have onshore facilities, including tanks with a minimum capacity of 500 gallons, available to hold live shrimp. These tanks must have provisions for aeration and/or circulation of the water in which live shrimp are held prior to sale. In determining total tank capacity of onshore facilities, the agent shall not count any tank with a capacity of less than 50 gallons.

7. Only the applicant, his designated employee, or his

contractor may operate under the permit. If the applicant has a contract with another party who will supply live bait shrimp to him, he must provide the department written evidence of the agreement. At the time of application, the applicant will specify who will be working under the permit. Should these persons change, the applicant will notify the department in the manner specified by the permit before the new vessel or persons operate under the permit. The permit is not transferrable to any other person or vessel without previous notification to the department in the manner specified by the permit.

8. Vessel operations under this permit shall be limited to areas specified by the department in the permit. The applicant shall specify in his application the area in which he would like to operate.

C. Operations

1. Only the vessel listed in the permit can be used under the permit. Live wells, aeration tanks, and other vessel facilities to maintain live shrimp must be carried on or built into this vessel; it must be used for both taking and transporting the live shrimp. The vessel must have a minimum of one compartment or tank with a capacity of 50 gallons. No other vessel may be used under the permit. Signs which identify the vessel as working under a special bait dealer's permit shall be posted on the vessel. These signs shall be visible from either side of the vessel and from the air; the word "BAIT" and the permit number shall be placed on these signs in letters at least 12 inches high.

2. Permitted gear is limited to one trawl not to exceed 25 feet along the cork line and 33 feet along the lead line. This is the only gear which can be used or carried aboard the permitted vessel while the vessel is operating under permit; no other commercial fishing gear may be on the vessel when it is being used under permit.

3. No dead shrimp may be aboard the vessel while it is operating under the permit. All dead shrimp and all other organisms caught while taking live bait shrimp must be immediately returned to the water except Atlantic Croaker, Gulf Menhaden and Threadfin Shad may be kept and sold as bait. Shrimp dying in onshore holding facilities may be sold for bait use only, in lots not to exceed 48 ounces in weight.

4. Bait shrimp may be taken only from sunrise to sunset; no night fishing is allowed under this permit.

5. The original permit must be in the possession of the person operating the vessel while it is engaged in taking shrimp under the terms of the permit.

6. Each time the permit is used the permittee must notify the department in the manner specified by the permit. Before the vessel departs the dock under permit the department must be advised of the time of departure and the general location in which trawling will take place; immediately after the permitted vessel returns to the dock the department must be notified of its time of return.

7. The permittee shall maintain an up-to-date record of the activities conducted under permit on forms provided by the department for that purpose. These forms shall be available for inspection by agents of the department upon request by said agents. Permittee will submit to the department, not later than September 1, the record of shrimp harvested under permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:497.C.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 15: (October 1989).

Don Hines
Chairman

RULE

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

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sport and Commercial Fishing

§137. Paddlefish

Pursuant to the authority granted under Louisiana Revised Statutes, Title 56, Section 22, the Louisiana Wildlife and Fisheries Commission prohibits the taking and possession of paddlefish, *Polyodon spathula*, commonly called spoonbill catfish, or paddlefish body parts, including eggs (roe), for a three-year period beginning November 1, 1989 and ending at sunset on October 31, 1992.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:22.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 12:368 (June 1986), LR 15: (October 1989).

Don Hines
Chairman

RULE

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

The Louisiana Wildlife and Fisheries Commission does hereby adopt the following rules and regulations establishing recreational bag limits for Spanish and King Mackerel:

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishing

§327. Daily Take and Possession Limits for Spanish and King Mackerel

A. The recreational bag limit for Spanish Mackerel (*Scomberomorus maculatus*) shall be 10 fish per person per trip.

B. The recreational bag limit for King Mackerel (*Scomberomorus cavalla*) shall be two fish per person per trip for private vessels. For charter vessels the recreational bag limit for King Mackerel shall be either three fish per person per trip, excluding captain and crew, or two fish per person per trip, including captain and crew, whichever is greater. For the purposes of this rule, charter vessels shall be defined as vessels permitted by the National Marine Fisheries Service to fish as a charter vessel under the Federal Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 15: (October 1989).

Virginia Van Sickle
Secretary

Notices of Intent

NOTICE OF INTENT

**Department of Agriculture and Forestry
Office of Animal Health Services
Livestock Sanitary Board**

In accordance with the provisions of LSA 49:950, et seq., the Administrative Procedure Act, and LSA 3:2095, relative to the power of the Louisiana Livestock Sanitary Board to deal with diseases of animals, notice is hereby given that the Louisiana Livestock Sanitary Board advertises its intent to amend and/or add to the regulations of the board:

Louisiana Administrative Code, Title 7, §11775 to require the following:

B. All swine consigned for exhibition or sale must be permanently identified as to the herd of origin by official ear tag or tattoo (ear notch identification will be accepted in lieu of tag or tattoo on registered, purebred animals) and this identification must be shown on the health certificate which accompanies the animal.

D. Pseudorabies Requirements

All breeding swine, over 6 months of age, shall be required to show an official negative test for pseudorabies conducted within 30 days prior to arrival at the fairgrounds, livestock show grounds, or breeders association sale grounds.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., November 17, 1989, at the following address: William B. Fairchild, D.V.M., State Veterinarian, Louisiana Department of Agriculture and Forestry, Louisiana Livestock Sanitary Board, Box 1951, Baton Rouge, LA 70821.

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: §11775. Governing the Admittance of Livestock

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There would be no costs or savings to state or local governmental units to implement the proposed amendment.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections for state or local governmental units as a result of the proposed amendment.

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

It is estimated that swine producers would have to pay a minimal additional cost to have the veterinarians, already required to go out to write the health certificates, draw a blood sample for submission to the state/federal diagnostic laboratory. The swine producers will benefit economically because their hogs will no longer be exposed to pseudorabies at shows and fairs. The veterinarians will benefit economically because they will receive additional income for collecting the blood samples and submitting them to the laboratory for testing. There will be no charge to the owners or the veterinarians for the laboratory performing the pseudorabies tests, as the testing will be done in the state/federal diagnostic laboratory by existing state/federal personnel.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is estimated that this rule change is needed so Louisiana swine producers can be more competitive with other states. It is estimated that there would be no effect on employment.

Richard Allen
Assistant Commissioner

John R. Rombach
Legislative Fiscal Officer

Bob Odom
Commissioner

NOTICE OF INTENT

**Department of Agriculture and Forestry
Office of Animal Health Services
Livestock Sanitary Board**

In accordance with the provisions of LSA 49:950, et seq., the Administrative Procedure Act, and LSA 3:2095, relative to the power of the Louisiana Livestock Sanitary Board to deal with diseases of animals, notice is hereby given that the Louisiana Livestock Sanitary Board advertises its intent to amend and/or add to the regulations of the board:

Title 7

**AGRICULTURE AND ANIMALS
Part XXI. Diseases of Animals**

**Chapter 17. Livestock Sanitary Board
Subchapter E. Swine**

§11780. Governing the Identification of Swine with Official Backtags and the Collection of Blood Samples from Officially Backtagged Swine at Slaughter Establishments Under State or Federal Meat Inspection.

A. Official Backtagging of Swine

1. All swine over six months of age that are not officially backtagged when received by a slaughter establishment under state or federal meat inspection, shall be identified by an official backtag, properly placed. The name and address of the consignor, the name and address of the owner of the herd of origin, (if different from that of the consignor), shall be recorded, along with the official backtag numbers, on forms provided for this purpose. A copy of the completed form shall be retained by the slaughter establishment for their records; the original is to be furnished to the meat inspector to accompany blood samples to the state/federal livestock diagnostic laboratory.

2. The slaughter establishment shall be responsible for the

identification of the animals and for maintaining required records.

B. Records

All records pertaining to the identification of the swine, the name and address of the owner of the herd of origin, (if different from that of the consignor), shall be maintained and made available to representatives of the Louisiana Livestock Sanitary Board, upon request.

C. Blood Sample Collection

A blood sample shall be collected from all swine. State and federal meat inspection personnel shall be responsible for the collection of the blood samples; the identification of the samples, the packaging and mailing of the blood samples and corresponding backtags and forms to the state-federal livestock diagnostic laboratory.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., November 17, 1989, at the following address: William B. Fairchild, D.V.M., State Veterinarian, Louisiana Department of Agriculture and Forestry, Louisiana Livestock Sanitary Board, Box 1951, Baton Rouge, LA 70821.

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: §11780. "Governing the Identification of Swine with Official Backtags"

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

There will be no costs or savings to state or local governmental units to implement the proposed rule.

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

Implementation of the proposed rule would have no effect on revenue collection of state or local governmental units.

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

Louisiana swine producers that sold their hogs at slaughter and found that their hogs were positive for pseudorabies would experience an initial economic loss; however, they would receive a long-term economic benefit by the eradication of this costly disease from their herds and from other herds in the state.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is estimated that there would be no effect on competition and employment if this rule is implemented.

Richard Allen
Assistant Commissioner

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Agriculture and Forestry
Office of Animal Health Services
Livestock Sanitary Board**

In accordance with the provisions of LSA 49:950, et seq., the Administrative Procedure Act, and LSA 3:2095, relative to the power of the Louisiana Livestock Sanitary Board to deal with diseases of animals, notice is hereby given that the Louisiana Livestock Sanitary Board advertises its intent to amend and/or add to the regulations of the board:

Louisiana Administrative Code, Title 7, §11701 to require the following:

Add to the definitions:

Official pseudorabies serological test means a test conducted at an approved laboratory and shall include the Enzyme-Linked Immunosorbent Assay (ELISA) Test, the Latex Agglutination Test (LAT), and the Microtitration Serum-Virus Neutralization Test (SN).

Swine herd test means an official pseudorabies test conducted on all swine in a herd which are over six months of age.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., November 17, 1989, at the following address: William B. Fairchild, D.V.M., State Veterinarian, Louisiana Department of Agriculture and Forestry, Louisiana Livestock Sanitary Board, Box 1951, Baton Rouge, LA, 70821.

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: §11701. "Definitions"**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There would be no costs or savings to state or local governmental units to implement the proposed amendment.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of the proposed amendment would have no effect on revenue collection of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There would be no costs and/or economic benefits to directly affected persons or non-governmental groups, if the proposed amendment is implemented.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This rule change is needed so that Louisiana can qualify for Stage 1 recognition of the National Pseudorabies Eradication Program Standards, which would make Louisiana's swine industry more competitive with other states. It is estimated that there would be no effect on employment if the proposed amendment is implemented.

Richard Allen
Assistant Commissioner

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Agriculture and Forestry
Office of Animal Health Services
Livestock Sanitary Board**

In accordance with the provisions of LSA 49:950, et seq., the Administrative Procedure Act, and LSA 3:2095, relative to the power of the Louisiana Livestock Sanitary Board to deal with diseases of animals, notice is hereby given that the Louisiana Livestock Sanitary Board advertises its intent to amend and/or add to the regulations of the board:

Louisiana Administrative Code, Title 7, §11777 to require the following:

2. All swine being sold for slaughter at a Louisiana livestock auction market, must be identified by an official backtag, placed on the forehead and consigned directly to a recognized slaughter establishment maintaining state/federal meat inspection.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., November 17, 1989, at the following address: William B. Fairchild, D.V.M., State Veterinarian, Louisiana Department of Agriculture and Forestry, Louisiana Livestock Sanitary Board, Box 1951, Baton Rouge, LA 70821.

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: §11777. "Governing the Operation of Livestock Auction Market"**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of the proposed amendment would not cost or save the state or any local governmental unit any money. The backtags to be used would be furnished by the U.S. Department of Agriculture.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of the proposed amendment would have no effect on revenue collection of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Auction market employees would be responsible for placing the backtags on the swine being sold for slaughter. Back-tagging swine to the herd of origin, is an important step in the total pseudorabies eradication program. Eradicating this costly disease from Louisiana swine would be an economic benefit to all Louisiana swine producers.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
It is estimated that there would not be any effect on competition or employment.

Richard Allen
Assistant Commissioner

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Animal Health Services Livestock Sanitary Board

In accordance with the provisions of LSA 49:950, et seq., the Administrative Procedure Act, and LSA 3:2095, relative to the power of the Louisiana Livestock Sanitary Board to deal with diseases of animals, notice is hereby given that the Louisiana Livestock Sanitary Board advertises its intent to amend and/or add to the regulations of the board:

Louisiana Administrative Code, Title 7, § 11717 to require the following:

A. In order to improve the protection of the livestock industry from the effects of contagious diseases of livestock, all veterinarians licensed in the state of Louisiana, are required to report to the state veterinarian, by telephone or wire, within 24 hours after diagnosis or tentative diagnosis, the occurrence of suspected occurrence, of the following contagious diseases: hog cholera, anthrax, vesicular condition, scabies, equine encephalomyelitis, Pullorum/typhoid, pseudorabies, or any other disease condition which may seriously threaten the welfare of the livestock and poultry industry.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., November 17, 1989, at the following address: William B. Fairchild, D.V.M., State Veterinarian, Louisiana Department of Agriculture and Forestry, Louisiana Livestock Sanitary Board, Box 1951, Baton Rouge, LA 70821.

Bob Odom
Commissioner

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: §11717. "Requiring the Reporting of Contagious Diseases"

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

There would be no costs or savings to state or local governmental units to implement the proposed amendment.

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

Implementation of the proposed amendment would have no effect on revenue collection of state or local governmental units.

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

It is estimated that there will be no additional costs or economic benefit to affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is estimated that there would be no effect on competition or employment if this rule is implemented.

Richard Allen
Assistant Commissioner

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Animal Health Services Louisiana Livestock Sanitary Board

In accordance with the provisions of LSA 49:950 et seq., the Administrative Procedure Act, and LSA 3:2095, relative to the power of the Louisiana Livestock Sanitary Board to deal with diseases of animals, notice is hereby given that the Louisiana Livestock Sanitary Board advertises its intent to amend and/or add to the regulations of the board:

Louisiana Administrative Code, Title 7, Section 11773 to require the following:

Title 7 AGRICULTURE AND ANIMALS Part XXI. Diseases of Animals Chapter 117. Livestock Sanitary Board Subchapter E. Swine §11773. Health Requirements Governing Admission of Livestock and Poultry

A. General Swine Requirements

1. All swine imported into Louisiana must meet the general requirements of LAC 7:XXI.11705 and the specific requirements of this Section.

2. No swine originating from a out-of-state livestock auction market, feeder pig sale or concentration point are eligible to move to a Louisiana livestock auction market, feeder pig sale or concentration point.

3. All swine consigned to Louisiana for feeding or breeding purposes or for exhibition must be permanently identified to the herd of origin by ear tag or tattoo (unless prohibited by federal regulation). Ear notch identification will be accepted in lieu of tag or tattoo on registered, purebred animals.

4. Feeding and/or breeding swine moving into Louisiana from an out-of-state specifically approved livestock auction market, feeder pig sale or concentration point, shall move to a Louisiana farm.

5. All eligible swine moving into Louisiana for slaughter purposes must be consigned to a specifically approved slaughter establishment maintaining state or federal meat inspection or livestock auction market specifically approved to handle slaughter hogs from out-of-state.

B. Brucellosis

In addition to the general requirements of LAC 7:XXI.11705 and the swine requirements of this Section, all swine for breeding purposes must show an official, negative test for brucellosis in the 1:25 dilution or a negative swine brucellosis card test within 30 days prior to date of shipment. Each animal must be individually identified to herd of origin by ear tag or tattoo unless prohibited by federal regulations (ear notch identification will be accepted in lieu of tag or tattoo on registered, purebred animals), and this identification must be recorded on the health certificate. An exception to this Section are swine from a validated brucellosis free herd. The validated herd number and individual identification of each animal must appear on the health certificate.

C. Pseudorabies Requirements:

1. All swine moving into Louisiana must originate from herds not known to be infected with pseudorabies and are negative to an official test for pseudorabies within 30 days of movement or originate from a qualified pseudorabies herd. The qualified herd number must be recorded on the health certificate.

2. a. Swine not known to be infected with, or exposed to, pseudorabies and not mingled with, or exposed to, swine of lesser or unknown status must:

- i. pass a negative official pseudorabies serologic test within 30 days prior to interstate shipment;
- ii. originate in a pseudorabies qualified negative herd;
- iii. originate in a pseudorabies monitored feeder pig herd;
- iv. be shipped directly from the farm of origin in a Stage III, IV, or Free State; or

v. be sold at an approved all class market or approved slaughter market and imported for feeding in a quarantined feedlot.

b. A permit is required for all breeding swine over six months of age, entering the state. The permit number is valid for 15 days and must be recorded on the health certificate. All swine entering the state on a permit will be quarantined at destination to be retested in 30 to 60 days at the owner's expense. The exception to Subparagraph b of this regulation is swine consigned directly to a specifically approved state or federal slaughter establishment maintaining state or federal meat inspection.

3. Swine not known to be infected with, or exposed to, pseudorabies may move as follows:

- a. directly to a recognized slaughter establishment;
- b. directly to an approved slaughter market or approved all class market and then directly to another approved slaughter market or a recognized slaughter establishment or quarantined feedlot; or
- c. directly to an approved slaughter market, then to a quarantined feedlot.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:615 (June 1985), amended LR 15:

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., October 5, 1989, at the following address: William B. Fairchild, D.V.M., State Veterinarian, Louisiana Department of Agriculture and Forestry, Louisiana Livestock Sanitary Board, Box 1951, Baton Rouge, LA 70821.

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules**

**Rule Title: Health Requirements Governing Admission
of Livestock and Poultry**

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

There would be no estimated implementation costs (savings) to state or local governmental units because of this proposed change. The United States Department of Agriculture, Veterinary Services, has appropriated sufficient funds to cover all costs associated with this rule change.

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

Implementation of the proposed rule would have no affect on revenue collection of state or local governmental units.

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

There would be an increase in business costs for Louisiana swine producers buying breeding swine from other states. This cost, estimated at \$1 per mile and an average veterinarian fee of \$40 to \$45 per hour, would be for having a licensed veterinarian draw blood samples on hogs 30-60 days after entry into Louisiana. The economic benefit to the swine producers would, however, be great because it would prevent this costly disease from being introduced into their herds and into surrounding herds. Implementation of a pseudorabies eradication program would also prevent more restrictions being placed on Louisiana swine moving to other states. It allows for the possibility of the swine producer obtaining a better price for his hogs by reasons of having pseudorabies free herds.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOY-
MENT (Summary)**

It is estimated that the implementation of this rule change would have no effect on competition and employment.

Richard Allen
Assistant Commissioner

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Agriculture and Forestry
Office of Animal Health Services
Livestock Sanitary Board**

In accordance with the provisions of LSA 49.950, et seq., the Administrative Procedure Act, and LSA 3:2095, relative to the power of the Louisiana Livestock Sanitary Board to deal with diseases of animals, notice is hereby given that the Louisiana Livestock Sanitary Board advertises its intent to amend and/or add to the regulations of the board:

**Title 7
AGRICULTURE AND ANIMALS
Part XXI. Diseases of Animals**

**Chapter 117. Livestock Sanitary Board
Subchapter E. Swine**

**§11776. Governing the Requirements for Quarantining,
Vaccinating and Testing of Swine for Pseudorabies in Louisiana**

A. The state veterinarian, or his representative, shall have the authority to conduct epidemiologic investigations and quarantine:

- 1. herds in which pseudorabies is confirmed;
- 2. trace procedures and sales of swine to and from quarantined premises and to inspect and collect blood samples from such swine.

B. The state veterinarian, or his representative, shall have the authority to conduct an epidemiological investigation and quarantine:

- 1. the herd of origin of swine which have been added to a herd that is quarantined because of pseudorabies,
- 2. herds which have received swine from herds found to have pseudorabies.

C. Swine herds in which one or more of the animals are found to be positive to pseudorabies, as determined by the epidemiologist, based on the interpretation of official tests, will be quarantined.

D. To be eligible for release from quarantine, a swine herd must meet one of the following requirements:

1. All swine positive to an official pseudorabies test must be removed and sold for slaughter; all swine which remain in the herd must be tested negative 30 days or more after removal of reactors. No livestock on the premises has shown signs of pseudorabies after removal of reactors.

2. All swine must be depopulated for 30 days and the herd premises must be cleaned and disinfected with an approved disinfectant.

E. All swine which die from pseudorabies, shall be buried or burned in such a way as to prevent the spread to other animals.

F. All movement from pseudorabies quarantined herds must be accompanied by a VS Form 1-27, Permit for Movement of Restricted Animals, listing the official, individual identification of each animal to be moved. This form must be delivered to an authorized representative at destination. These permits will be issued by a representative of the Louisiana Livestock Sanitary Board.

G. All swine moving from quarantined premises in interstate or intrastate commerce must move directly to a recognized slaughter establishment or through an approved slaughter market and then directly to a recognized slaughter establishment or to an approved swine quarantined feedlot.

H. The use of pseudorabies vaccine is prohibited, except by permission of the state veterinarian.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., October 5, 1989, at the following address: William B. Fairchild, D.V.M., State Veterinarian, Louisiana Department of Agriculture and Forestry, Louisiana Livestock Sanitary Board, Box 1951, Baton Rouge, LA 70821.

Bob Odom
Commissioner

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: §11776. Governing the Requirements for Quarantining, Vaccinating, and Testing of Swine for Pseudorabies

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There would be no costs or savings to state or local governmental units to implement the proposed rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections for state or local governmental units as a result of the proposed rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

It is estimated that swine producers would have to pay a minimal additional cost to have the veterinarians that come out to write health certificates, (already required under current regulations), draw a larger blood sample for submission

to the state/federal diagnostic laboratory. There will be no charge to the producer or the testing veterinarian for laboratory fees to run the pseudorabies tests because the tests will be performed in a state/federal laboratory by existing state/federal personnel, and paid for by funds appropriated by the U.S. Department of Agriculture. The swine producers will benefit economically, because their hogs will no longer be exposed to pseudorabies at shows and fairs. The veterinarians will benefit economically, because they will receive additional income for collecting and submitting the blood samples to the state/federal laboratory for pseudorabies testing.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Participation in the National Pseudorabies Program will allow Louisiana swine producers to move their swine interstate with less restrictions and therefore, to be more competitive with other states.

Richard Allen
Assistant Commissioner

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Management and Finance

Central Registry

In accordance with the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and R.S. 3:3660, R.S. 3:3654 and Public Law 99-198 (Food Security Act of 1985), notice is hereby given that the Department of Agriculture and Forestry, Central Registry, intends to adopt the following amendments:

Title 7 AGRICULTURE AND ANIMALS Part XXXVII. Security Devices

Chapter 181. Central Registry §18101. Definitions

• • • •

Central Registry means the place of recordation of all effective financing statements and written security devices which establish a security interest in farm products, and the place for recordation of assignments, amendments, extensions, and cancellations thereof.

• • • •

Security device is a written instrument that establishes a creditor's security interest in farm products of any pledge or privilege described in R.S. 9:4521, whether or not evidenced by a written instrument.

Security Interest means an interest in or encumbrance upon farm products that secures payment or performance or an obligation.

• • • •

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3652, R.S. 3:3654 and Public Law 99-198 (Food Security Act of 1985).

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Management and Finance,

Central Registry, LR 12:826 (December 1986), amended LR 13:560 (October 1987), LR 15:

§18103. Administration

The Central Registry will be administered by the commissioner and operated by the Office of Management and Finance of the department. All filings, notices, petitions, documents or other correspondence shall be addressed to the Louisiana Department of Agriculture and Forestry, Office of Management and Finance, Central Registry, Box 3481, Baton Rouge, LA 70821-3481.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3652, R.S. 3:3654 and Public Law 99-198 (Food Security Act of 1985).

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Management and Finance, Central Registry, LR 12:826 (December 1986), amended LR 13:560 (October 1987), LR:15.

§18105. Filing Procedures

A. - C. ...

D. All Effective Financing Statements or amendments, assignments, extensions and cancellations of Effective Financing Statements must be accompanied by the required fee unless approval for billing has been granted by the commissioner and completed in accordance with the instructions on the form.

E. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3652, R.S. 3:3654 and Public Law 99-198 (Food Security Act of 1985).

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Management and Finance, Central Registry, LR 12:826 (December 1986), amended LR 13:560 (October 1987), LR:15.

All inquiries should be sent to Richard Allen, Assistant Commissioner, Office of Management and Finance, Department of Agriculture and Forestry, Box 3481, Baton Rouge, LA 70821-3481.

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Security Devices**

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

There will be no implementation costs (savings) to the state or local governmental units.

A) The definition change requires secured parties to submit an E.F.S. with any security devices submitted for filing. This is current practice and is required in the original federal legislation which created the Central Registry.

B) The department currently allows secured parties to be billed for filing fees. This change merely puts this practice into regulation.

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

There will be no effect on revenue collections of state or local governmental units.

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

There will be no costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Richard Allen
Asst. Commissioner

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Economic Development
Board of Architectural Examiners**

Under the authority of R.S. 37:144 and in accordance with the provisions of R.S. 49:950 et seq., the Board of Architectural Examiners gives notice that rule making procedures have been initiated for the purpose of repealing §1109 relative to defining building construction costs referenced in R.S. 37:155(4)(c).

Title 46

**PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part I. Architects**

Chapter 11. Administration

§1109. Building Construction Cost Defined

In determining the maximum size of new buildings or projects or of existing buildings or projects involving additions, alterations or renovations which do not require the services of a licensed architect, the following construction cost values shall be utilized in estimating the cost of construction referenced in R.S. 37:155(4)(c).

Occupancy*	\$ Per Square Foot
Storage	20
Factory - Industrial	25
Mercantile	30
Business, Residential (except single family residences)	40
Educational, Institutional	50
Assembly, hazardous	80

*As defined in Standard Building Code

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Architectural Examiners, LR 14:607 (September 1988), Repealed, LR 15:

Interested persons may submit written comments on this proposed repeal to Mary "Teeny" Simmons, Executive Director, Board of Architectural Examiners, 8017 Jefferson Highway, Suite B2, Baton Rouge, LA 70809.

Mary "Teeny" Simmons
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: LAC §1109 - Building Construction Costs Defined

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no implementation costs/savings to the state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No effect on competition and employment is anticipated since this new rule merely repeals an existing rule which is no longer necessary in view of Act 653 of 1989.

Mary "Teeny" Simmons
Executive Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Economic Development
Office of Commerce and Industry
Financial Incentives Division**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 37:3111 et seq., the Department of Economic Development, Office of Commerce and Industry, is hereby giving notice of its intention to amend and adopt the rules and regulations detailed below.

Act 491 of the 1989 Regular Legislative Session made substantive changes to this program. Those changes are incorporated into the previous rules. In addition, new minority set-aside provisions, for compliance with Act 921 of 1987, are included in Rule 2. These rules were approved by the Louisiana Board of Commerce and Industry August 30, 1989.

Written comments may be addressed to Robert G. Berling, Program Administrator, Office of Commerce and Industry, Financial Incentives Division, Box 94185, Baton Rouge, LA 70804-9185.

**Title 13
ECONOMIC DEVELOPMENT**

Part 3. Corporate Headquarters Tax Equalization Program

R.S. 47:3201-3206

Rule 1 - Louisiana Manufacturers and Suppliers

The Board of Commerce and Industry requires any new corporate headquarters and their contractors to give preference and priority to Louisiana manufacturers and, in the absence of Louisiana manufacturers, to Louisiana suppliers, contractors, and labor, except where not reasonably possible to do so without added expense or substantial inconvenience or sacrifice in operational efficiency. In considering applications for tax exemption,

special attention will be given to those applicants agreeing to use, purchase and contract for machinery, supplies, and equipment manufactured in Louisiana, or in the absence of Louisiana manufacturers, sold by Louisiana residents, and the use of Louisiana contractors and labor in the construction and operation of proposed tax exempt facilities. It is a legal and moral obligation of the new corporate headquarters receiving exemptions to favor Louisiana manufacturers, suppliers, contractors, and labor, all other factors being equal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:3206.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

Rule 2 - Minority Set-Aside

A. Any new corporate headquarters, and its contractors, applying for an exemption or state-sponsored subsidy shall designate and set-aside for awarding to certified minority-owned businesses an amount not less than ten percent of the value of the anticipated total procurement of goods and services including construction for the exempted project, without added expense; provided such certified minority-owned businesses are majority-owned by Louisiana residents, operated by Louisiana residents and are competent to deliver the required products and services in a timely manner and perform the required work in a timely manner during construction and operation of the project.

B. The applicant should contact the Division of Minority and Women's Business Enterprise (the "division") to purchase the "Directory of Certified minority-owned businesses" for use in identifying qualified, certified minority-owned businesses.

C. Each affected corporate headquarters shall submit to the division, at the time of submitting an application for tax equalization to the Office of Commerce and Industry, and annually thereafter, its plan for compliance.

D. The set-aside plan for compliance prepared by each corporate headquarters shall include the following:

1) An affirmation that the establishment is committed to giving preference and priority to Louisiana businesses and to compliance with the intent of the minority set-aside statutes and rules.

2) The methods it will use to:

- a) encourage certified minority business participation;
- b) keep records of certified minority business participation;

c) require compliance by its bidders, contractors, and sub-contractors for their contracts with certified minority businesses.

3) On forms provided by the division, the annual anticipated expenditures for construction, machinery and equipment, cost of goods used in manufacturing, operating expenditures, and all other expenditures.

4) On the same forms, those products and services which the establishment believes:

a) cannot be purchased from a certified minority business without added expense, or can only be purchased from an out-of-state source, or which must be purchased from a sole-source provider;

b) cannot be delivered by a certified minority business in a timely manner; or,

c) cannot be performed by a certified minority-owned business in a timely manner.

d) All exceptions must be separately listed on an attachment with a brief explanation of why each is considered an exclusion.

E. The establishment will submit annually a report on its compliance for the previous year, within 90 days following the end of its operating year, or within 90 days of the anniversary date on which the contract became effective. The annual compliance report, on forms provided by the division, shall contain the actual expenditures and exceptions for which previous protections were reported under Part D (3) and (4) of this Rule.

F. On an annual basis and within twelve months of the end of the establishment's operating year or contract anniversary date, the division shall report to the secretary of Economic Development, regarding the status of the establishment's compliance efforts.

G. Within twelve months of the end of the establishment's operating year or contract anniversary date, if it is determined that an establishment has not given preference and priority to Louisiana businesses and/or is not in compliance with the minority set-aside statutes and rules, the secretary of economic development may recommend to the Board of Commerce and Industry that a proportionate reduction of the next annual exemption amount be made.

H. Documents and other materials submitted by Louisiana businesses for purposes of compliance with the minority set-aside statutes and rules shall be held in confidence and shall not be made public record, if the company determines that such records are trade or business secrets, and shall be maintained in a secured environment by the division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:3206.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

Rule 3 - Eligibility for submission of application

A. The applicant for tax equalization must be a corporation.

B. The sites under consideration must be valid and viable for the proposed new corporate headquarters operations.

C. A new corporate headquarters establishment at the time it is locating in Louisiana, must either be located in another state or be contemplating locating in another state which has equivalent or comparable advantages as exist at the particular area in Louisiana at which such establishment is locating.

D. The state in which the new establishment is located or is contemplating locating must have a state, franchise tax which offers a greater tax advantage to such establishment than does the franchise tax of Louisiana.

E. The secretary of Department of Economic Development must have made a recommendation to the governor to extend an invitation.

F. An invitation from the governor to apply must have been received by the company.

G. To be eligible for consideration under this program, the corporate headquarters facility must be new to the state or have the written approval of its competitors in order to apply for consideration for this program. The Standard Industrial Classification codes will be used to determine the competitive industries.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:3206.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

Rule 4 - Application Fees

A. An advance notification fee of \$100 shall be submitted with the prescribed advance notification form.

B. An application fee shall be submitted with the application, which fee is 0.2 percent of the estimated total amount of taxes to be exempted. In no case shall an application fee be less than \$200 and in no case shall a fee exceed \$5,000 per project. A fee of \$50 shall be charged for the renewal of a contract.

C. The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:3206.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

Rule 5 - Application Procedure

A. Prior to the formal announcement to locate in Louisiana, an "Advance Notification" of intent to file for the New Corporate Headquarters Tax Equalization must be filed with the Office of Commerce and Industry. The company will submit, on forms provided by the Office of Commerce and Industry, a comparison of taxes for all sites under consideration.

B. The secretary of Department of Economic Development, after favorable review of the Advance Notification, shall recommend to the governor that a written invitation to submit an application be extended to the company. The written invitation of the governor must be received before an application is submitted.

C. At the invitation of the governor an application, on forms furnished by the Office of Commerce and Industry, may be filed with the Office of Commerce and Industry. Upon staff review, the analysis and recommendation of the staff is presented to the Louisiana Board of Commerce and Industry.

D. The Board of Commerce and Industry shall review any recommendations for exemptions made by the Office of Commerce and Industry. All commerce and industry board action on applications will be made at regularly scheduled meetings. If the Board of Commerce and Industry concurs in the recommendation it shall forward the recommendation together with all supporting documents to the Louisiana Board of Tax Appeals.

E. Upon receipt of any such recommendation the Board of Tax Appeals shall notify the Department of Revenue and Taxation of said recommendation and shall make available to the Department of Revenue and Taxation the application and all supporting documents.

F. The Department of Revenue and Taxation shall within ten days after receipt of the notice file in writing with the Board of Tax Appeals any objections it has to granting the exemption.

G. The Board of Commerce and Industry, after review by the Board of Tax Appeals and with the approval of the governor, may enter into a contract of tax equalization with the new corporate headquarters establishment.

H. All information submitted will be held in confidence to the fullest extent permitted by the Public Records Law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:3206.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

Rule 6 - Application Contents

The application shall be submitted on forms provided by the Office of Commerce and Industry. A 10 year pro-forma balance sheet and income statement shall be provided by the applicant as the basis for all tax calculations. The application shall contain the following information:

A. The chief financial officer of the applicant company requesting New Corporate Headquarters Tax Equalization under this program will submit a written certification of the following estimated costs for each site under consideration:

- 1) construction cost;
- 2) site cost.

B. A certified estimate of the following state taxes covering the first 10 years of operations, filed for each site under consideration:

- 1) State Sales/Use Tax;
- 2) State Corporate Income Tax;
- 3) State Corporate Franchise Tax;
- 4) State Ad Valorem Property Tax (where applicable);
- 5) State Inventory Tax (where applicable);
- 6) Any other State taxes.

C. A certified estimate of the following local taxes covering the first 10 years of operations, filed for each site under consideration:

- 1) Local Sales/Use Tax;
- 2) Local Ad Valorem Property Tax;
- 3) Local Inventory Tax;
- (4) Any other local taxes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:3206.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

Rule 7 - Yearly Determination of Tax Equalization Amount

A. The contract of franchise tax equalization shall, on an annual basis, effect equality in amount between the franchise taxes payable in Louisiana and the franchise taxes which would have been payable in the competing state. For each taxable year of the contractee, at the time of filing the contractee's annual Louisiana Corporate Income and Franchise Tax return, the contractee shall furnish, to the Department of Revenue and Taxation and the Department of Economic Development, the following, where applicable, on an annual basis:

Using forms provided by the competing state, a computation of the corporate income tax and corporate franchise tax, including any applicable incentives, which would have been owed had the contractee located in the competing state.

B. The contractee shall authorize the Department of Economic Development to review all tax returns of the contractee and to share the information with the Department of Revenue and Taxation.

C. The data reflecting the franchise tax burden, including any available tax incentives, which would have been incurred in the competing state shall be compiled on behalf of the contractee by an independent Certified Public Accounting firm. The CPA firm shall certify to the best of its knowledge and belief that the data furnished are true and correct statements of the taxes which would have been incurred during the taxable year of the contractee had the contractee originally located in the competing state,

using the same level of business activity that the contractee enjoys in Louisiana.

D. Annually for each taxable year of the contractee and on the basis of all pertinent information, the Department of Revenue and Taxation shall compute the franchise tax liability of the contractee in Louisiana and the franchise tax liability that the contractee would have incurred had the contractee located in the competing state. The Department of Economic Development, Office of Commerce and Industry will assist the Department of Revenue and Taxation should any audit of the tax data for the competing state be necessary.

E. If the franchise tax liability of the contractee in Louisiana for the contractee's taxable year is greater than the franchise tax liability that the contractee would have incurred in the competing state, then the contractee's Louisiana franchise tax liability shall be reduced by allowing an exemption until the Louisiana tax burden is equal to the tax burden the contractee would have incurred if it had located in the competing state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:3206.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

Rule 8 - Contract Period/Project Completion Report

A. Contractee must file a project completion report, on forms provided by the Office of Commerce and Industry, within 30 days following the last day of the month after effective use of the structure has begun or construction is essentially complete, whichever occurs first.

B. The first year of the five-year franchise tax equalization contract period shall be the taxable year of the contractee in which operations begin as specified in the Project Completion Report, which report shall become an addendum to this contract. The contract shall expire on the last day of the forty-eighth month following the end of the taxable year of contractee in which operations begin.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:3206.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

Rule 9 - Affidavit of Final Cost

Within six months after completion of construction or the purchase of facility, the owner of the new corporate headquarters establishment shall file on the prescribed form an affidavit of final cost showing complete cost of the project, together with a fee of \$100 for the facility inspection which will be conducted by the Office of Commerce and Industry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:3206.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

Rule 10 - Contract Renewals

Not more than one year prior to the expiration of a contract and not less than six months prior to the expiration, a company wishing an additional five year contract period shall file with the Board of Commerce and Industry the information required in Rule 6 regarding certification of taxes. A renewal fee of \$50 must accompany the renewal application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:3206.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

Rule 11 - Annual Review/Violation of Contract

A. The contractee agrees to an annual review and inspection by the Department of Economic Development and shall make all books and records of the company available for inspection. The contractee agrees to have an officer of authority in attendance at the yearly review of the exemption by the Department of Economic Development. Included in this annual review shall be a review of employment data on the average number of jobs by month.

B. Written notice of any violations of the terms and conditions of this contract shall be given to contractee, who shall have 90 days within which to correct the violations. If the violation is not corrected within 90 days, any remaining portions of the exemption from tax granted under this contract may be terminated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:3206.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

Rule 12 - Environmental Report Requirement

Any new corporate headquarters establishment whose primary business is the commercial treatment, disposal, or destruction of hazardous waste generated outside Louisiana shall submit with the application:

- 1) information relative to the impact the new corporate headquarters establishment will have on the environment;
- 2) a history of the compliance with environmental laws in Louisiana or any other state in which the applicant has operated. The history will include a list of any citations issued by any federal, state or local agency charged with the enforcement of any law concerning the environment or the transportation, treatment, disposal or destruction of hazardous waste.

Robert Paul Adams
Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: New Corporate Headquarters Tax
Equalization**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No additional implementation costs will be incurred by either state or local government units. This program will continue to be administered by the Financial Incentives Division of the Office of Commerce and Industry.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This program does not impact local government revenues. State tax revenues will be impacted. State corporate franchise tax is equalized. No estimate is available on how many applications will be received, authorized by the governor, and approved by the Board of Commerce and Industry.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This program is an inducement to attract new corporate

headquarters to Louisiana, which would not otherwise locate in Louisiana due to a higher tax franchise burden. This program is designed to eliminate the tax differential through the equalization of the franchise taxes between a Louisiana site and a competing site in another state. This program is designed to induce new corporate headquarters to locate in Louisiana and create new jobs.

The new rules and statutes mandate additional reporting requirements for a company receiving the benefits of R.S. 51:3201-3206.

The company must file an annual compilation, of all state and local taxes paid in Louisiana, at the time it files its Corporate Income and Franchise Tax return to the Department of Revenue and Taxation. The annual tax compilation must be prepared by a Certified Public Accountant, along with supporting documents, statements, and opinions. In addition, the company must have the Certified Public Accountant prepare a similar compilation for the site in the competing state, on that state's reporting forms. The Department of Revenue and Taxation will then determine the amount of taxes to be equalized, on an annual basis.

This procedure may/will cause the company to incur additional recordkeeping and accounting costs. No estimate is available on the increased accounting cost.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

For qualifying new corporate headquarters, the Board of Commerce and Industry may enter into a contract to equalize the total tax burden in Louisiana to that of a competing site located in another state. This program may cause the total business tax burden of a newly located corporation to be less than that of a corporation already existing in Louisiana.

Robert Paul Adams
Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Economic Development
Office of Commerce and Industry
Financial Incentives Division**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 37:3111 et seq., the Department of Economic Development, Office of Commerce and Industry, is hereby giving notice of its intention to amend and adopt the rules and regulations detailed below.

Act 491 of the 1989 Regular Legislative Session made substantive changes to this program. Those changes are incorporated into the previous rules. In addition, new minority set-aside provisions, for compliance with Act 921 of 1987, are included in Rule 2. These rules were approved by the Louisiana Board of Commerce and Industry August 30, 1989.

Written comments may be addressed to Robert G. Berling, Program Administrator, Office of Commerce and Industry, Financial Incentives Division, Box 94185, Baton Rouge, LA 70804-9185.

Title 13
ECONOMIC DEVELOPMENT
Industrial Tax Equalization Program

Part 2.

RULE 1 - Louisiana Manufacturers and Suppliers

The Board of Commerce and Industry requires manufacturers and their contractors to give preference and priority to Louisiana manufacturers and, in the absence of Louisiana manufacturers, to Louisiana suppliers, contractors, and labor, except where not reasonably possible to do so without added expense or substantial inconvenience or sacrifice in operational efficiency. In considering applications for tax exemption, special attention will be given to those applicants agreeing to use, purchase and contract for machinery, supplies, and equipment manufactured in Louisiana, or in the absence of Louisiana manufacturers, sold by Louisiana residents, and the use of Louisiana contractors and labor in the construction and operation of proposed tax exempt facilities. It is a legal and moral obligation of the manufacturers receiving exemptions to favor Louisiana manufacturers, suppliers, contractors, and labor, all other factors being equal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:3206.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

RULE 2 - Minority Set-Aside

A. Any new manufacturing establishment, and its contractors, applying for an exemption or state-sponsored subsidy shall designate and set-aside for awarding to certified minority-owned businesses an amount not less than ten percent of the value of the anticipated total procurement of goods and services including construction for the exempted project, without added expense; provided such certified minority-owned businesses are majority-owned by Louisiana residents, operated by Louisiana residents and are competent to deliver the required products and services in a timely manner and perform the required work in a timely manner during construction and operation of the project.

B. The applicant should contact the Division of Minority and Women's Business Enterprise (the "division") to purchase the "Directory of Certified minority-owned businesses" for use in identifying qualified, certified minority-owned businesses.

C. Each affected manufacturing establishment shall submit to the division, at the time of submitting an application for tax equalization to the Office of Commerce and Industry, and annually thereafter, its plan for compliance.

D. The set-aside plan for compliance prepared by each manufacturing establishment shall include the following:

(1) An affirmation that the establishment is committed to giving preference and priority to Louisiana businesses and to compliance with the intent of the minority set-aside statutes and rules.

(2) The methods it will use to:

- a) encourage certified minority business participation;
- b) keep records of certified minority business participation;
- c) require compliance by its bidders, contractors, and subcontractors for their contracts with certified minority businesses.

(3) On forms provided by the division, the annual anticipated expenditures for construction, machinery and equipment, cost of goods used in manufacturing, operating expenditures, and all other expenditures.

4. On the same forms, those products and services which the establishment believes:

a) cannot be purchased from a certified minority business without added expense, or can only be purchased from an out-of-state source, or which must be purchased from a sole-source provider;

b) cannot be delivered by a certified minority business in a timely manner; or,

c) cannot be performed by a certified minority-owned business in a timely manner;

d) all exceptions must be separately listed on an attachment with a brief explanation of why each is considered an exclusion.

E. The establishment will submit annually a report on its compliance for the previous year, within 90 days following the end of its operating year, or within 90 days of the anniversary date on which the contract became effective. The annual compliance report, on forms provided by the division, shall contain the actual expenditures and exceptions for which previous projections were reported under Part D (3) and (4) of this rule.

F. On an annual basis and within twelve months of the end of the establishment's operating year or contract anniversary date, the division shall report to the Secretary of Economic Development, regarding the status of the establishment's compliance efforts.

G. Within 12 months of the end of the establishment's operating year or contract anniversary date, if it is determined that an establishment has not given preference and priority to Louisiana businesses and/or is not in compliance with the minority set-aside statutes and rules, the secretary of Economic Development may recommend to the Board of Commerce and Industry that a proportionate reduction of the next annual exemption amount be made.

H. Documents and other materials submitted by Louisiana businesses for purposes of compliance with the minority set-aside statutes and rules shall be held in confidence and shall not be made public record, if the company determines that such records are trade or business secrets, and shall be maintained in a secured environment by the division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:3206.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

RULE 3 - Eligibility for Submission of Application

A. The applicant for tax equalization must be a corporation.

B. The sites under consideration must be valid and viable for the proposed manufacturing operations.

C. A new manufacturing establishment at the time it is locating in Louisiana, must either be located in another state or be contemplating locating in another state which has equivalent or comparable advantages as exist at the particular area in Louisiana at which such establishment is locating.

D. The state in which the new establishment is located or is contemplating locating must have a state, parish (county) and local taxing structure which offers a greater tax advantage to such establishment than does the taxing structure of Louisiana.

E. The secretary of Department of Economic Development must have made a recommendation to the governor to extend an invitation.

F. An invitation from the governor to apply must have been received by the company.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:3206.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

RULE 4 - Application Fees

A. An advance notification fee of \$100 shall be submitted with the prescribed advance notification form.

B. An application fee shall be submitted with the application, which fee is 0.2 percent of the estimated total amount of taxes to be exempted. In no case shall an application fee be less than \$200 and in no case shall a fee exceed \$5000 per project. A fee of \$50 shall be charged for the renewal of a contract.

C. The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:3206.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

RULE 5 - Application Procedure

A. Prior to the formal plant announcement, an "Advance Notification" of intent to file for Industrial Tax Equalization must be filed with the Office of Commerce and Industry. The company will submit, on forms provided by the Office of Commerce and Industry, a comparison of taxes for all sites under consideration.

B. The secretary of the Department of Economic Development, after favorable review of the advance notification shall recommend to the governor that a written invitation to submit an application be extended to the company. The written invitation of the governor must be received before an application is submitted.

C. At the invitation of the governor an application, on forms furnished by the Office of Commerce and Industry, may be filed with the Office of Commerce and Industry. Upon staff review, the analysis and recommendation of the staff is presented to the Louisiana Board of Commerce and Industry.

D. The Board of Commerce and Industry shall review any recommendations for exemptions made by the Office of Commerce and Industry. All Commerce and Industry Board action on applications will be made at regularly scheduled meetings. If the Board of Commerce and Industry concurs in the recommendation it shall forward the recommendation together with all supporting documents to the Louisiana Board of Tax Appeals.

E. Upon receipt of any such recommendation the Board of Tax Appeals shall notify the Department of Revenue and Taxation of said recommendation and shall make available to the Department of Revenue and Taxation the application and all supporting documents.

F. The Department of Revenue and Taxation shall within ten days after receipt of the notice file in writing with the Board of Tax Appeals any objections it has to granting the exemption.

G. The Board of Commerce and Industry, after review by the Board of Tax Appeals and with the approval of the governor, may enter into a contract of tax equalization with the new manufacturing establishment.

H. All information submitted will be held in confidence to the fullest extent permitted by the Public Records Law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:3206.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

RULE 6 - Application Contents

The application shall be submitted on forms provided by the Office of Commerce and Industry. A 10-year pro-forma balance sheet and income statement shall be provided by the applicant as the basis for all tax calculations. The application shall contain the following information:

A. The chief financial officer of the applicant company requesting tax equalization under this program will submit a written certification of the following estimated costs for each site under consideration:

1. plant construction cost;
2. annual labor cost;
3. annual raw materials cost;
4. annual transportation cost;
5. annual power cost;
6. site cost.

B. A certified estimate of the following state taxes covering the first 10 years of operations, filed for each site under consideration:

1. State Sales/Use Tax;
2. State Corporate Income Tax;
3. State Corporate Franchise Tax;
4. State Ad Valorem Property Tax (where applicable);
5. State Inventory Tax (where applicable);
6. Any other State taxes.

C. A certified estimate of the following local taxes covering the first 10 years of operations, filed for each site under consideration:

1. Local Sales/Use Tax;
2. Local Ad Valorem Property Tax;
3. Local Inventory Tax;
4. Any other local taxes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:3206.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

RULE 7 - Yearly Determination of Tax Equalization Amount

A. The contract of tax equalization shall, on an annual basis, effect equality in amount between the taxes payable in Louisiana and the taxes which would have been payable in the competing state. For each taxable year of the contractee, at the time of filing the contractee's annual Louisiana Corporate Income and Franchise Tax return, the contractee shall furnish, to the Department of Revenue and Taxation and the Department of Economic Development, the following, where applicable, on an annual basis:

1. a taxable year compilation of what would have been the state and local sales and use taxes, including any applicable tax incentives, of the contractee had it located in the competing state, together with a compilation of the actual Louisiana state and local sales and use taxes paid for the contractee's taxable year;

2. using forms provided by the competing state, a computation of the corporate income tax and corporate franchise

tax, including any applicable incentives, which would have been owed had the contractee located in the competing state;

3. all other state and local returns or tax payment information, including any applicable tax incentives, for the contractee's taxable year which would have been filed or paid by the contractee had the contractee located in the competing state;

4. all other tax returns, including any applicable incentives, filed in the state of Louisiana with other state agencies or local governments.

B. The contractee shall authorize the Department of Economic Development to review all tax returns of the contractee and to share the information with the Department of Revenue and Taxation.

C. The data reflecting the tax burden, including any available tax incentives, which would have been incurred in the competing state shall be compiled on behalf of the contractee by an independent certified public accounting firm. The CPA firm shall certify to the best of its knowledge and belief that the data furnished are true and correct statements of the taxes which would have been incurred during the taxable year of the contractee had the contractee originally located in the competing state, using the same level of business activity that the contractee enjoys in Louisiana.

D. Annually for each taxable year of the contractee and on the basis of all pertinent information, the Department of Revenue and Taxation shall compute the total tax liability of the contractee in Louisiana and the total tax liability that the contractee would have incurred had the contractee located in the competing state. The Department of Economic Development, Office of Commerce and Industry will assist the Department of Revenue and Taxation should any audit of the tax data for the competing state be necessary.

E. If the total tax liability of the contractee in Louisiana for the contractee's taxable year is greater than the total tax liability that the contractee would have incurred in the competing state, then the contractee's Louisiana tax liability shall be reduced by allowing an exemption until the Louisiana tax burden is equal to the tax burden the contractee would have incurred if it had located in the competing state.

F. Exemptions from taxation shall be granted in the following priority:

1. state sales and use taxes on machinery and equipment to be used in the manufacturing process;
2. state corporation franchise tax;
3. state corporation income tax;
4. state sales and use taxes on materials and supplies required in the manufacture or production of a product;
5. any other tax imposed by the state of Louisiana to which the applicant is subject.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:3206.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

RULE 8 - Contract Period/Project Completion Report

A. Contractee must file a project completion report, on forms provided by the Office of Commerce and Industry, within 30 days following the last day of the month after effective use of the structure has begun or construction is essentially complete, whichever occurs first.

B. The first year of the five-year tax equalization contract period shall be the taxable year of the contractee in which operations begin as specified in the Project Completion Report, which

report shall become an addendum to this contract. The contract shall expire on the last day of the forty-eighth month following the end of the taxable year of contractee in which operations begin.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:3206.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

RULE 9 - Affidavit of Final Cost

Within six months after completion of construction or the purchase of facility, the owner of the new manufacturing establishment shall file on the prescribed form an affidavit of final cost showing complete cost of the project, together with a fee of \$100 for the plant inspection which will be conducted by the Office of Commerce and Industry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:3206.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

RULE 10 - Contract Renewals

Not more than one year prior to the expiration of a contract and not less than six months prior to the expiration, a company wishing an additional five-year contract period shall file with the Board of Commerce and Industry the information required in Rule 6 regarding certification of taxes. A renewal fee of \$50 must accompany the renewal application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:3206.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

RULE 11 - Annual Review/Violation of Contract

A. The contractee agrees to an annual review and inspection by the Department of Economic Development and shall make all books and records of the company available for inspection. The contractee agrees to have an officer of authority in attendance at the yearly review of the exemption by the Department of Economic Development. Included in this annual review shall be a review of employment data on the average number of jobs by month.

B. Written notice of any violations of the terms and conditions of this contract shall be given to contractee, who shall have ninety days within which to correct the violations. If the violation is not corrected within 90 days, any remaining portions of the exemption from tax granted under this contract may be terminated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:3206.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

RULE 12 - Environmental Report Requirement

Any new commercial manufacturing establishment whose primary business is the commercial treatment, disposal, or destruction of hazardous waste generated outside Louisiana shall submit with the application:

1. information relative to the impact the new manufacturing establishment will have on the environment;
2. a history of the compliance with environmental laws in Louisiana or any other state in which the applicant has operated. The history will include a list of any citations issued by any fed-

eral, state or local agency charged with the enforcement of any law concerning the environment or the transportation, treatment, disposal or destruction of hazardous waste.

Robert Paul Adams
Director

and Industry may enter into a contract to equalize the total tax burden in Louisiana to that of a competing site located in another state. This program may cause the total business tax burden of a newly located corporation to be less than that of a corporation already existing in Louisiana.

Robert Paul Adams
Director

John R. Rombach
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Industrial Tax Equalization Program**

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

No additional implementation costs will be incurred by either state or local government units. This program will continue to be administered by the Financial Incentives Division of the Office of Commerce and Industry.

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

This program does not impact local government revenues. State tax revenues will be impacted in the following priority order: state sales and use tax on machinery and equipment to be used in the manufacturing process; state corporate franchise tax; state corporate income tax; state sales and use taxes on materials and supplies required in the manufacture or production of a product; any other tax imposed by the state of Louisiana to which the applicant is subject. No estimate is available on how many applications will be received, authorized by the governor, and approved by the Board of Commerce and Industry.

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

The Industrial Tax Equalization Program is an inducement to attract new manufacturing facilities to Louisiana, which would not otherwise locate in Louisiana due to a higher tax burden. This program is designed to eliminate the tax differential through the equalization of the overall taxes between a Louisiana site and a competing site in another state. This program is designed to induce new corporations to locate in Louisiana and create new jobs.

The new rules and statutes mandate additional reporting requirements for a company receiving the benefits of R.S. 51:3201-3206.

The company must file an annual compilation of all state and local taxes paid in the Louisiana at the time it files its Corporate Income and Franchise Tax return to the Department of Revenue and Taxation. The annual tax compilation must be prepared by a Certified Public Accountant, along with supporting documents, statements, and opinions. In addition, the company must have the Certified Public Accountant prepare a similar compilation for the site in the competing state, on that state's reporting forms. The Department of Revenue and Taxation will then determine the amount of taxes to be equalized, on an annual basis.

This procedure may/will cause the company to incur additional recordkeeping and accounting costs. No estimate is available on the increased accounting cost.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

For qualifying manufacturers, the Board of Commerce

NOTICE OF INTENT

**Department of Economic Development
Office of Commerce and Industry
Financial Incentives Division**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 37:3111 et seq., the Department of Economic Development, Office of Commerce and Industry, is hereby giving notice of its intention to amend and adopt the rules and regulations detailed below.

New minority set-aside provisions, for compliance with Act 921 of the 1987 Regular Legislative Session, are included in Rule 12. This rule was approved by the Louisiana Board of Commerce and Industry, August 30, 1989.

Written comments may be addressed to Robert G. Berling, Program Administrator, Office of Commerce and Industry, Financial Incentives Division, Box 94185, Baton Rouge, LA 70804-9185.

**Title 13
ECONOMIC DEVELOPMENT
Part 5. Industry Assistance Program**

R.S. 47:4301-4306

Rule 12: Minority Set-Aside

A. Any new manufacturing establishment, and its contractors, applying for an exemption or state-sponsored subsidy shall designate and set-aside for awarding to certified minority-owned businesses an amount not less than ten percent of the value of the anticipated total procurement of goods and services including construction for the exempted project, without added expense; provided such certified minority-owned businesses are majority-owned by Louisiana residents, operated by Louisiana residents and are competent to deliver the required products and services in a timely manner and perform the required work in a timely manner during construction and operation of the project.

B. The applicant should contact the Division of Minority and Women's Business Enterprise (the "division") to purchase the "Directory of Certified minority-owned businesses" for use in identifying qualified, certified minority-owned businesses.

C. Each affected manufacturing establishment shall submit to the division, at the time of submitting an application for tax equalization to the Office of Commerce and Industry, and annually thereafter, its plan for compliance.

D. The set-aside plan for compliance prepared by each manufacturing establishment shall include the following:

1) An affirmation that the establishment is committed to giving preference and priority to Louisiana businesses and to compliance with the intent of the minority set-aside statutes and rules.

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Industrial Assistance Program**

- 2) The methods it will use to:
- a) encourage certified minority business participation;
 - b) keep records of certified minority business participation;
 - c) require compliance by its bidders, contractors, and subcontractors for their contracts with certified minority businesses.
- 3) On forms provided by the division, the annual anticipated expenditures for construction, machinery and equipment, cost of goods used in manufacturing, operating expenditures, and all other expenditures.
- 4) On the same forms, those products and services which the establishment believes:
- a) cannot be purchased from a certified minority business without added expense, or can only be purchased from an out-of-state source, or which must be purchased from a sole-source provider;
 - b) cannot be delivered by a certified minority business in a timely manner; or,
 - c) cannot be performed by a certified minority-owned business in a timely manner;
 - d) All exceptions must be separately listed on an attachment with a brief explanation of why each is considered an exclusion.

E. The establishment will submit annually a report on its compliance for the previous year, within 90 days following the end of its operating year, or within 90 days of the anniversary date on which the contract became effective. The annual compliance report, on forms provided by the division, shall contain the actual expenditures and exceptions for which previous projections were reported under Part D (3) and (4) of this Rule.

F. On an annual basis and within 12 months of the end of the establishment's operating year or contract anniversary date, the division shall report to the secretary of economic development, regarding the status of the establishment's compliance efforts.

G. Within 12 months of the end of the establishment's operating year or contract anniversary date, if it is determined that an establishment has not given preference and priority to Louisiana businesses and/or is not in compliance with the minority set-aside statutes and rules, the secretary of economic development may recommend to the Board of Commerce and Industry that a proportionate reduction of the next annual exemption amount be made.

H. Documents and other materials submitted by Louisiana businesses for purposes of compliance with the minority set-aside statutes and rules shall be held in confidence and shall not be made public record, if the company determines that such records are trade or business secrets, and shall be maintained in a secured environment by the division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:4306.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

Robert Paul Adams
Director

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No additional implementation costs will be incurred by either state or local government units. This program will continue to be administered by the Financial Incentives Division of the Office of Commerce and Industry which collects application fees for administration of all financial incentive programs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This rule does not impact state or local government revenues.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Any new manufacturing establishment, and its contractors, applying for an exemption or state-sponsored subsidy shall designate and set-aside for awarding to certified minority-owned businesses an amount not less than 10 percent of the value of the anticipated total procurement of goods and services including construction for the exempted project, without added expense; provided such certified minority-owned businesses are majority-owned by Louisiana residents, operated by Louisiana residents and are competent to deliver the required products and services in a timely manner and perform the required work in a timely manner during construction and operation of the project.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This rule may cause the total cost for procurement of goods and services for industries benefiting from this program to be more than that of a competing industry.

Robert Paul Adams
Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Economic Development
Office of Commerce and Industry
Financial Incentives Division**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 37:3111 et seq., the Department of Economic Development, Office of Commerce and Industry, is hereby giving notice of its intention to amend and adopt the Rules and Regulations detailed below.

This program was created by Act 642 of the 1983 Legislature, and later amended by Act 891 in 1984, Acts 695 and 915 in 1986, and Act 496 in 1989. Previous rules are being updated to reflect the legislative changes brought about by Act 496.

Act 496 made substantive changes to the program enabling statutes, R.S. 51:1921 et seq. The previous rules must be revised to accommodate the statutory changes and for additional rules to provide for: definitions; initial funding period; recertification; changes in investment requirements; reporting requirements; and transfer of income tax credits; etc.

Written comments may be addressed to Robert G. Berling, Program Administrator, Office of Commerce and Industry, Financial Incentives Division, Box 94185, Baton Rouge, LA 70804-9185.

Title 51
ECONOMIC DEVELOPMENT
Chapter 26

Louisiana Capital Companies Tax Credit Program
R.S. 51:1921-1932

Rule 1. Definitions

The following terms shall have the meanings provided herein, unless the context clearly indicates otherwise:

1) *Certified Louisiana capital company* means any partnership or corporation, whether organized on a profit or non-profit basis, that has as its primary business activity the investment of cash in such a manner as to acquire equity in "qualified Louisiana businesses" that are in need of capital for survival, expansion, new product development, or similar business purposes and that is certified by the secretary as meeting the criteria of Title 51, Chapter 26 and thus eligible for the tax credit provided in Title 51, Chapter 26.

2) *Department* means the Department of Economic Development.

3) *A qualified Louisiana business* means:

a) Any business which operates primarily in Louisiana and does substantially all of its production in Louisiana and which has no more than five hundred employees and has annual business receipts not in excess of seven million dollars.

b) Any business, which is classified as a qualified Louisiana business at the time of the first investment in said business by a certified Louisiana capital company, shall remain classified as a qualified Louisiana business for any later additional investment into by that certified Louisiana capital company.

4) *secretary* means the secretary of the Department of Economic Development.

5) *Equity* in a "qualified Louisiana business" is defined as an ownership interest in the business. An equity investment may include a security which has the characteristics of debt but which provides for conversion into equity at a future date. The department shall promulgate rules to determine what constitutes equity for the purpose of this definition.

6) *Certified capital* means an investment of cash pursuant to R.S. 51:1924(A) and (B) or an investment pursuant to R.S. 22:1068(E) into a certified Louisiana capital company.

7) *Qualified investment* means the investment of cash in such a manner as to acquire equity in a qualified Louisiana business.

8) The date that a Louisiana Capital Company is "certified" or is "newly certified" or is "designated as a certified Louisiana Capital Company", is the date that a Louisiana Capital Company is notified of the certification or recertification by the secretary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1921-1932.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

Rule 2. Investor Income Tax Credits

A. A person, either natural or artificial who invests in the capital of a certified Louisiana capital company may claim a credit against the person's Louisiana income tax in the person's taxable year in which the investment is made, as certified by the

department to the Department of Revenue and Taxation.

B. The credit shall be calculated by the department as 35 percent of the person's cash investment in the capital of a certified Louisiana capital company. The value of property or services contributed shall not be included for purposes of determining the credit.

C. The amount of the tax credit which exceeds the person's tax liability for the taxable year for which a credit is allowed may be carried forward to subsequent years until the credit is exhausted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1921-1932.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

Rule 3. Corporation Income and Franchise Tax Exemption

A. Notwithstanding any other provision of law to the contrary, any corporation that is a certified Louisiana capital company as provided for in Title 51, Chapter 26 shall be exempt from the corporation income tax and the corporation franchise tax levied pursuant to Title 47 of the Louisiana Revised Statutes of 1950 for five consecutive taxable periods. The exemption from corporation income tax shall commence with the taxable period in which the capital company is certified by the department. The exemption from corporation franchise tax shall commence with the taxable period next following the taxable period in which certification as a certified Louisiana capital company is obtained from the department.

B. In the case of a corporation obtaining certification as a certified Louisiana capital company prior to the beginning of its first taxable period, the exemption from corporation income tax provided for in Section A, of this rule, shall commence with the corporation's first taxable period and shall continue through its next four consecutive taxable periods. The exemption from corporation franchise tax shall commence with the corporation's second taxable period and shall continue through its next four consecutive taxable periods.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1921-1932.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

Rule 4. Exemptions from Premium Taxes for Insurance Companies

A. A premium tax reduction for insurers investing in certified capital companies shall be computed as one hundred and twenty percent of the amount of the investment at the time the investment is made. The investment shall be in the form of cash and/or debt instruments which are obligations of the investing insurance company to the certified capital company. Such debt instruments shall be converted into cash at a rate of not less than 10 percent per year from the date of the investment.

B. The premium tax reduction shall be subject to the following limitations:

1. For investments made during any taxable year beginning on or after January 1, 1989 and before January 1, 1990, the tax reduction shall not exceed 40 percent of tax liability for that taxable year.

2. For investments made during any taxable year beginning on or after January 1, 1990 and before January 1, 1991, the tax reduction shall not exceed 30 percent of the tax liability for the respective taxable year.

3. For investments made during any taxable year beginning on or after January 1, 1991 and before January 1, 1993, the tax reduction shall not exceed 25 percent of the tax liability for the respective taxable year.

4. For investments made during any taxable year beginning on or after January 1, 1993, no tax reduction shall be allowed.

C. The tax reduction shall be applied to the premium tax liability not to exceed 10 percent of the premium tax reduction in any one year until 100 percent of the premium tax reduction has been claimed by the insurer; provided, however, that the reduction in any taxable year shall not exceed the premium tax liability for such taxable year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1921-1932.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

Rule 5. Application Fees, Other Fees

The following fees must be submitted:

A. An "Advance Notification" of intent to seek certification shall be filed by a capital company prior to filing an application. An advance notification fee of \$100 shall be submitted with the advance notification form.

B. An application fee shall be submitted with the application based on 0.2 percent of the estimated total amount of taxes to be exempted. In no case shall an application fee be smaller than \$200 and in no case shall a fee exceed \$5,000 per project. Please make checks payable to: Louisiana Office of Commerce and Industry.

C. The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications and applications which have been accepted, will not be refundable.

D. The secretary shall conduct an annual review of each certified Louisiana capital company to determine the company's compliance with the rules and statutes. The company will receive notice of the annual review 45 days in advance. A review fee of \$100 must be returned and received 15 days prior to the appointment date of the annual review.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1921-1932.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

Rule 6. Application Process

A. A company organized and existing under the laws of Louisiana, created for the purpose of making venture or risk capital available for qualified investments as required in R.S. 51:1921 et al, shall make written application for certification to the secretary of the Department of Economic Development on application forms provided by the Office of Commerce and Industry.

B. The form for applying to become a "certified" Louisiana capital company may be obtained from the Office of Commerce and Industry, Financial Incentives Division, Box 94185, Baton Rouge, LA 70804-9185 and shall be filed at the same address. The time and date of filings shall be recorded at the time of filing in the office of the Financial Incentives Division and

shall not be construed to be the date of mailing.

C. Said application shall be signed by a duly authorized officer, or partner, and contain the following information and evidence:

1. the full legal name of the company;

2. the street address of the applicant's principal office in Louisiana;

3. the names and respective street addresses of the applicant's directors and officers or general and managing partners including street number in any city or town, state and zip code;

4. a certified copy of the certificate of incorporation, and articles of incorporation, or a certified copy of the certificate of formation of a limited partnership, or trust documents, or other evidence that the company is organized and existing under the laws of Louisiana, as required by the Secretary of State;

5. information and evidence that the applicant's purpose is to encourage and assist in the creation, development, and expansion of Louisiana businesses and to provide maximum opportunities for the employment of Louisiana residents, by making venture or risk capital available to Louisiana businesses;

6. pursuant to Louisiana Revised Statutes 51:701-724 and Rule 1 of the Office of the Louisiana Commissioner of Securities, which comprises Sections 64:701 to 723 of the Louisiana Administrative Code, information and evidence that the applicant has filed a disclosure document; or, for a company claiming exemption from the registration provisions, information and evidence that the company has filed for an exemption;

Any company subject to filing a registration, or an exemption filing, must also provide a properly executed Consent to Service of Process to the Office of the Louisiana Commissioner of Securities;

7. information and evidence that the applicant has disclosed or will disclose to all investors that a tax credit is not available for an investment in a company until the company has been designated a "certified" Louisiana capital company;

8. information and evidence that the applicant has disclosed or will disclose to all investors that all statutory limits on tax credits are disclosed;

9. information and evidence that the applicant has disclosed or will disclose to all investors that the State of Louisiana is not liable for damages to an investor in a Louisiana capital company that fails to become designated as a "certified" Louisiana capital company;

10. a statement that if the investors in the company or partnership receive a tax credit under Title 51, Chapter 26, then the company will use the capital base included by such tax credit to make qualified investments as required in R.S. 51:1926;

11. a statement that the company will comply with all requirements of Title 51, Chapter 26, including the filing of quarterly reports of new investors and qualified investments that include the name of each investor in a "certified" Louisiana capital company who has applied for a tax credit, the amount of each investor's investment, the amount of tax credit allowed to the investor and the date on which the investment was made;

12. information stating the total capital account of the applicant and how the value has been determined and how the equity portion has been determined. A capital company's initial capitalization, at the time of seeking certification, must be \$200,000 or more;

13. the certified Louisiana capital company shall include in any offering involving the sale of shares to an investor, the following statement:

"The State of Louisiana is not liable for damages to an

investor in a certified Louisiana capital company. Use of the words "certified" or "Louisiana" in an offering does not constitute a recommendation or endorsement of the investment by the Louisiana Department of Economic Development."

D. The secretary of Economic Development shall cause all applications to be reviewed by the department and designate those he determines to be complete. In the event that an application is deemed to be incomplete in any respect, the applicants will be notified within 15 days of receipt. An incomplete application shall be resubmitted, either in a partial manner or totally, as deemed necessary by the department.

E. Within 60 days of application, the secretary shall issue the certification and notify the Department of Revenue and Taxation and the Commissioner of Insurance of said certification or shall refuse the certification and communicate in detail to the applicant the grounds for the refusal, including suggestions for the removal of those grounds.

F. The submission of any false or misleading information in the application documents will be grounds for rejection of the application and denial of further consideration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1921-1932.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

Rule 7. Initial Funding Period

A. Except as provided by R.S. 22:1068(E), a newly certified Louisiana capital company will have a funding period of 12 months, from the date of receiving certification, in which to solicit investment into its certified capital.

B. A Louisiana Capital Company shall be considered "newly certified" on the date that it is certified or recertified by the secretary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1921-1932.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

Rule 8. Requirements For Continuance Of Certification

A. To continue in certification a certified Louisiana capital company must make qualified investments according to the following schedule:

1. Within three years after the date on which the capital company was designated as a certified Louisiana capital company at least 50 percent of the total certified capital must be invested, with at least 30 percent of the total certified capital placed in qualified investments.

2. Within five years after the date on which the capital company was designated as a certified Louisiana capital company at least 80 percent of the total certified capital must be invested, with at least 50 percent of the total certified capital placed in qualified investments.

B. No qualified investment may be made at a cost to a certified Louisiana capital company greater than 15 percent of the total certified capital under management of the certified Louisiana capital company at the time of investment.

C. Investments in businesses primarily engaged in oil and gas exploration and development, real estate development or appreciation, banking or lending operations, or rendering licensed professional services shall not be counted as qualified investments.

D. Documents and other materials submitted by certified

Louisiana capital companies or by Louisiana businesses for purposes of the continuance of certification shall not be public records if such records are determined to be trade or business secrets and shall be maintained in a secured environment by the department.

E. All qualified investments in equity in qualified Louisiana businesses as defined in R.S. 51:1923, including any losses therein incurred after certification, will be considered in the calculation of the percentage requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1921-1932.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

Rule 9. Reports to the Office of Commerce and Industry:

A. Each certified Louisiana capital company shall report the following to the Office of Commerce and Industry of the department on a calendar quarterly basis:

1. The name of each investor in a certified Louisiana capital company entitled to either an income tax credit or an insurance premium tax credit, including federal and state income tax identification numbers and, if applicable, the insurance premium tax identification number.

2. The amount of each investor's investment and tax credit.

3. The date on which the certified Louisiana capital company received the investment.

4. The amount of the certified Louisiana capital company's certified capital at the end of the quarter.

5. Whether or not the certified Louisiana capital company has invested more than 15 percent, of the total certified capital under management, in any one company.

B. Each certified Louisiana capital company shall report to the Office of Commerce and Industry annually, on a calendar year basis, all qualified investments that the company has made.

C. The certified Louisiana capital company shall provide annual audited financial statements which include the opinion of an independent certified public accountant to the secretary of the Department of Economic Development within 90 days of the close of its fiscal year. The audit shall address the methods of operation and conduct of the business of the certified Louisiana capital company to determine if the company is complying with the statutes and program rules and that the funds received by the company have been invested as required within the time limits provided by statute.

D. The Office of Commerce and Industry shall furnish a list of persons or businesses who may claim the tax credit to the Department of Revenue and Taxation and the Commissioner of Insurance on a calendar year quarterly basis following receipt of such quarterly information as provided for above.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1921-1932.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

Rule 10. Transfer or Sale of Income Tax Credits

A. The Department of Economic Development will notify the Department of Revenue and Taxation of all transactions involving the transfer or sale of income tax credits granted under R.S. 51:1924 and reported pursuant to R.S. 51:1925(D). The Louisiana certified capital company, from which the credit was obtained, must notify the Department of Economic Develop-

ment within 30 days following the date of the transaction.

B. The purchaser of an income tax credit must notify the Department of Economic Development within 30 days of entering an agreement to transfer or purchase income tax credits from an investor in a Louisiana certified capital company.

C. The notification should include a copy of the act of transfer or sale. The act of transfer or sale should contain the original investors' income tax credit balance prior to transfer, the remaining balance after transfer, all tax identification numbers for both seller and purchaser, the date of transfer, and the amount of the transfer.

D. Failure to comply with this rule may jeopardize the income tax credit transferred.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1921-1932.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

Rule 11. Decertification

A. The secretary shall conduct an annual review of each capital company certified under the program to determine if the certified Louisiana capital company is abiding by the requirements of certification, to advise the certified Louisiana capital company as to the certification status of its qualified investments, and to ensure that no investment has been made in violation of R.S. 51:1926. The cost of the annual review shall be paid by each certified Louisiana capital company according to a reasonable fee schedule adopted under the provisions of the Administrative Procedure Act.

B. Any violation of R.S. 51:1926(C) shall be grounds for decertification. If the secretary determines that a company is not in compliance with any requirements for continuing in certification, he shall, by written notice, inform the officers of the company and the board of directors or partners that they will be decertified in 120 days from the date of mailing of the notice unless they correct the deficiencies and are once again in compliance with the requirements for certification.

C. At the end of the 120-day grace period, if the certified Louisiana capital company is still not in compliance, the secretary shall send a notice of decertification to the company and to the secretary of the Department of Revenue and Taxation. Decertification of a certified Louisiana capital company shall cause the forfeiture of income tax credits under this Chapter and shall cause said credits previously claimed to be due and payable with the investor's income tax liability for the year of decertification. The decertified company is solidarily liable with each investor in the company for the repayment of said credit.

D. The Department of Revenue and Taxation shall send written notice to the address of each person whose tax credit has been forfeited, using the address last shown on the person's last income tax filing.

E. Records, documents and any other materials submitted to the Office of Commerce and Industry by a "certified" capital company shall be exempted from release under the Public Records Act, R.S. 4:1 et seq., specifically Section 44:4 that refers in part to "records that pertain to the business of the private person, firm or corporation, and are in their nature confidential."

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1921-1932.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

Rule 12. Voluntary Decertification

A. At any time a certified Louisiana capital company may voluntarily decertify itself by sending written notice of decertification to the secretary and by remitting to the secretary of the Department of Revenue and Taxation full payment of all income tax credits claimed by investors under its participation in the certification program. These amounts are due notwithstanding the fact that the years for which the credits were originally taken may have prescribed. Thereafter, the capital company shall be a full subrogee to the state of Louisiana through the Department of Revenue and Taxation for such sums as were remitted by the company, against its investors or equity owners.

B. After 10 years of continuous certification, when a certified Louisiana capital company has invested 60 percent of its certified capital in qualified investments, a certified Louisiana capital company may voluntarily decertify itself by sending written notice of decertification and no tax credits claimed under R.S. 51:1924(A) and (B), R.S. 51:1932, and R.S. 22:1068(E) will be subject to repayment, recapture, or retaliation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1921-1932.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

Rule 13. Recertification

Any Louisiana capital company certified prior to September 8, 1989 may apply to the secretary for recertification by written request. A Louisiana capital company applying for recertification must demonstrate to the satisfaction of the secretary that the capital company is in compliance with Louisiana R.S. 51:1921, et seq. and the rules and regulations promulgated thereunder. Any Louisiana capital company recertified hereunder shall be considered newly certified from the date of recertification.

Robert Paul Adams
Director

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Louisiana Capital Companies Tax Credit Program

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

This program was created by Act 642 of the 1983 Legislature, and later amended by Act 891 in 1984, Acts 695 and 915 in 1986, and Act 496 in 1989. Previous rules are being updated to reflect the legislative changes brought about by Act 496. No additional implementation costs will be incurred by state or local governments.

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

This program does not impact local government revenues. State income taxes and state insurance premium taxes will be reduced. To date, three capital companies have been designated as "certified Louisiana capital companies". As of September 1, 1989, \$6,426,872.67 in investments are reported by the first two companies. State income tax credits total \$2,249,405.43 and state insurance premium tax credits total \$12,278,410.

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

An investor in a certified Louisiana capital company receives an income tax credit, calculated at 35 percent of the cash investment, on income taxed in the year in which the investment is made. Any remaining tax credit may be carried forward until exhausted. The value of property or services contributed cannot be included for purposes of determining the income tax credit. For insurance companies that invest in certified Louisiana capital companies, a premium tax reduction is available. The annual premium tax reduction is subject to certain limitations.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The primary purpose of the Louisiana Capital Companies Tax Credit Program is to provide assistance in the formation and expansion of new businesses which create jobs in the state by providing for the availability of venture capital financing to entrepreneurs, managers, inventors, and other individuals for the development and operation of "qualified Louisiana businesses".

Robert Paul Adams
Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Economic Development
Office of Commerce and Industry
Financial Incentives Division**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 37:3111 et seq., the Department of Economic Development, Office of Commerce and Industry, is hereby giving notice of its intention to amend and adopt the rules and regulations detailed below.

Act 491 of the 1989 Regular Legislative Session made substantive changes to this program. Those changes are incorporated into the previous rules. These rules were approved by the Louisiana Board of Commerce and Industry August 30, 1989.

Written comments may be addressed to Robert G. Berling, Program Administrator, Office of Commerce and Industry, Financial Incentives Division, Box 94185, Baton Rouge, LA 70804-9185.

**Title 13
ECONOMIC DEVELOPMENT
Part 4. New Warehousing and Distribution Tax
Equalization Program**

R.S. 47:3201-3206

Rule 1 - Louisiana Manufacturers and Suppliers

The Board of Commerce and Industry requires new warehousing and distribution establishments and their contractors to give preference and priority to Louisiana manufacturers and, in the absence of Louisiana manufacturers, to Louisiana suppliers, contractors, and labor, except where not reasonably possible to do so without added expense or substantial inconvenience or sacrifice in operational efficiency. In considering applications for tax exemption, special attention will be given to those applicants agreeing to use, purchase and contract for machinery,

supplies, and equipment manufactured in Louisiana, or in the absence of Louisiana manufacturers, sold by Louisiana residents, and the use of Louisiana contractors and labor in the construction and operation of proposed tax exempt facilities. It is a legal and moral obligation of the new warehousing and distribution establishments receiving exemptions to favor Louisiana manufacturers, suppliers, contractors, and labor, all other factors being equal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:3206.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

Rule 2 (not used)

Rule 3 - Eligibility for submission of application

A. The applicant for new warehousing and distribution tax equalization must be a corporation.

B. The sites under consideration must be valid and viable for the proposed new warehousing and distribution operations.

C. A new warehousing and distribution establishment at the time it is locating in Louisiana must either be located in another state or be contemplating locating in another state which has equivalent or comparable advantages as exist at the particular area in Louisiana at which such establishment is locating.

D. The state in which the new warehousing and distribution establishment is located or is contemplating locating must have a state, parish (county) and local taxing structure which offers a greater tax advantage to such establishment than does the taxing structure of Louisiana.

E. The secretary of Department of Economic Development must have made a recommendation to the governor to extend an invitation.

F. An invitation from the governor to apply must have been received by the company.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:3206.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

Rule 4 - Application Fees

A. An advance notification fee of \$100 shall be submitted with the prescribed advance notification form.

B. An application fee shall be submitted with the application, which fee is 0.2 percent of the estimated total amount of taxes to be exempted. In no case shall an application fee be less than \$200 and in no case shall a fee exceed \$5000 per project. A fee of \$50 shall be charged for the renewal of a contract. Please make checks payable to the Louisiana Office of Commerce and Industry.

C. The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:3206.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

Rule 5 - Application Procedure

A. Prior to the formal announcement of the new warehousing and distribution location, an "Advance Notification" of intent to file for new warehousing and distribution tax equalization must be filed with the Office of Commerce and Industry. The company will submit, on forms provided by the Office of Commerce and Industry, a comparison of taxes for all sites under consideration.

B. The secretary of Department of Economic Development, after favorable review of the Advance Notification, shall recommend to the governor that a written invitation to submit an application be extended to the company. The written invitation of the governor must be received before an application is submitted.

C. At the invitation of the governor an application, on forms furnished by the Office of Commerce and Industry, may be filed with the Office of Commerce and Industry. Upon staff review, the analysis and recommendation of the staff is presented to the Louisiana Board of Commerce and Industry.

D. The Board of Commerce and Industry shall review any recommendations for exemptions made by the Office of Commerce and Industry. All Commerce and Industry board action on applications will be made at regularly scheduled meetings. If the Board of Commerce and Industry concurs in the recommendation it shall forward the recommendation together with all supporting documents to the Louisiana Board of Tax Appeals.

E. Upon receipt of any such recommendation the Board of Tax Appeals shall notify the Department of Revenue and Taxation of said recommendation and shall make available to the Department of Revenue and Taxation the application and all supporting documents.

F. The Department of Revenue and Taxation shall within ten days after receipt of the notice file in writing with the Board of Tax Appeals any objections it has to granting the exemption.

G. The Board of Commerce and Industry, after review by the Board of Tax Appeals and with the approval of the governor, may enter into a contract of tax equalization with the new warehousing and distribution establishment.

H. All information submitted will be held in confidence to the fullest extent permitted by the Public Records Law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:3206.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

Rule 6 - Application Contents

The application shall be submitted on forms provided by the Office of Commerce and Industry. A 10 year pro-forma balance sheet and income statement shall be provided by the applicant as the basis for all tax calculations. The application shall contain the following information:

A. The chief financial officer of the applicant company requesting new warehousing and distribution tax equalization under this program will submit a written certification of the following estimated costs for each site under consideration:

1. construction cost;
2. annual labor cost;
3. annual transportation cost;
4. annual power cost;
5. site cost.

B. A certified estimate of the following state taxes covering the first 10 years of operations, filed for each site under consideration:

- 1) State Sales/Use Tax;
- 2) State Corporate Income Tax;
- 3) State Corporate Franchise Tax;
- 4) State Ad Valorem Property Tax (where applicable);
- 5) State Inventory Tax (where applicable);
- 6) Any other State taxes.

C. A certified estimate of the following local taxes covering the first 10 years of operations, filed for each site under consideration:

- 1) Local Sales/Use Tax;
- 2) Local Ad Valorem Property Tax;
- 3) Local Inventory Tax;
- 4) Any other local taxes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:3206.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

Rule 7 - Yearly Determination of Tax Equalization Amount

A. The contract for new warehousing and distribution tax equalization shall, on an annual basis, effect equality in amount between the taxes payable in Louisiana and the taxes which would have been payable in the competing state. For each taxable year of the contractee, at the time of filing the contractee's annual Louisiana Corporate Income and Franchise Tax return, the contractee shall furnish, to the Department of Revenue and Taxation and the Department of Economic Development, the following, where applicable, on an annual basis:

1) a taxable year compilation of what would have been the state and local sales and use taxes, including any applicable tax incentives, of the contractee had it located in the competing state, together with a compilation of the actual Louisiana state and local sales and use taxes paid for the contractee's taxable year;

2) using forms provided by the competing state, a computation of the corporate income tax and corporate franchise tax, including any applicable incentives, which would have been owed had the contractee located in the competing state;

3) all other state and local returns or tax payment information, including any applicable tax incentives, for the contractee's taxable year which would have been filed or paid by the contractee had the contractee located in the competing state;

4) all other tax returns, including any applicable incentives, filed in the state of Louisiana with other state agencies or local governments.

B. The contractee shall authorize the Department of Economic Development to review all tax returns of the contractee and to share the information with the Department of Revenue and Taxation.

C. The data reflecting the tax burden, including any available tax incentives, which would have been incurred in the competing state shall be compiled on behalf of the contractee by an independent certified public accounting firm. The CPA firm shall certify to the best of its knowledge and belief that the data furnished are true and correct statements of the taxes which would have been incurred during the taxable year of the contractee had the contractee originally located in the competing state, using the same level of business activity that the contractee enjoys in Louisiana.

D. Annually for each taxable year of the contractee and on the basis of all pertinent information, the Department of Revenue and Taxation shall compute the total tax liability of the contractee in Louisiana and the total tax liability that the contractee would have incurred had the contractee located in the competing state. The Department of Economic Development, Office of Commerce and Industry will assist the Department of Revenue and Taxation should any audit of the tax data for the competing state be necessary.

E. If the total tax liability of the contractee in Louisiana for the contractee's taxable year is greater than the total tax liability that the contractee would have incurred in the competing state, then the contractee's Louisiana tax liability shall be reduced by allowing an exemption until the Louisiana tax burden is equal to the tax burden the contractee would have incurred if it had located in the competing state.

F. Unless the Department of Revenue and Taxation for valid written reasons recommends otherwise and the Board of Tax Appeals approves such recommendations, exemptions from taxation for a new warehousing and distribution establishment, shall be granted in the following priority:

1) State sales and use tax on purchases and leases of, and repairs to, machinery and equipment which is used in the on-site operation of the new warehousing and distribution establishment.

2) The corporation franchise tax.

3) The corporation income tax.

4) State sales and use tax on purchases of materials and supplies necessary for the on-site operation of the new warehousing and distribution establishment.

5) State sales and use tax on purchases of tangible personal property used in the construction of the new warehousing and distribution establishment.

6) Any other taxes imposed by the state to which like businesses are subject. Exemptions from taxation shall be granted in the following priority:

In no event shall any exemption from ad valorem property taxes be granted under any contract entered into. This exemption applies only to sales and use tax imposed by the State of Louisiana and does not apply to such taxes authorized and levied by any school board, municipality, or other local taxing authority notwithstanding any other provision of the law to the contrary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:3206.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

Rule 8 - Contract Period/Project Completion Report

A. Contractee must file a project completion report, on forms provided by the Office of Commerce and Industry, within 30 days following the last day of the month after effective use of the structure has begun or construction is essentially complete, whichever occurs first.

B. The first year of the five-year new warehousing and distribution tax equalization contract period shall be the taxable year of the contractee in which operations begin as specified in the Project Completion Report, which report shall become an addendum to this contract. The contract shall expire on the last day of the forty-eighth month following the end of the taxable year of contractee in which operations begin.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:3206.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

Rule 9 - Affidavit of Final Cost

Within six months after completion of construction or the purchase of facility, the owner of the new warehousing and distribution establishment shall file on the prescribed form an affidavit of final cost showing complete cost of the project, together with a fee of \$100 for the facility inspection which will be conducted by the Office of Commerce and Industry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:3206.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

Rule 10 - Contract Renewals

Not more than one year prior to the expiration of a contract and not less than six months prior to the expiration, a company wishing an additional five year contract period shall file with the Board of Commerce and Industry the information required in Rule 6 regarding certification of taxes. A renewal fee of \$50 must accompany the renewal application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:3206.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

Rule 11 - Annual Review/Violation of Contract

A. The contractee agrees to an annual review and inspection by the Department of Economic Development and shall make all books and records of the company available for inspection. The contractee agrees to have an officer of authority in attendance at the yearly review of the exemption by the Department of Economic Development. Included in this annual review shall be a review of employment data on the average number of jobs by month.

B. Written notice of any violations of the terms and conditions of this contract shall be given to contractee, who shall have 90 days within which to correct the violations. If the violation is not corrected within 90 days, any remaining portions of the exemption from tax granted under this contract may be terminated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:3206.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:

Robert Paul Adams
Director

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Warehousing and Distribution Tax Equalization

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No additional implementation costs will be incurred by either state or local government units. This program will con-

tinue to be administered by the Financial Incentives Division of the Office of Commerce and Industry.

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

This program does not impact local government revenues. State tax revenues will be impacted in the following priority order: state sales and use tax on purchases and leases of, and repairs to, machinery and equipment which is used in the on-site operation of the new warehousing and distribution establishment; state corporation franchise tax; state corporation income tax; state sales and use tax on purchases of materials and supplies necessary for the on-site operation of the new warehousing and distribution establishment; state sales and use tax on purchases of tangible personal property used in the construction of the new warehousing and distribution establishment; any other taxes imposed by the state to which like businesses are subject. No estimate is available on how many applications will be received, authorized by the governor, and approved by the Board of Commerce and Industry.

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

This tax equalization program is an inducement to attract new warehousing and distribution facilities to Louisiana, which would not otherwise locate in Louisiana due to a higher tax burden. This program is designed to eliminate the tax differential through the equalization of the overall taxes between a Louisiana site and a competing site in another state. This program is designed to induce new warehousing and distribution establishments to locate in Louisiana and create new jobs.

The new rules and statutes mandate additional reporting requirements for a company receiving the benefits of R.S. 51:3201-3206.

The company must file an annual compilation, of all state and local taxes paid in Louisiana, at the time it files its Corporate Income and Franchise Tax return to the Department of Revenue and Taxation. The annual tax compilation must be prepared by a Certified Public Accountant, along with supporting documents, statements, and opinions. In addition, the company must have the Certified Public Accountant prepare a similar compilation for the site in the competing state, on that state's reporting forms. The Department of Revenue and Taxation will then determine the amount of taxes to be equalized, on an annual basis.

This procedure may/will cause the company to incur additional recordkeeping and accounting costs. No estimate is available on the increased accounting cost.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

For qualifying warehousing and distribution establishments the Board of Commerce and Industry may enter into a contract to equalize the total tax burden in Louisiana to that of a competing site located in another state. This program may cause the total business tax burden of a newly located corporation to be less than that of a corporation already existing in Louisiana.

Robert Paul Adams
Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Economic Development
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to amend the following rule.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLI. Horseracing Occupations

Chapter 7. Jockeys and Apprentice Jockeys

§725. Jockey Fee Schedule

A. Prior to the start...

Purse	Win	Second	Third	Unplaced
\$ 400 & under	\$27	\$19	\$17	\$16
500	30	20	17	16
600	36	22	17	16
700- 900	10%	25	22	20
1,000- 1,400	10%	30	25	22
1,500- 1,900	10%	35	30	28
2,000- 3,400	10%	45	35	33
3,500- 4,900	10%	55	45	35
5,000- 9,900	10%	65	50	40
10,000-14,900	10%	5%	5%	45
15,000-24,900	10%	5%	5%	50
25,000-49,900	10%	5%	5%	60
50,000-99,900	10%	5%	5%	75
100,000 & up	10%	5%	5%	100

B. Failure, refusal and/or neglect...

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148, 150 and 151.

HISTORICAL NOTE: Promulgated by the Louisiana State Racing Commission in 1971, amended LR 2:431 (December, 1976), LR 3:28 (January, 1977), promulgated LR 4:276 (August, 1978), amended LR 5:23 (February, 1979), amended LR 12:12 (January, 1986).

* * * * *

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Alan J. LeVasseur, Executive Director or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Monday, November 6, 1989 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Alan J. LeVasseur
Executive Director

Fiscal and Economic Impact Statement

For Administrative Rules

Rule Title: Jockey Fee Schedule

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

There are no costs to implement this rule change.

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

There is no effect on revenue collections.

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

The proposed rule change benefits jockeys by bringing up to date their mount fees required to race. Jockey fees in races with purses \$10,000 and over have been adjusted to five percent of 2nd and 3rd place mounts. There are no other changes.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition nor employment.

Alan J. LeVasseur
Executive Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Economic Development
Real Estate Commission**

Notice is hereby given that the Louisiana Real Estate Commission will consider the adoption of the following amendments and changes to the existing rules and regulations of the agency: LAC 46:LXVII, Subpart I, Chapter 3, Application for Initial Licenses; Chapter 5, Exams; Chapter 7, Fees; Chapter 9, Renewal Applications; Chapter 13, Broker Affiliation; Chapter 15, Transfers and Terminations; Chapter 17, Termination Responsibilities; Chapter 19, Broker Application Acknowledgement; Chapter 21, Names on Licenses, Registrations, and Certificates; Tradenames; Symbols; and Trademarks; Chapter 23, Concurrent Licensing; Chapter 24, Branch Offices; Chapter 25, Advertising; Chapter 27, Escrow and Rental Trust Accounts; Chapter 28, Disbursement of Escrow Deposits; Chapter 29, Change of Address; Chapter 31, Multiple Compensation; Chapter 33, Disclosure by Licensee; Chapter 35, Presentation of Offers; Chapter 37, Contract Tampering (deleted); Chapter 39, Payment to Non-Licensees (deleted); Chapter 41, Report of Legal Action (deleted); Chapter 43, Broker Records (deleted); Chapter 45, Complaints (deleted); Chapter 47, Investigations and Hearings, Chapter 49, Licensee and Timeshare Registrant's Responsibilities; Chapter 49, Broker and Salesman's Responsibilities (deleted); Chapter 51, Interstate Land Sales (deleted); Chapter 53, Corporations and Partnerships (deleted); Chapter 57, Deceased Broker (deleted); Chapter 59, Waiver of Renewal Requirements; Chapter 65, Real Estate Schools; Chapter 66, Real Estate Continuing Education Vendors (new); Chapter 67, Timeshares.

Copies of the proposed rules will be available for public inspection between the hours of 8 a.m. and 4:30 p.m. on any working day at the office of the Louisiana Real Estate Commission, 9071 Interline Avenue, Baton Rouge, LA 70809, or may be obtained by writing Bert Coles Bernard, Public Information Representative, Louisiana Real Estate Commission, Box 14785, Baton Rouge, LA 70898. Interested parties may direct inquiries and present their views in writing to the commission.

Jane H. Moody
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: All rules revision**

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

There is no impact on revenue to the agency through adoption of these rule amendments. The amendments are needed to bring the existing rules into compliance with the changes adopted into the law, effective January 1, 1990.

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

There is no way to estimate revenue collections as a result of these rule changes. The only rule impacting revenue collection is Chapter 47, Section 4711 which provides for reimbursement of actual administrative costs of the agency resulting from formal and informal adjudicatory hearings. Payment of these reimbursement costs only apply when a licensee has pled or been found guilty of the violation.

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

Costs to those directly affected cannot be estimated at this time. Costs would include reimbursement of actual agency administrative costs incurred during the formal or informal adjudicatory hearing process (only licensees found in violation of the real estate license law and rules and regulations would be effected by this rule) and the cost of obtaining a surety bond (approximately \$100) on the part of each approved continuing education vendor. All other rule amendments merely comply with recent law changes.

Comprehensive law changes provide for change from two year to one year license renewal with fees assessed on yearly basis. New fees have been added to the license law providing for different classes of licensees and imposing additional delinquent fees if license renewal is delinquent past 45 days.

Removal from the law of the grandfather clause [R.S. 37:1437C(5)] pertaining to the continuing education requirement for license renewal now stipulates all active licensed salespersons and brokers must complete 8 hours of continuing education credit each year to renew the license (Chapter 9). Continuing education courses are made available through the commission's dedicated Research and Education Fund at no charge to those attending should they choose to attend commission sponsored courses. Enforcement of the law could impose additional costs to the individual licensee should they choose to obtain the credit through a private vendor. It will also affect the licensee in the time required to attend the course. Private certified schools and continuing education vendors could benefit through increased attendance at their programs.

Chapter 66 incorporates the commission's existing continuing education policy requirements into rules. A number of other existing agency policies for licensing procedures have also been codified into specific rules.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition and employment through adoption of these rule amendments. The rules provide for standardized requirements to ensure better protection to the licensees and the public.

Jane H. Moody
Executive Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Economic Development Used Motor Vehicle and Parts Commission

The Used Motor Vehicle and Parts Commission, in accordance with the provisions of R.S. 49:950, et seq., the Administrative Procedure Act, advertises its intent to adopt these proposed amendments to existing rules after determining, pursuant to LRS 49:953 (E), that these actions will not result in any increase in the expenditure of state funds.

These amendments change the day of the week at which regular monthly meetings of the Board of Commissioners will be held. Otherwise, said amendments implement minor administrative and organizational changes and correct and clarify certain errors and ambiguities contained in the original rules.

These additional rules cover requirements for eligibility, for dealers at Motor Vehicle Salvage Pools or Motor Vehicle Salvage Disposal Sales.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part V. Automotive Industry

Subpart 2. Used Motor Vehicle and Parts Commission

Chapter 27. The Used Motor Vehicle and Parts Commission

§2701. Meetings of the Commission

A. The commission shall meet at its office in Baton Rouge, LA on the third Wednesday in each month to transact such business as may properly come before it. The regular meeting will convene at the hour of 2 p.m. and shall continue at the pleasure of those present. Any change of monthly meetings will be in accordance with the Open Meeting Law R.S. 42:5.

B. Special Meetings

Special meetings shall be held upon call of the chairman by notice given to the members of the commission at least 48 hours prior to the time the meeting is to be held; such notice to be given by telephone, telegraph or letter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:772E.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Used Motor Vehicle and Parts Commission, LR 11:1062 (November 1985), amended LR 15:258 (April 1989), amended LR 15:

Chapter 35. Buyer Identification Card

§3501. Buyer Identification Card Required

Sales at a salvage pool, salvage disposal sale, or through an insurance company shall be opened only to persons possessing a buyer's identification card to buy at a salvage pool, salvage disposal sale, or through an insurance company.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:762.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Used Motor Vehicle and Parts Commission, LR 11:1064 (November 1985), amended by LR 15:259 (April 1989), amended LR 15:

§3503. Qualifications and Eligibility for Buyer Identification Card.

A. The commission, in determining the qualifications and eligibility of an applicant for a buyer's identification card, will base its determinations upon the following factors:

1. Identification cards to bid or buy at salvage pools, salvage disposal sales, or through insurance companies shall be available to any person, business, or corporation, or licensed

employee thereof, possessing a valid used car dealers license, a valid auto recyclers license, or a valid auto dismantlers license. Anyone of these dealers licenses may originate in or out of the state of Louisiana.

2. Completion of official Used Motor Vehicle and Parts Commission application forms. Payment of Louisiana state general sales tax is due on all vehicles purchased at a salvage pool or salvage disposal sale and applicant must certify that applicant will faithfully adhere to this requirement.

B. The buyer's identification card shall include the name, address, driver's license number, any one of the aforementioned dealers' license numbers, physical description, and signature of the applicant and the name and address of the employer of the applicant. The buyer's identification number to be prefixed with BI, followed by a four-digit number, then the current year (BI-0000-89). Cards obtained for the buyers will be \$25 each for Louisiana resident and \$200 each for out-of-state resident.

C. The buyer's identification card shall be carried upon the cardholder's person and same displayed to owner, manager, or person in charge of any salvage pool or salvage disposal sale. The buyer's identification card is not transferable or assignable. Physical description and signature of cardholder must be compared with cardholder's driver's license for valid identification by owner, manager, or person in charge of any salvage pool or salvage disposal sale. It shall be the duty of the owner, manager or person in charge of any salvage pool or salvage disposal sale to refuse to sell to any person any wrecked or repairable motor vehicle if such person does not display a valid buyer's identification card.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:762.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Used Motor Vehicle and Parts Commission, LR 11:1064 (November 1985), amended by LR 15:259 (April 1989), amended by LR 15:

Interested persons may submit written comments concerning these proposed amendments to Linda Stroud, Executive Officer, Louisiana Used Motor Vehicle and Parts Commission, 10925 Perkins Road, Suite A, Baton Rouge, LA, 70810.

Rodley J. Henry
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Amendment to Title 46, Part V, Subpart 2, Used Motor Vehicle and Parts Commission

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

At this time 1300 BID Cards have been issued. Of this amount only 782 are licensed dealers. There will be a decrease of 518 licensees; therefore, this agency will not experience any estimated implementation costs.

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

There will be a decrease of 518 BID Cards issued; therefore, this agency will experience a decrease in revenues. 518 BID Cards @ \$25 = \$12,950 in loss of revenues for FY 89-90, FY 90-91 and FY 91-92.

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

The requirement that only a licensed dealer or automotive dismantler/parts recycler be allowed to obtain a BID Card will eliminate unlicensed individuals from operating as a used car dealer. Consumers will be protected since only licensed dealers are bonded. Owners of salvage pools will experience a decrease of sales due to a decrease of bidders. We have no knowledge of what monies salvage pools take in from bidders.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed amendments for BID Cards will allow greater competition for licensed Louisiana dealers.

Rodley J. Henry
Executive Director

John R. Rombach
Legislative Fiscal Officer

authorities and Child Care Food Program Sponsors in the form of mini-grants.

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

There would be no estimated cost effect on the recipient agencies. Teachers, food service personnel, and children in child care centers and schools statewide receive training in the area of nutrition education.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated impact on competition and employment in the public and private sectors as a result of this action.

Graig A. Luscombe
Deputy Superintendent for
Management and Finance

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

State Plan for the Nutrition and Training Program

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the FY 1990-91 State Plan for the Nutrition Education and Training Program. Copies of the Plan may be seen in the Office of the State Board of Elementary and Secondary Education, Room 104 of the Education Building in Baton Rouge, the Office of the State Register, Capitol Annex, or in the Department of Education.

Interested persons may comment on the proposed change and/or additions in writing, until 4:30 p.m., December 8, 1989 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: State Plan for the Nutrition Education and Training Program

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

It is estimated that \$86,633 of federal funds will be spent by the Bureau of Food and Nutrition Services to continue the operation of the Nutrition Education and Training Program.

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

The state expects to receive \$86,633 of federal funds to operate this program in 1989-90. The amount of funds received from the U.S. Department of Agriculture for this program is based on the number of students in the state. Approximately \$5,045 will be available to local education

NOTICE OF INTENT

**Department of Environmental Quality
Office of Solid and Hazardous Waste
Hazardous Waste Division**

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in particular Sections 2001, 2014, and 2193, 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 Louisiana Hazardous Waste Regulations, LAC 33:V.Subpart 1.

These proposed regulations to the land disposal prohibition rule would reinstate with minor changes sections of previously proposed regulations which were severed during the legislative oversight hearing process. These proposed regulations contain provisions which require a demonstration that wastes which are disposed by deep well injection are permanently contained and that migration will not occur into the air, land or waters of the state where a discharge is not permitted.

The proposed regulations are to become effective on December 20, 1989, or as soon thereafter as practical upon publication in the *Louisiana Register*.

Title 33

ENVIRONMENTAL QUALITY

**Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental Quality -
Hazardous Waste**

Chapter 22. Prohibitions on Land Disposal

§2242. Exemptions to Allow Land Disposal of a Prohibited Waste by Deep Well Injection

A. Any person seeking an exemption to allow land disposal by deep well injection of a prohibited hazardous waste in a particular injection well or wells must submit a petition to the administrative authority that does the following:

1. The petition must show that no other economically and environmentally reasonable alternative to disposal into an injection well is available. No exemption shall be granted to a generator for the land disposal of a waste stream if the waste

stream can reasonably be eliminated or significantly reduced through waste reduction.

2. The petition must demonstrate to a reasonable degree of certainty that the wastes shall be permanently confined as required by R.S. 30:2193 (E) (2) (d) and 30:2193 (A). For the purposes of this Section, permanent confinement means that there will be no migration of hazardous constituents from the injection zone for as long as the wastes remain hazardous. Migration prohibited by this Section includes migration into the air, land or waters of the state where a discharge is not permitted.

B. - C. ...

D. The demonstration required in Paragraph A.2 of this Section must include sufficient information to assure the administrative authority of the following:

1. The hydrogeological and geochemical conditions at the sites and the physiochemical nature of the waste stream(s) are such that one of the following reliable predictions can be made:

a. Fluid movement conditions are such that the injected fluids will not migrate within 10,000 years, either

i. vertically upward out of the injection zone or

ii. laterally within the injection zone, to a point of discharge or interface with an underground source of drinking water (USDW).

b. If the injected fluids do migrate out of the injection zone or to a point of discharge or interface with a USDW within 10,000 years, the fluid will no longer be hazardous because of attenuation, transformation, or immobilization of hazardous constituents within the injection zone by hydrolysis, chemical interactions, or other means.

c. Any migration due to diffusion shall be accounted for in the demonstration required under Subsection D.1.a.

2. For each well the petitioner has done the following:

a. The petitioner has demonstrated that the injection well's area of review includes at least the two-mile radius around the bore hole. The administrative authority may specify a larger area of review on the basis of the calculated cone of influence around the well.

b. Using a protocol acceptable to the administrative authority, the petitioner has located, identified, and ascertained the conditions of all wells within the injection well's area of review (as specified in Subsection D.2.a.) that penetrate the injection zone or the confining zone.

c. The petitioner has submitted a corrective action plan that meets the substantive requirements of Subsection V of this Section; its implementation shall become a condition of petition approval.

d. The petitioner has submitted the results of pressure and radioactive tracer tests performed within one year prior to submission of the petition that demonstrate the mechanical integrity of the well's long string casing, injection tube, annular seal, and bottom hole cement. In cases where the petition has not been approved or denied within one year after the initial demonstration of mechanical integrity, the administrative authority may require the owner or operator to perform the tests again and submit the results of the new tests.

E. A demonstration under LAC 33:V.2242.D.1.a shall identify the strata within the injection zone which will confine fluid movement above the injection interval and include a showing that this strata is free of known transmissive faults or fractures and that there is a confining zone above the injection zone.

F. A demonstration under LAC 33:V.2242.D.1.b shall identify the strata within the injection zone where waste transfor-

mation will be accomplished and include a showing that this strata is free of known transmissive faults or fractures and that there is a confining zone above the injection zone.

G. A demonstration may include information that:

1. treatment methods, the implementation of which shall become a condition of approval, will be used to reduce the toxicity or mobility of the wastes; or

2. a monitoring plan, the implementation of which shall become a condition of petition approval, will be used to enhance confidence in one or more aspects of the demonstration.

H. Any person who has been granted an exemption pursuant to this Section may submit a petition for reissuance of the exemption to include an additional restricted waste or wastes or to modify any conditions placed on the exemption by the administrative authority. The administrative authority may reissue the petition if the petitioner complies with the requirements of LAC 33:V.2242.A through F.

I. Any person who has been granted an exemption pursuant to this Section may submit a petition to modify an exemption to include an additional nonrestricted hazardous waste or wastes. The administrative authority may grant the modification if he determines, to a reasonable degree of certainty, that the additional waste or wastes will behave hydraulically and chemically in a manner similar to previously included wastes and that it will not interfere with the containment capability of the injection zone.

J. Information submitted in support of the exemption petition must meet the following criteria:

1. All waste analysis and any new testing performed by the petitioner should be accurate and reproducible and performed in accordance with quality assurance standards.

2. Estimation techniques shall be appropriate, and EPA-certified test protocols shall be used when available and appropriate.

3. Predictive models shall have been verified and validated; shall be appropriate for the specific site, waste streams, and injection conditions of the operation; and shall be calibrated for existing sites where sufficient data are available.

4. An approved quality assurance and quality control plan shall address all aspects of the demonstration.

5. Reasonably conservative values shall be used whenever values taken from the literature or estimated on the basis of known information are used instead of site-specific measurements.

6. An analysis shall be performed to identify and assess aspects of the demonstration that contribute significantly to uncertainty. The petitioner shall conduct a sensitivity analysis to determine the extent to which significant uncertainty may affect the demonstration. The demonstration shall then be based on conservative assumptions identified in the analysis.

K. Any petitioner under LAC 33:V.2242.D.1.a shall provide sufficient site-specific information to support the demonstration, such as:

1. thickness, porosity, permeability, and extent of the various strata in the injection zone;

2. thickness, porosity, permeability, extent, and continuity of the confining zone;

3. hydraulic gradient in the injection zone;

4. hydrostatic pressure in the injection zone; and

5. geochemical conditions of the site.

L. In addition to the information in LAC 33:V.2242.K any petitioner under LAC 33:V.2242.D.1.b shall provide sufficient waste-specific information to ensure reasonably reliable pre-

dictions about the waste transformation. The petitioner shall provide the information necessary to support the demonstration, such as:

1. a description of the chemical processes or other means that will lead to waste transformation; and
2. results of laboratory experiments verifying the waste transformation.

M. Any petition submitted to the administrative authority pursuant to this Section shall include the following components:

1. an identification of the specific waste or wastes and the specific injection well or wells for which the demonstration will be made;
2. a waste analysis to describe fully the chemical and physical characteristics of the subject wastes;
3. such additional information as is required by the administrative authority to support the petition under this Section; and
4. this statement signed by the petitioner or an authorized representative:

I certify under penalty of law that I have personally examined and am familiar with the information submitted for this petition and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information.

N. Ambient Monitoring

1. Based on a site-specific assessment of the potential for fluid movement from the well or injection zone, and on the potential value of monitoring wells to detect such movement, the administrative authority shall require the owner or operator to develop a monitoring program. At a minimum, the administrative authority shall require annual monitoring of the pressure build-up in the injection zone, including, at a minimum, a shut-down of the well for a time sufficient to conduct a valid observation of the pressure fall off curve.

2. The owner or operator shall include all of the following requirements in his monitoring program:

- a. Continuous monitoring for pressure changes in the first aquifer overlying the confining zone shall be addressed. The owner or operator shall, on a quarterly basis, sample the aquifer and analyze for constituents specified by the administrative authority.
- b. The use of indirect, geophysical techniques shall be required to determine the position of the waste front, the water quality in a formation designated by the administrative authority, or to provide other site-specific data.
- c. Periodic monitoring of the groundwater quality in the first aquifer overlying the injection zone shall be required.
- d. Periodic monitoring of the groundwater quality in the lowermost USDW shall be required.
- e. Additional monitoring may be necessary to determine whether fluids are moving into or between USDWs.

3. The administrative authority may exempt the owner or operator from any requirements in Paragraph 2 which he deems to be unnecessary or not feasible, or which pose undue risks.

O. The administrative authority may require seismicity monitoring when he has reason to believe that the injection activity could cause seismic disturbances.

P. The administrative authority shall provide public notice and an opportunity for public comment in accordance with the procedures in LAC 33:V. Chapter 7, Subchapter C, §2243, of the intent to approve or deny a petition. The administrative au-

thority shall provide public notice of the final decision on a petition.

Q. If an exemption is granted it will apply only to the underground injection of the specific restricted waste or wastes identified in the petition into a Class I hazardous waste injection well or wells specifically identified in the petition unless the exemption is modified or reissued pursuant to LAC 33:V.2242.H or I.

R. Whenever the administrative authority determines that the basis for approval of a petition may no longer be valid, he shall require a new demonstration in accordance with this Section.

S. Termination of an Approved Petition

1. The administrative authority may terminate an exemption granted under this Section for the following causes:

- a. noncompliance by the petitioner with any condition of the exemption;
- b. the petitioner's failure in the petition or during the review and approval to disclose fully all relevant facts, or the petitioner's misrepresentation of any relevant facts at any time; or
- c. a determination that new information shows that the basis for approval of the petition is no longer valid.

2. The administrative authority shall terminate an exemption granted under this Section for the following causes:

- a. the petitioner's willful withholding during the review and approval of the petition of facts directly and materially relevant to the administrative authority's decision on the petition;
- b. a determination that there has been migration from the injection zone or the well that is not in accordance with the terms of the exemption, except that the administrative authority may at his discretion decide not to terminate where:
 - i. the migration resulted from a mechanical failure of the well that can be corrected promptly through a repair to the injection well itself or from an undetected well or conduit that can be plugged promptly; and
 - ii. the requirements of LAC 33:V.2242.V are satisfied.

3. The administrative authority shall follow the procedures in LAC 33:V.323 in terminating any exemption under this Section.

T. Whenever the owner or operator obtains evidence that injected wastes may have been released into an unauthorized zone, he must do the following:

1. The owner or operator shall immediately cease injection of waste fluids and
 - a. notify the administrative authority within 24 hours of obtaining such evidence;
 - b. take all necessary steps to identify and characterize the extent of any release;
 - c. comply with any remediation plan specified by the administrative authority;
 - d. implement any remediation plan approved by the administrative authority; and
 - e. where such release is into a USDW currently serving as a water supply, place a notice in a newspaper of general circulation.

2. The administrative authority may allow the operator to resume injection prior to completing cleanup action if the owner or operator demonstrates that the injection operation will not endanger strata containing waters of the state where a discharge is not permitted.

U. The term of an exemption granted under this Section shall be no longer than the term of the final permit if the disposal unit is operating under a final permit, or up to a maximum of five

years from the date of approval if the unit is operating under interim status. In either case, the term of the exemption granted shall expire upon the revocation or denial of a final permit or upon the termination of interim status or when the volume limit of waste to be land disposed during the term of petition is reached. The exemption must be reviewed at least once every three years.

V. Corrective Action for Wells in the Area of Review

1. The petitioner shall submit a plan to the administrative authority outlining the protocol used to:

- a. identify all wells penetrating the confining zone or injection zone within the area of review; and
- b. determine whether wells are adequately completed or plugged.

2. The petitioner shall identify the location of all wells within the area of review that penetrate the injection zone or the confining zone and shall submit the following information to the administrative authority:

- a. a tabulation of all wells within the area of review that penetrate the injection zone or the confining zone; and
- b. a description of each well or type of well and any records of its plugging or completion.

3. For wells that the administrative authority determines are improperly plugged, completed, or abandoned, or for which plugging or completion information is unavailable, the applicant shall also submit a plan consisting of such steps or modifications as are necessary to prevent movement of fluids into strata containing waters of the state where a discharge is not permitted. Where the plan is adequate, the administrative authority shall incorporate it into the exemption as a condition. Where the administrative authority's review indicates that the petitioner's plan is inadequate (based at a minimum on the factors in Paragraph 5 of this Section), the administrative authority shall:

- a. require the applicant to revise the plan;
- b. prescribe a plan for corrective action as a condition of the exemption; or
- c. deny the exemption.

4. Requirements

a. For existing hazardous waste injection wells, any exemption issued requiring corrective action other than pressure limitations shall include a compliance schedule requiring any corrective action accepted or prescribed under Paragraph 3 of this Section. Any such compliance schedule shall provide for compliance no later than two years after issuance of the exemption and shall require observance of appropriate pressure limitations under Subparagraph 4.c. until all other corrective action measures have been implemented.

b. For new hazardous waste injection wells, no owner or operator may begin injection until all corrective actions required under this Section have been taken.

c. The administrative authority may require pressure limitations in lieu of plugging. If pressure limitations are used in lieu of plugging, the administrative authority shall require as a condition of the exemption that injection pressure be so limited that pressure in the injection zone at the site of any improperly completed or abandoned well within the area of review would not be sufficient to drive fluids into strata containing waters of the state where a discharge is not permitted.

5. In determining the adequacy of corrective action proposed by the applicant under Subsection V of this Section and in determining the additional steps needed to prevent fluid movement into strata containing waters of the state where a discharge is not permitted, the administrative authority shall consider the

following criteria and factors:

- a. nature and volume of injected fluid;
- b. nature of native fluids or by-products of injection;
- c. geology;
- d. hydrology;
- e. history of the injection operations;
- f. completion procedures in effect at the time the well was closed;
- g. closure procedures in effect at the time the well was closed;
- h. hydraulic connections with USDWs;
- i. reliability of the procedures used to identify abandoned wells; and
- j. any other factors which might affect the movement of fluids into strata containing waters of the state where a discharge is not permitted.

W. During the petition review process, the applicant is required to comply with all prohibitions on land disposal under this Chapter, unless a petition for an exemption has been approved by the EPA, and the administrative authority grants an emergency variance. If EPA has approved the exemption, the land disposal of the waste may continue for up to one year under an emergency variance issued by the administrative authority until the administrative authority makes a decision on the petition for exemption. The administrative authority shall either grant or deny the petition within the one-year emergency variance period. After the administrative authority issues a decision on the exemption, the waste may be land disposed only in accordance with the provision of the exemption.

X. The petition granted by the administrative authority does not relieve the petitioner from compliance with all other applicable regulations.

Y. Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm are not eligible for an exemption under this Section.

Z. As a condition of the exemption, the petitioner must submit a report by March 1 of each calendar year during the term of the exemption, describing in detail the efforts undertaken during the preceding calendar year to reduce the volume and toxicity of the waste generated. The report shall provide data indicating the change in volume and toxicity of waste actually achieved during the year in comparison to previous years.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, in LR 15:378. (May 20, 1989), as amended in LR 15:

A public hearing will be held at 9 a.m., October 30, 1989, in the A. D. Smith Memorial Auditorium, First Floor, State Education Building, 626 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than 4:30 p.m., November 1, 1989, to Joan Albritton, Office of Legal Affairs and Enforcement, Box 44066, Baton Rouge, LA 70804.

Paul H. Templet, Ph.D.
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: LAC 33:V.Subpart 1 Sec. 2242. Exemptions
to Allow Land Disposal of a Prohibited Waste by Deep
Well Injection**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Additional costs to the Department of Environmental Quality resulting from implementation of these rules is estimated to be \$80,000 to \$85,000 per year for additional staff and associated costs.
- 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 NON-GOVERNMENTAL GROUPS (Summary)
If exceptions are sought, additional costs of approximately \$60,000 per exemption application and as much as \$2-5 million per injection well for monitoring systems may be incurred. However, if geologic characteristics exhibit the potential for fluid movement and if monitoring wells are shown to be of significant value in detecting such movement the EPA would also require monitoring wells on a site-specific basis.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
Louisiana facilities may be adversely affected competitively when compared to other states if additional injection well monitoring is required by DEQ and not by EPA. However, jobs in related industries may be generated as facilities seek to comply with regulations.

Timothy W. Hardy
Assistant Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Environmental Quality
Office of Solid and Hazardous Waste
Hazardous Waste Division**

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 Louisiana Hazardous Waste Regulations, LAC 33: V.Subpart 1.

This amendment is intended to provide for an exemption to allow land disposal of a prohibited waste by inclusion of approved land treatment as a treatment alternative. The change will incorporate the statutory exemption contained in R.S. 2193.D.

The proposed amendment is to become effective on December 20, 1989, or as soon thereafter as practical upon publication in the *Louisiana Register*.

**Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental Quality
Hazardous Waste**

**Chapter 22. Prohibitions on Land Disposal
§2241. Exemptions to Allow Land Disposal of a Prohibited Waste Except by Deep Well Injection**

A. Any person seeking an exemption to allow land disposal except by deep well injection of a prohibited hazardous waste in a particular unit or units must submit a petition to the administrative authority that meets the following requirements:

1. The petition must show that no economically or environmentally reasonable alternative to land disposal is available, and the waste has undergone treatment by being stabilized, solidified, encapsulated, or through approved land treatment technique. No exception shall be granted to a generator for the land disposal of a waste stream if the waste stream can reasonably be eliminated or significantly reduced through waste reduction.

* * * *

A public hearing will be held at 9 a.m., October 30, 1989, in the A. D. Smith Memorial Auditorium, First Floor, State Education Building, 626 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendment.

All interested persons are invited to submit written comments on the proposed amendment. Such comments should be submitted no later than 4:30 p.m., November 1, 1989 to Joan Albritton, Office of Legal Affairs and Enforcement, Box 44066, Baton Rouge, LA 70804.

Paul H. Temple, Ph.D.
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: LAC 33:V.Subpart I, Amendment to
Prohibitions on Land Disposal of Hazardous Waste**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of these amendments will not result in substantial additional costs or savings to state or local governments.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Revenue collections of state or local government will not be affected by these amendments.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Implementation will benefit companies that use approved land treatment techniques. Failure to incorporate this exemption would result in ambiguous regulations which are inconsistent with the enabling statute, and would compel companies which use land treatment techniques to seek relief through the judicial system - a costly and cumbersome process.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

These amendments will have no effect on competition or employment.

Timothy W. Hardy
Assistant Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

Under the authority of the Louisiana Environmental Quality Act, Louisiana R.S. 30:2001 et seq., and in particular Louisiana R.S. 30:2413.A.(1) and 2422, and in accordance with the provisions of the Administrative Procedure Act, LA R.S. 49:950 et seq., the assistant secretary gives notice that rulemaking procedures have been initiated to amend the Louisiana Solid Waste Regulations, LAC 33:Part VII to add Subpart II.

This amendment will provide procedures for the allocation of grants to parishes and incorporate municipalities to fund local government recycling programs.

These proposed regulations are to become effective on December 20, 1989, or as soon thereafter as practical upon publication in the *Louisiana Register*.

**Title 33
ENVIRONMENTAL QUALITY
Part VII. Solid Waste
Subpart II. Recycling**

Chapter 101. Recycling Awareness

§10101. Purpose of the Recycling Awareness Program

This program is designed to assist local governments in educating the citizens on the energy conservation, environmental and economic benefits to be gained from recycling. This regulation provides the procedures for the funding allocations method, and the applications for funding the local government recycling awareness program.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 15:

§10103. Objectives

Objectives of the Recycling Awareness Program are:

- A. to conserve Louisiana's natural resources and energy;
- B. to allow local governments to develop a recycling awareness program;
- C. to develop and implement a recycling public education program;
- D. to identify future local government recycling needs.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 15:

§10105. Funding

The initial funding allocation to local governments is as follows:

- A. Initial Funding Allocation. A pilot project for New Or-

leans (Orleans Parish) will be allocated \$600,000, therefore New Orleans will not be funded under §10105. B and C.

B. Each parish and each large (population 50,000 or over) incorporated municipal government will be eligible for a base allocation of up to \$14,000.

C. In addition to the base allocation, each parish and each large (population over 50,000) incorporated municipal government will be eligible for an allocation of up to \$.22 per capita. Populations will not be double counted i.e., population figures for participating large incorporated municipalities will be deducted from the parent parish population figures in order to allocate the parish totals. The department shall determine and use the best available census data or official estimates for population figures.

D. A funding application for a parish shall be as agreed to between the parish and the smaller (population less than 50,000) incorporated municipalities within that parish. In the absence of an agreement between a parish and each of its participating smaller incorporated municipalities, the parish and such smaller incorporated municipalities shall be eligible to independently apply for funding on a per capita basis.

E. If a parish government elects not to participate, the smaller incorporated municipalities in that parish may apply for per capita funding.

F. Regional (multi-parish) proposals are eligible to apply for up to an additional 20 percent funding, the availability of funds permitting.

G. Funds will be made available through cooperative agreements between the parish and/or municipal governments and the departments. No cooperative agreement is effective until approved by the Division of Administration, Office of Contractual Review. No work shall commence until said written approval is made.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 15:

§10107. Funding Proposals

Funding proposals in order to maintain a minimum level of participation:

A. The department will only fund parish proposals that include and consider the needs of all smaller municipalities in that parish, except any smaller municipality that elects to participate directly with the department. The parish government shall certify to the department that all of the smaller incorporated municipalities in the parish have been contacted and shall list those that have agreed to participate under the parish program.

B. In parishes wherein the parish is implementing the recycling awareness program for smaller incorporated municipalities, the parish shall provide the recycling awareness program in such smaller incorporated municipalities.

C. If a smaller incorporated municipality elects to participate directly with the department, the smaller municipality must apply directly to the department.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 15:

§10109. Innovative or Demonstration Projects

The department may fund innovative or demonstration projects either by invitation or from unsolicited proposals from

any local government.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 15:

§10111. Application Deadline

Initial funding application must be submitted by parish and local government bodies to the Department of Environmental Quality, Office of the Secretary, Box 44066, 625 North Fourth Street, Baton Rouge, LA 70804, no later than 90 days after the publication of the rule.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 15:

§10113. Interagency Agreement

The department and any parish or municipal government participating in the recycling awareness program shall be bound by the terms and conditions of any Interagency Agreements negotiated between the department and the Department of Natural Resources concerning the use of the recycling awareness program funds.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 15:

A public hearing will be held at 9 a.m. on October 30, 1989, in the A. D. Smith Memorial Auditorium, first floor, State Education Building, 626 North Fourth Street, Baton Rouge, LA. Interested persons are invited to submit oral comments on the proposed rule.

All interested persons are invited to submit written comments on the proposed rule. Such comments should be submitted no later than 4:30 p.m. on November 1, 1989, to Joan Albritton, Acting Administrator, Department of Environmental Quality, Office of Legal Affairs and Enforcement, Box 44066, Baton Rouge, LA 70804.

Paul H. Templet, Ph.D.
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Recycling Awareness
LAC 33:Part VII.Subpart II**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No additional costs are required from local governments. No additional expenditure of state funds is anticipated.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This rule is estimated to have no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There is no direct economic benefit to be gained from this rule. This rule allocates funds that will assist local govern-

ments in promoting a 25 percent reduction in solid waste by December 31, 1992.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule is estimated to have no impact on competition or employment.

Joel L. Lindsey
Deputy Secretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

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

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Louisiana Commission on Law Enforcement and Administration of Criminal Justice intends to adopt appeals procedures which may be utilized when an application for funding is rejected by the Louisiana Commission on Law Enforcement and Administration of Criminal Justice or when an approved subgrant is discontinued. These proposed procedures will apply to grant applications or subgrants involving federal, state, or self-generated funds.

The proposed appeals procedures will be available for public inspection between the hours of 8 a.m. and 4:30 p.m. on any working day after October 20, 1989, at the offices of the Louisiana Commission on Law Enforcement, 2121 Wooddale Boulevard, Baton Rouge, LA. Comments may be submitted in writing through November 17, 1989, to the Louisiana Commission on Law Enforcement, 2121 Wooddale Boulevard, Baton Rouge, LA 70806.

Michael A. Ranatza
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Appeals Procedure**

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

Michael A. Ranatza
Executive Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Louisiana Commission on Law Enforcement and Administration of Criminal Justice intends to adopt guidelines which will apply to the utilization of federal grant funds received under the victim assistance grant program authorized by the Victims of Crime Act of 1984, Pub. L. 98-473, as amended by the Children's Justice and Assistance Act of 1986, Pub. L. 99-401, and as amended by the Anti-Drug Abuse Act of 1988, Title VII, Subtitle D, of Pub. L. 100-690. These federal grant funds will be issued by the Louisiana Commission on Law Enforcement to public agencies or non-profit organizations, or a combination thereof, that provide services to crime victims.

The proposed guidelines will be available for public inspection between the hours of 8 a.m. and 4:30 p.m. on any working day after October 20, 1989, at the offices of the Louisiana Commission on Law Enforcement, 2121 Wooddale Boulevard, Baton Rouge, LA. Comments may be submitted in writing through November 17, 1989, to the Louisiana Commission on Law Enforcement, 2121 Wooddale Boulevard, Baton Rouge, LA 70806.

Michael A. Ranatza
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Crime Victim Assistance Program Guidelines

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

It is estimated that \$783,000 in federal Victims of Crime Act (VOCA) funds will be expended under this program in Fiscal Year 1989 and approximately \$800,000 in each succeeding fiscal year. This Act does not allow federal funds for administrative costs. The additional workload, paperwork, and audit costs will be borne under the existing agency budget.

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

Additional federal funds under the VOCA will be made available to the state in the amount of \$783,000 for Fiscal Year 1989 and \$800,000 in each succeeding fiscal year.

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

Private non-profit agencies and local units of government will benefit in that they will have additional funds with which to operate their programs.

In cases where a new program is initiated, the agency providing the program may choose to furnish a cash rather than in-kind match of 35 percent as required by the federal act. Existing programs are required to provide a cash or in-kind match of 20 percent.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no estimated effect on competition and employment.

Michael A. Ranatza
Executive Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Office of the Governor Division of Administration Commissioner's Office

Title 4 ADMINISTRATION Part I. General Provisions

Chapter 5. Incentive Award Program §501. Definitions

A. *Agency* is any unit within government that employs classified state civil service employees and has an identifiable self-contained budget or has its financial records maintained according to an accounting system which identifies, to the satisfaction of the legislative auditor, the expenditures and receipts properly attributable to that unit.

B. *Agency Employee Incentive Award Committee* (agency committee) is a committee created within an agency that has had its structure approved by the State Employee Incentive Award Committee.

C. *Application* is the submittal of a suggestion, on the prescribed form, to an incentive award committee.

D. *Cost Savings* is an actual dollar savings for an agency of government.

E. *Employee* is an individual employed by an agency at the time the suggestion is submitted to an incentive award committee.

F. *Evaluation* is the formal process by which a suggestion is reviewed. The evaluation process may include: preliminary review by an incentive award committee; review by the legislative auditor; reviewing the idea with the suggester; soliciting opinions and/or recommendations from supervisors or other state entities affected by the idea; and an agency or budget unit documentation of the cost savings or revenue generation.

G. *Implementation* is putting to use, putting into operation, and/or placing in effect an employee's suggestion, by a budget unit, agency or governmental entity.

H. *Implemented Suggestion* is a suggestion that is actually implemented and results in cost savings or revenue generation.

I. *Incentive Award Program* shall mean that program which is established in accordance with R.S. 39:366.1 through 366.6.

J. *Louisiana Civil Service League* is a private, non-profit educational organization that is authorized by R.S. 39:366.1 to make awards in the Incentive Award Program.

K. *Revenue Generation* is an economy that increases funds available to an agency of government as a direct result of an implemented suggestion.

L. *State Employee Incentive Award Committee* (state committee) is the committee created within the Division of Ad-

ministration under the authority of R.S. 39:366.1 that is authorized to do the following:

1. empower agencies to create agency committees;
2. approve the structure of agency committees;
3. provide oversight for agency committees;
4. conduct yearly reviews of agency committees;
5. review incentive award suggestions having a statewide impact;

6. request the legislative auditor to review any incentive award program or suggestion.

M. *Suggester* is a budget unit or employee submitting an application to an Agency Committee or the State Committee.

N. *Suggestion* is an idea that:

1. poses a problem, or opportunity;
2. presents a solution;
3. has been implemented;
4. has been written up on the suggester's own time;
5. has been submitted to the state committee or an agency committee on the prescribed suggestion form;

6. has been signed by the suggester and has the approval of the department secretary or head of the agency employing the suggester.

7. has been received for processing by an agency or state committee.

O. *Transferability* is the feasibility of a suggestion being used in any other budget unit or agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:366.1-39:366.6.

HISTORICAL NOTE: Promulgated as a PPM by the Office of the Governor, Division of Administration, Commissioner's Office, LR 13:390 (July 1987), Repealed, LR 15:596 (August 1989), Repromulgated as a Rule, LR 15:

§503. Submittal of Suggestions to Committees

A. All applications must be submitted on the prescribed form. It is solely the responsibility of the suggester to fill out the form completely and accurately.

B. Before an application is formally submitted to an agency or state committee, the department secretary or the head of the agency shall sign the application form and list all participating employees from the agency. The committees shall rely on this application to determine employees eligible for an award recommendation. If an award recommendation is made, all participants shall be presumed to share the award equally.

C. To qualify for an incentive award recommendation, a suggestion must result in a cost savings or revenue generation.

D. The suggestion, upon submittal, shall become the exclusive property of the state of Louisiana.

E. All suggestions must be the suggester's idea and should not be the result of professional consultation or upon advice of others.

F. All suggestions shall be thoroughly documented and shall contain detailed information so that a cost-benefit analysis can be done to determine the cost savings or revenue generation. If the application does not contain sufficient information for such determination, a committee may require the suggester to submit supplemental information. If the suggester is unable or unwilling to submit the requested supplemental information, an agency or state committee may recommend that the application be declined.

G. All incentive award applications must be completed on the employee's off-duty time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:366.1-39:366.6.

HISTORICAL NOTE: Promulgated as a PPM by the Office of the Governor, Division of Administration, Commissioner's Office, LR 13:390 (July 1987), Repealed, LR 15:596 (August 1989), Repromulgated as a Rule, LR 15:

§505. Evaluation of Suggestions

A. Upon receipt of an application the agency or state committee or its staff shall review the submittal for completeness. If an application is complete it shall be evaluated to determine if the suggestion is eligible for the program. Whenever the agency or state committee declines an application, the suggester shall be notified in writing.

B. Applications that are accepted by an agency or state committee shall be forwarded to the head of the agency affected by the suggestion for further documentation of the cost savings or revenue generation. The suggestion shall be sent to the head of the agency with a request for specific documentation. The department or agency head's evaluation must be returned within the time-frame established by the agency or state committee and must be in writing.

C. A committee shall make the final recommendation based on the information supplied it by its staff, the applicant, and agency head. The agency or state committee recommendation shall be final; however, the suggester may submit the same suggestion again if he/she believes the committee was incorrect in its recommendation.

D. Committee members shall evaluate each suggestion based on the following criteria:

EVALUATION CATEGORY	Points
1. Originality	0 to 10
2. Transferability to other budget units or agencies	0 to 10
3. Cost Savings or Revenue Generation	0 to 10
	Points
\$ 0 - 4,999	1
5,000 - 14,999	2
15,000 - 29,999	3
30,000 - 49,999	4
50,000 - 74,999	5
75,000 - 104,999	6
105,000 - 139,999	7
140,000 - 179,999	8
180,000 - 224,999	9
225,000 -	10

E. Each committee member shall use the following evaluation form:

(File Number or Suggester Name) _____ Pts.

Originality _____

Transferability _____

Savings/Revenue _____

Total: _____

Signature of Committee Member

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:366.1-39:366.6.

HISTORICAL NOTE: Promulgated as a PPM by the Office of the Governor, Division of Administration, Commissioner's Office, LR 13:390 (July 1987), Repealed, LR 15:596 (August 1989), Repromulgated as a Rule, LR 15:

§507. Incentive Award Recommendations

A. After a suggestion is evaluated, the committee mem-

bers' evaluations shall be totaled and averaged and an award recommendation shall be made as follows:

Award Recommendation	Points
\$ 200	4 - 8
250	9 - 10
500	11 - 13
750	14 - 16
1,000	17 - 19
2,000	20 - 22
4,000	23 - 25
6,000	26 - 27
8,000	28 - 29
10,000	30

B. If a suggestion does not receive enough points for a cash award recommendation, but is, in the opinion of an agency or state committee, meritorious, the suggester(s) may be recommended for a certificate of special recognition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:366.1-39:366.6.

HISTORICAL NOTE: Promulgated as a PPM by the Office of the Governor, Division of Administration, Commissioner's Office, LR 13:390 (July 1987), Repealed, LR 15:596 (August 1989), Repromulgated as a Rule, LR 15:

§509. Submission of Recommendations to the Louisiana Civil Service League

A. After the state committee or an agency committee completes evaluation of a suggestion and determines that an award recommendation should be made, a copy of the application and all documentation of the impact of the suggestion should be forwarded to the Louisiana Civil Service League, 535 Gravier Building, Suite 508, New Orleans, Louisiana 70130. The Civil Service League shall review the suggestion and award recommendation and determine the final award. All award determinations made by the Louisiana Civil Service League are final.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:366.1-39:366.6.

HISTORICAL NOTE: Promulgated as a PPM by the Office of the Governor, Division of Administration, Commissioner's Office, LR 13:390 (July 1987), Repealed, LR 15:596 (August 1989), Repromulgated as a Rule, LR 15:

§511. Post Award Activity

A. All files shall be maintained by the appropriate committee for a period of three years after closure in accordance with R.S. 44:36. Suggesters may request to review these records. All scoring tabulations on which an award recommendation is based shall be maintained in the file.

B. After the file is closed the suggester will not be entitled to any further consideration for that suggestion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:366.1-39:366.6.

HISTORICAL NOTE: Promulgated as a PPM by the Office of the Governor, Division of Administration, Commissioner's Office, LR 13:390 (July 1987), Repealed, LR 15:596 (August 1989), Repromulgated as a Rule, LR 15:

§513. Miscellaneous

A. Any and all determinations made by the agency or State Employee Incentive Award Committee shall be final.

B. The State Employee Incentive Award Committee reserves the right to amend its rules. All suggestions shall be evaluated under the rules in effect at the time of submittal.

C. The agency and state committees reserve the right to

modify a suggestion to provide the suggester a greater opportunity to have his or her suggestion receive a recommendation for an award.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:366.1-39:366.6.

HISTORICAL NOTE: Promulgated as a PPM by the Office of the Governor, Division of Administration, Commissioner's Office, LR 13:390 (July 1987), Repealed, LR 15:596 (August 1989), Repromulgated as a Rule, LR 15:

Interested persons may submit comments on the proposed rule to Sam Breen, Division of Administration, Box 94095, Baton Rouge, LA 70804. Telephone: (504) 342-7002.

Dennis Stine
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Incentive Award Program**

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

There are no implementation costs to state or local governmental units because the Incentive Award Program is privately funded. The program should result in savings/revenue generation to state government since it offers cash awards to employees who make cost savings suggestions that are implemented.

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

There will be no effect on revenue collections of state or local governmental units.

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

Costs of the Incentive Award Program will be paid by private contributions made to the Louisiana Civil Service League. The first year budget for the Program is estimated at \$20,000. There will be financial benefits to the state employees whose suggestions are selected to receive an award from the Louisiana Civil Service League.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition or employment.

Rosemary P. Hannie
Deputy Commissioner

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Certification for Substance Abuse Counselors**

The Louisiana State Board of Certification for Substance Abuse Counselors advertises its intent to adopt the following rules and regulations in accordance with R.S. 37:3371-3384. These rules and regulations include the general operating procedures of the board and requirements and rules and regulations governing the certification of substance abuse counselors. These

proposed rules may be found in their entirety in the Emergency Rule Section of this *Louisiana Register*.

Interested persons may submit written comments on the proposed rules and regulations, in writing, until 5 p.m. November 20, 1989 at the following address: Louisiana State Board of Certification for Substance Abuse Counselors, 141 Ridgeway, Suite 205, Lafayette, LA 70503. Please address all comments to either Sidney J. Dupuy, III, M.D., Chairman, or Donald M. Trahan, Executive Director.

The Louisiana State Board of Certification for Substance Abuse Counselors will hold a public hearing for questions or input concerning its rules and regulations at 141 Ridgeway, Suite 205, Lafayette, LA 70503 at 10 a.m. on November 11, 1989.

Sidney J. Dupuy, III, M.D.
Chairman

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Rules for Certification and Board
Regulations**

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

Implementation cost to the Louisiana State Board of Certification for Substance Abuse Counselors is estimated to be \$52,000 for the fiscal year 1989-1990 and \$64,000 for the fiscal year 1990-1991. These costs are based on salaries and office expenses, per diem and travel expenses to board members and costs relevant to discharging the duties of the Louisiana State Board of Certification for Substance Abuse Counselors.

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

Revenue collections for the Louisiana State Board of Certification for Substance Abuse Counselors is estimated to be \$55,000 for the fiscal year 1989-1990 and \$76,000 in the year 1990-1991. These figures are derived from expected fees from applicants and from fees assessed to agencies and/or institutions seeking to be board approved either as an educational provider or any other similar position as prescribed by R.S. 37:3371-3384.

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

The cost to persons directly affected by the actions of the Louisiana State Board of Certification for Substance Abuse Counselors is estimated to be \$350 per certification applicant initially and \$200 bi-annually thereafter. The estimated cost to non-governmental groups is estimated to be \$50,000 annually.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

Sidney J. Dupuy, III, M.D.
Board Chairman

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Office of Human Services**

The Department of Health and Hospitals, Office of Human Services, Division of Alcohol and Drug Abuse proposes to establish a program of group homes for recovering substance abusers.

The Anti-Drug Abuse Act of 1988, Public Law 100-690, amended Subpart I of Part B of Title XIX of the Public Health Services Act by adding Section 1916(A) requiring the States to create a revolving fund account of at least \$100,000 to provide loans for the provision of group housing for four or more individuals recovering from alcoholism or other drug abuse.

The guidelines for administering the revolving fund account are outlined in the emergency rule section of this *Louisiana Register*.

Interested persons may submit written comments on the proposed rule to the following address: Dr. Robert Perkins, Deputy Assistant Secretary, Office of Human Services, Division of Alcohol and Drug Abuse, Bin #9, Box 3868, Baton Rouge, LA 70821. He is the person responsible for responding to inquiries regarding this proposed rule.

David L. Ramsey
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Group Homes for Recovering Substance
Abusers**

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

It is estimated that \$100,000 will be expended in FY 90 through an ancillary account established with federal block grant funds for the purpose of making low-cost, short-term loans to groups or entities for the start-up of self-run recovery residences for homeless recovering alcoholics or drug addicts. It is anticipated that the fund will be maintained in subsequent years through repayment of the initial \$100,000 in loans.

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. Approximately \$100,000 in FY 90 will be made available from existing federal funds under the Alcohol, Drug Abuse and Mental Health Block Grant for the mandatory implementation of this program.

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

Loans of up to \$4,000 will be made available to qualified recipients to allow establishment of low-cost permanent housing for the target group, which will be encouraged to obtain employment and to maintain sobriety in a support peer group.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

Billy R. Stokes, Ed.D
Assistant Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

In accordance with the Administrative Procedure Act, as amended, the Department of Health and Hospitals, Office of Public Health intends to amend Title 48, Part V. Subpart 45., Chapter 81 Section 8103 of the Louisiana Administrative Code to include Haemophilus Influenzae b (Hib) vaccine in order to require Hib vaccine as a requisite to enrollment in daycare, Headstart, and nursery centers for children 18-60 months of age. This rule will be effective December 20, 1989.

This rule is proposed under Louisiana Revised Statutes 17:170 and Louisiana Sanitary Code, Chapter 2:025. The former gives authority to Office of Public Health to establish a schedule of mandatory immunization for schools, nursery or daycare centers enterers, and the latter applies that same authority specifically to any daycare center.

**Title 48
PUBLIC HEALTH-GENERAL
Part V. Preventive Health Service
Subpart 45. Immunization Services
Chapter 81. Vaccine Preventable Disease Program
§8103. Eligibility**

Immunization delivery services are available to each individual in Louisiana. A \$5 fee will be collected in parish health units for each childhood vaccination visit by a patient whose other pediatric services are provided outside the Department of Health and Hospitals system. No one will be denied services due to inability to pay. All persons in the state may be considered to be at risk of infection although the target population is individuals susceptible to the following vaccine preventable diseases: Diphtheria, Tetanus, Pertussis, Poliomyelitis, Rubeola, Rubella, Mumps, and Haemophilus Influenzae b.

Interested persons may submit written comments at the following address: Joseph Kimbrell, Deputy Assistant Secretary-Programs, DHH-OPH, Box 60630, New Orleans, LA 70160.

David L. Ramsey
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Haemophilus b vaccine**

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

The cost for providing record maintenance fee service and nursing services for the administration of vaccine and treatment equals \$5 per visit. There will be no implementation cost. This program will be administered along with the existing immunization program.

Federal funds will cover 100 percent of the vaccine cost, and these funds are currently appropriated for this vaccine.

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

It is expected that 70,000 doses of Hib vaccine will be administered the first year. It is also expected that only half of those doses will be administered to persons who will be required to pay the \$5 administrative fee as charged for im-

munizations. Projected revenue which will offset administrative costs will equal \$175,000 during the first year, and \$112,000 during subsequent years based upon a projected 45,000 children per year.

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

The administration of this vaccine will reduce medical care cost related to complications to Hib disease.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Joseph D. Kimbrell
Deputy Assistant Secretary - Programs

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

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

In accordance with R.S. 39:55.2(F), the Department of Health and Hospitals, Office of the Secretary proposes to amend Section 3, Retail Food, of the Fee Rule published in LR 15:476 (June 1989):

The following language is to be added to Section 3:

Retail grocery stores will be charged a single annual fee per store regardless of the number of permits issued to that store, the fee being based on the annual gross receipts (hereinafter, AGR) of the store.

The AGR Categories are as follows:

Category	AGR
I	< \$500,000
II	\$ 500,000 - \$1,000,000
III	\$1,000,001 - \$2,500,000
IV	\$2,500,001 - \$5,000,000
V	> \$5,000,000

Using sales tax figures furnished by the Department of Revenue and Taxation and based on a budget of \$935,000 for inspection of grocery stores, the Department of Health and Hospitals has calculated, according to the formula prescribed in R.S. 39:55.2(F), the following schedule of fees:

AGR Category	Category % of Total AGR	Revenue To be Collected	Estimated # of Stores	Estimated Fee
I	7.6	\$ 72,310	5,165	\$ 14.00
II	6.4	\$ 60,352	656	\$ 92.00
III	7.1	\$ 66,538	323	\$ 206.00
IV	9.4	\$ 87,780	380	\$ 231.00
V	69.5	\$649,750	250	\$2,599.00
Totals	100.0	\$936,730		

NOTE: The above schedule is based on statistical information. The exact number of stores in categories IV and V is not known because some businesses report sales tax from multiple locations in single returns. Exact fees for each category will be determined only after proofs of gross receipts have been received by the department and the exact number of stores in each category has been established.

For purposes of this rule, "Retail Grocery Store" is de-

defined as an establishment whose sole or principal business is the retail sale of packaged groceries and produce to the extent that such sales account for at least 60 percent of the gross annual sales of the establishment. Upon written request by the Department of Health and Hospitals, each such establishment shall furnish within 30 days, proof of gross receipts for the most recent 12-month period for which such proof is available. In the case of establishments doing business less than one year, proof for less than a 12-month period shall be submitted and the department will calculate a projected annual gross receipts figure. New grocery stores will be issued temporary permits without initial payment of fees and will be required to furnish proof of gross receipts for the first three months of operation, from which the department will calculate projected gross annual receipts and assess the appropriate fee.

Any establishment which does not meet the definition of "Retail Grocery Store" but which sells groceries incidental to its primary business, may apply for a separate grocery permit to be charged at the rate charged to grocery stores, based on gross receipts from sale of grocery items only. However, any other retail food operations within that establishment will be charged at the rate of \$100 for a single permit, \$75 for the second through fifth permits and \$50 for all additional permits.

Interested persons may submit written comments to the following address: Joseph D. Kimbrell, Deputy Assistant Secretary/Programs, Office of Public Health, Box 60630, New Orleans, LA 70160.

A public hearing on this proposed rule will be held on November 7, 1989 at the Insurance Building, Plaza Level, 950 North Fifth Street, Baton Rouge, LA, beginning at 10 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

David L. Ramsey
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Fees (Retail Food)**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Printing, mailing of notice to permittees - \$4,000. Processing, data entry, modifying computer program - personnel costs - \$2,500.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Revenue from fees will not be collected until third and fourth quarters of fiscal year rather than in first quarter as anticipated.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Some businesses will realize greatly reduced fees and others will realize greatly increased fees.
Examples: Approximately 5,000 businesses will have fee reduced from \$100 to \$14. Approximately 250 businesses will have fee increased from \$250 to \$2,599.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No effect.

Joseph D. Kimbrell
Deputy Assistant
Secretary/Programs

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Labor
Office of Employment Security**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), the Department of Labor, Office of Employment Security, is hereby giving notice of its intention to repeal LAC 40:IV.303.

Title 40

LABOR AND EMPLOYMENT

Part IV. Employment Security

Chapter 3. Employment Security Law

§303. Effective Date of Regulation or Amendment, No Vested Rights

A regulation adopted by the administrator shall be published one time by printing in the official journal of the state of Louisiana and shall become effective as of the date indicated in such publication. Certified copies of all regulations so published shall be filed in the office of the Secretary of State, and an official file of such regulations shall be maintained in the office of the Legal Department of the Department of Labor and shall be accessible for examination at all times during business hours. The text of all regulations shall be printed and made available for distribution to the public. Any regulation may be changed, rescinded or revoked at any time the administrator may deem necessary and proper and there shall be no vested rights of any kind against any change, rescission or revocation. Such change, rescission or revocation shall become effective upon publication in the same manner as provided for giving effect to any regulation when adopted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1471-1732.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Employment Security, LR 15:488 (June 1989), Repealed LR 15:

Comments should be forwarded to Bernard J. Francis, Sr., Assistant Secretary, LDOL, Box 94094, Baton Rouge, LA 70804-9094. Comments will be accepted through November 6, 1989.

Phyllis Coleman Mouton
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Effective Date of Regulation or Amendment,
No Vested Rights**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no implementation costs or savings to local governmental units other than the estimated implementation costs of \$25 for duplication and dissemination of the rule. This will be paid for by federal funds.
- 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 NON-GOVERNMENTAL GROUPS (Summary)

There are no costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment as a result of repeal of this regulation.

Bernard J. Francis, Sr.
Assistant Secretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Labor
Office of Employment Security**

The Department of Labor, Office of Employment Security, intends to adopt proposed rule changes to the regulations for the administration of the Employment Security Law, as follows:

**Title 40
LABOR AND EMPLOYMENT
Part IV. Employment Security**

**Chapter 3. Employment Security Law
§370. Overpayment Recovery**

The amount of overpayment is immediately due and payable on demand upon exhaustion and/or expiration of appeal rights against (a) assessment of overpayment and/or (b) denial of waiver of repayment.

1. If the individual is unable to immediately repay the overpayment in full upon demand, a repayment agreement in writing will be negotiated in compliance with the Repayment Table for Overpayment listed below.

Repayment Tables for Overpayment

Total Overpayment Amount is:		Number of Months To Repay	Minimum Acceptable Payment Per Month
At Least \$ 001.	But Less Than \$ 250.	In Full or 90 Days	\$ 80.
\$ 251.	\$ 500.	12 Months	\$ 45.
\$ 501.	\$ 1000.	12 Months	\$ 85.
\$ 1001.	\$ 1500.	24 Months	\$ 65.
\$ 1501.	\$ 2000.	24 Months	\$ 85.
\$ 2001.	\$ 2500.	24 Months	\$ 105.
\$ 2501.	\$ 3000.	24 Months	\$ 125.
\$ 3001.	\$ 3500.	36 Months	\$ 100.
\$ 3501.	\$ 4000.	36 Months	\$ 115.
\$ 4001.	\$ 4500.	36 Months	\$ 125.
\$ 4501.	\$ 5000.	36 Months	\$ 140.
\$ 5001.	\$ 5500.	48 Months	\$ 115.
\$ 5501.	\$ 6000.	48 Months	\$ 125.
\$ 6001.	\$ 6500.	48 Months	\$ 135.
\$ 6501.	\$ 7000.	48 Months	\$ 145.
\$ 7001.	\$ 7500.	60 Months	\$ 125.
\$ 7501.	\$ 8000.	60 Months	\$ 135.
\$ 8001.	\$ 8500.	60 Months	\$ 145.
\$ 8501.	\$ 9000.	60 Months	\$ 150.

2. Initial payment must be received within 45 days of the date upon which the repayment agreement is signed. Subsequent payments are due to be paid in monthly increments which must be received no later than 30 days thereafter.

3. An adjustment of the repayment schedule may be granted at the written request of the claimant only if there has been a material change in his or her financial condition.

4. Requests to adjust the repayment schedule will only be granted if in compliance with criteria set forth in §369.A.2, Waiver of Overpayment Recovery.

5. No administrative appeal is provided from adjustment of or refusal to adjust repayment schedule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1471 et seq., 20 C.F.R. §617.55 et seq. and Act 350 of 1989.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Employment Security, LR 15:

Interested persons may submit written comments on these proposed rules through October 5, 1989, to Bernard J. Francis, Sr., Administrator, Office of Employment Security, Louisiana Department of Labor, Box 94094, Baton Rouge, LA 70804-9094.

Phyllis Coleman Mouton
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Overpayment Recovery**

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

The estimated implementation costs for this rule include \$2000 to develop forms to administer this rule and \$250 for copying and dissemination.

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

It is estimated that \$1.5 million could be collected as a result of implementation of this rule for the fiscal year of 1989-90. These funds shall be deposited in the Unemployment Insurance Trust Fund.

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

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition and employment.

B.J. Francis, Sr.
Assistant Secretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Labor
Office of Employment Security**

The Department of Labor, Office of Employment Security, intends to adopt proposed rule changes to the regulations for the administration of the Employment Security Law, as follows:

Title 40
LABOR AND EMPLOYMENT
Part IV. Employment Security

Chapter 3. Employment Security Law
§369. Waiver of Overpayment Recovery

A. A waiver of the overpayment may be granted only if (1) the claimant was without fault in causing the overpayment, and (2) repayment would be against equity and good conscience.

1. To determine if fault existed on the part of the claimant, it must be established whether the claimant:

- a. gave inaccurate information; or
- b. failed to disclose a material fact; or
- c. knew or should have known that he/she is not entitled to the benefits, or
- d. caused the overpayment by an act of omission of information known to the claimant; or
- e. had a determination of ineligibility due to fraud.

An affirmative finding on any one of the above precludes waiver of the overpayment.

2. Regardless of fault for the overpayment, the following factors must also be considered to determine if repayment would be contrary to equity and good conscience:

a. whether recovery of the overpayment would cause extraordinary financial hardship to the claimant for at least three months.

i. Extraordinary financial hardship shall be considered inability to obtain minimal necessities of living.

ii. All cash resources and income of the claimant, as well as of the family of the claimant, shall be considered.

b. whether the overpayment was the result of a decision on appeal.

c. whether claimant was given notice that a reversal on appeal would result in overpayment.

B. Determinations granting or denying waivers of overpayment shall be made only on a signed request from the claimant for a waiver determination. Upon filing by claimant of request for waiver, a written questionnaire shall be provided to claimant for answer to be returned to the administrator within 15 days of the date of such questionnaire.

C. All notices of determination of overpayment shall include information regarding rights of appeal and waiver provisions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1471 et seq., 20 C.F.R., §617.55 et seq. and Act 442 of 1989.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Employment Security, LR 15:

Interested persons may submit written comments on these proposed rules through October 5, 1989, to Bernard J. Francis, Sr., Administrator, Office of Employment Security, Louisiana Department of Labor, Box 94094, Baton Rouge, LA 70804-9094.

Phyllis Coleman Mouton
Secretary

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Waiver of Overpayment Recovery

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

There are no implementation costs to state or local governmental units other than the estimated implementation costs of \$250 for duplication and dissemination of the new rule.

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

\$500,000 will be deposited in the Unemployment Insurance Trust Fund through collection efforts.

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

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

B.J. Francis, Sr.
Assistant Secretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Labor
Office of Labor

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana Department of Labor, Office of Labor, is hereby giving notice of its intent to adopt new rules and amend other rules adopted on February 6, 1981, relating to employment standards and conditions of minors.

Copies of the proposed rules may be obtained at the Office of Labor, Box 94094, Baton Rouge, LA 70804-9094.

A public hearing on the proposed minor labor law will be held on November 3, 1989, commencing at 10 a.m. in the auditorium, Administrative Building, Baton Rouge Vocational Technical Institute, 3250 North Acadian Thruway, Baton Rouge, LA.

Interested persons may comment on the proposed rules either by attendance at the public hearing or by writing to Robert Levy, Assistant Secretary of Labor, Box 94094, Baton Rouge, LA, 70804-9094, through November 15, 1989.

Phyllis Coleman Mouton
Secretary

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Minor Labor Law Rules

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

The implementation cost of these regulations are the printing of 500 copies of these regulations at 17¢ per copy - a total of \$85.

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

Basically the revenue effect will be very little, if any, because the only monies collected will be from the general public when they request a copy of this booklet. The cost will be 17¢ per copy.

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

There will be no effect concerning any groups other than the cost of these booklets This booklet will cost persons requesting a copy 17¢ per copy.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Robert Levy
Assistant Secretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of Motor Vehicles**

The Department of Public Safety and Corrections, Office of Motor Vehicles, hereby gives notice of its intent to adopt proposed regulations under R.S. 32:401-427 (Commercial Driver License Law) in order to implement same. These regulations replace Sections 101 through 113 of Chapter One, Title 55 of the Louisiana Administrative Code, which are hereby repealed. The new regulations set forth the general knowledge required of applicants for a commercial driver license and any endorsements thereto, prescribe the colors of the backgrounds of the licenses, establish the requirements for third-party tester and examiner status, sets forth the implied consent provisions applicable to all holders of a commercial driver license, describe the procedure for suspension of driving privileges, in addition to providing certain administrative provisions related to the commercial driver license holder.

Copies of the proposed regulations may be viewed at 1771 Lodbell Boulevard, Room 312, Baton Rouge, LA. Interested parties may submit their comments on these regulations by writing to or contacting Michael Cammarosano, Office of Motor Vehicles, 1771 Lodbell Boulevard, Baton Rouge, LA.

Col. Marlin Flores
Deputy Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Commercial Driver License**

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

The estimated cost of implementation of the commercial driver license law for fiscal year 1989-1990 is \$708,376.

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

Revenue collections from the implementation of the commercial driver license law for fiscal year 1989-1990 are estimated to be \$750,000, based on approximately 25,000 applicants with the effective date of 1/1/90.

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

The estimated costs of implementation of the commercial driver license law to directly affected persons in the state total \$750,000, which is derived from the sale of manuals, application fees and endorsement fees. However, the directly affected persons statewide should realize benefits exceeding these costs resulting from reduced insurance premiums, reductions in lost production and property damage as a result of increased driver safety.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The implementation of the commercial driver license program is estimated to result in increased employment statewide by opening positions for third-party testers and examiners, safety officers and other related positions in the motor carrier industry.

Rex McDonald
Undersecretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of State Fire Marshal**

The Department of Public Safety and Corrections, Office of State Fire Marshal, hereby advertises its intent to adopt proposed regulations to govern inspection of remanufactured homes in accordance with Act 356 of the 1989 Regular Legislative Session.

**Title 55
PUBLIC SAFETY
Part V. Fire Protection
Chapter 7. Remanufactured Housing
§701. General Provisions and Scope**

Whereas manufactured homes built on or after June 15, 1976 have had to be in strict compliance with the Federal Manufactured Home Construction and Safety Standards (24 CFR Chapter XX Part 3280), and whereas many of these homes have had at least one owner, and whereas these same homes may undergo some degree of refurbishing or remanufacturing before being resold to the consuming public, it is the intent of the fire marshal to assure the remanufactured home retains a minimum level of safety to life from the hazards of fire and similar habitable conditions. It is not the intent of the fire marshal, for reasons of impracticality, to assure that each remanufactured home be completely restored or remanufactured to once again be in full compliance with the Federal Manufactured Home Construction and Safety Standards.

§703. Definitions

A. *Serial number* refers to the letters and numbers stamped into the foremost cross member of the remanufactured home by the original manufacturer as a means of identification required pursuant to 24 CFR Chapter XX Part 3280.6.

B. *Label* means the acceptable form of certification by the remanufacturer that, under LAC 55:604 is permanently affixed to each transportable section of each remanufactured home.

§705. Inspection Information Plate

A. Each remanufactured home shall have an inspection information plate affixed in a secure manner near the main elec-

trical panel or other readily accessible and visible location. Inspection information plates shall contain not less than the following information:

1. The name and address of the remanufactured housing plant, facility, or location in which the manufactured home was remanufactured.
2. The serial number of the unit and the date the unit was remanufactured.
3. The Louisiana label number.
4. The statement, "This remanufactured home was remanufactured in conformance with the minimum standards for life safety as regulated by the Louisiana Office of State Fire Marshal in force at the time of remanufacture."

§707. Label

- A. A permanent label shall be affixed to each transportable section of each remanufactured home.
- B. The label shall be approximately 1¹/₂ in. by 3 in. in size and of a self-adhesive metallic type. The labels shall be stamped with a six digit sequential number.
- C. The label shall read as follows:
This label is certification of restoration of this manufactured home being in conformance with the minimum standards for life safety regulated by the Office of State Fire Marshal.
- D. The label shall be located approximately four feet up from the floor and 8 in. away from the opening side of the main entry door, or as near to that location on a permanent part of the exterior of the remanufactured home unit as practicable.
- E. Labels shall be affixed only at the end of the last stage of production of the remanufactured home and only to a remanufactured home to which the remanufacturer knows by its inspections to be in compliance with all applicable standards and regulations.
- F. The remanufacturer shall keep a monthly record of all remanufactured homes to which labels are affixed and forward a copy of each month's report to the Fire Marshal on or before the tenth day of the following month.
- G. A four week supply of labels can be procured by placing an order with the Office of State Fire Marshal on a "Request and Payment for Remanufactured Homes Labels" form. The labels shall be provided to the remanufacturer in a sequentially numbered series.
- H. The remanufacturer shall pay a fee of forty dollars for each label ordered by a check made payable to the Office of State Fire Marshal for the total amount of the order.

I. The fire marshal shall reclaim labels where he has reason to believe remanufactured homes are being produced in nonconformance with the applicable standards and regulations.

§709. Exit Facilities; Exterior Doors

- A. The number and location of exterior doors shall not be diminished below that of the original manufactured design or lower than allowed by 24 CFR Chapter XX Part 3280.105.
- B. All exterior doors shall be fully operable.

§711. Fire Safety

- A. The number and location of smoke detectors shall not be diminished below that of the original manufactured design or lower than allowed by 24 CFR Chapter XX Part 3280.208.
- B. All existing smoke detectors installed shall be cleaned and tested in accordance with standard recommended practices and be fully operable.
- C. All new smoke detectors installed for the purpose of replacement of an existing defective detector or as additional protection shall be installed and carry the appropriate labeling as required by 24 CFR Chapter XX Part 3280.208.

D. Flame spread limitations and fire protection requirements shall be those found in 24 CFR Chapter XX Part 3280.203.

§713. Egress Windows

- A. All existing egress windows shall be fully operable and appropriately identified.
- B. Any new egress windows shall meet the standards for type, performance, dimensions, installation, and identification per 24 CFR Chapter XX Part 3280.404.

§715. Water Distribution and Drainage

A. All water and drainage piping (existing or replacement) shall be tested and inspected by the remanufacturer in accordance with 24 CFR Chapter XX Part 3280.612.

§717. Gas Piping

A. All gas piping shall be tested for leakage by the remanufacturer in accordance with 24 CFR Chapter XX Part 3280.705.

§719. Electrical Systems

- A. All electrical conductors and equipment replaced or repaired within or on a remanufactured home shall be in accordance with 24 CFR Chapter XX Part 3280 Subpart I.
- B. Each remanufactured home shall have a dielectric, continuity, and operational test in accordance with 24 CFR Chapter XX Part 3280.810.

§721. Quality Assurance

A. The remanufacturer shall prepare and submit to the Fire Marshal for acceptance a quality assurance manual. That manual shall include the manufacturer's quality assurance program, an organizational chart showing the accountability, by position, of the manufacturer's quality control personnel, a description of production tests and test equipment required for compliance with the standards, a station-by-station description of the manufacturing process, a list of quality control inspections required by the remanufacturer at each station, and identification by title of each person who will be held accountable for each quality control inspection. All amendments to the quality assurance manual and all changes in the quality control personnel shall be reported to the fire marshal in writing within 10 days of their occurrence.

B. Labels shall only be affixed by or under the direct supervision of the quality control manager.

§723. Inspections

A. The inspectors of the state fire marshal shall routinely review records/files of the remanufacturer's quality control department relative to production line inspections and tests to assure adherence to the quality assurance manual. Quality control inspection reports shall be checked to determine what corrective action the quality control manager has taken on items written up against the applicable standards and regulations.

B. The fire marshal inspector shall inspect each remanufactured home at least once in some stage of production. The inspector shall cite any nonconforming condition on an inspection report.

C. All units on the production line/stations shall be inspected each visit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:912.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Fire Protection, LR 1:144 (February 1975), repromulgated LR 6:73 (February 1980); adopted by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 15:

Interested parties may comment on these proposed regulations by writing to or contacting Carrol Herring, State Fire Marshal, Box 66614, Baton Rouge, LA 70896.

Carrol L. Herring
State Fire Marshal

and Environmental Safety Section, Box 66614, Drawer 21, Baton Rouge, LA 70896. Telephone: (504) 925-6113, extension 14.

Colonel Marlin Flores
Deputy Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Remanufactured Home Standards**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is estimated that \$72,750 will be necessary to implement this program.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is estimated that the revenue collected pursuant to the licensing and labeling fees will be \$72,750. It is estimated that revenue will increase for fiscal year 90-91 and 91-92 to \$85,000.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Each remanufacturer of mobile homes will be required to pay a license fee of \$150 per year. In addition, each remanufactured home will be assessed an inspection/labeling fee of \$40.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no estimated effect on competition or employment.

Rex McDonald
Undersecretary

David W. Hood
Senior Fiscal Analyst

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Towing, Recovery, and Storage Regulations**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is estimated that \$308,646 is necessary to implement this program during the last nine months of FY89-90. The initial funds will be self-generated collections of a prorata portion of a \$100 per license plate fee on an estimated 4000 vehicles in the regulated class of vehicles. Additional funding will be generated through enforcement of regulations and collection of civil penalties. Costs include adequate staff to administer the regulatory program, acquisitions of supplies, and enforcement activities.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
We estimate collections of licensing fees to be \$300,000 for the first nine months of the program and \$400,000 for FY 90-91 from license renewals. Collections from civil penalties are expected to be minimal for FY 89-90.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The licensing fees proposed will increase the costs of doing business for tow truck operators as will any fines imposed for violations of the law or regulations. The cost of each tow truck license will be \$100 per year in addition to the costs enumerated in Title 47 of the Louisiana Revised Statutes. The administrative costs incurred by the towing service for the filing of a report of storage card with the Office of Motor Vehicles will be charged to the vehicle owner. The vehicle owner will pay the maximum storage rates for passenger vehicles as set in the rules.
The benefits to the public interest and welfare derive from the exercise of police power over the towing and storage industry to prevent frauds and impositions. The costs to the public for industry recovery of administrative costs will be strictly controlled. Vehicle owners and lienholders will be promptly notified of vehicle storage, thus limiting the accrual of storage fees. Insurance limits as set in the rules assure equitable treatment of claims for damages against tow truck operators.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The costs to tow truck operators in increased license fees will not likely adversely affect operators; however, the rules may cause some operators to cease operation rather than come into compliance with the standards set in the regulations. To the extent that operators cease operation, competition may be reduced.

Marlin Flores
Deputy Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of State Police
Transportation and Environmental Safety Section
Towing and Recovery Unit**

Under the authority granted in R.S. 32:1800 through R.S. 32:1821, the Louisiana Towing and Recovery Act, and in accordance with the Administrative Procedure Act R.S. 49:950 et seq., the Department of Public Safety and Corrections intends to adopt rules and regulations pertaining to the towing and storage of vehicles.

A public hearing on these proposed rules will be held on November 6, 1989 at 9 a.m. in the State Police Training Academy Auditorium, 7901 Independence Boulevard, Baton Rouge, LA.

Interested persons may submit comments until November 6, 1989 by contacting Hamilton Mixon, Department of Public Safety and Corrections, Office of State Police, Transportation

NOTICE OF INTENT

Department of Social Services Office of Rehabilitation Services

Effective May 1, 1986, the Department of Social Services (formerly the Department of Health and Human Resources) put into effect the rules of operation for the Louisiana Department of Social Services, Council on the Purchase of Products and Services of Severely Disabled Persons.

This rule allows the council to operate and distribute contracts to the state operated and state supported sheltered workshops which provide employment opportunities to severely disabled citizens of Louisiana.

Act 109 of 1984 authorizes the Department of Social Services to adopt these rules. Act 109 gives a preference in state purchasing to the products and services of the severely disabled in state supported sheltered workshops.

The rules are being revised to more accurately reflect actual practice since the original rules were published before the program went into operation. Act 291 of 1986 amended Act 109 of 1984. A Central Non-Profit Agency has been designated by the council as authorized by Act 109 of 1984.

A copy of the rules of operation are available for review in the Office of the Director, Rehabilitation Services.

Interested persons may submit written comments on the proposed rule within 15 days of the date of publication at the following address: Alton Toms, Director, Rehabilitation Services, Box 94371, Baton Rouge, LA 70804-9371.

May Nelson
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: LA DDS Council on the Purchase of Products and Services of Severely Disabled Persons

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No funds are necessary to implement this rule revision.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This rule has no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The program regulated by this rule indirectly creates employment for severely disabled citizens of Louisiana.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There has been no adverse effect on competition indicated in the three years the program regulated under this rule has been in operation. Over 300 severely disabled persons have been employed as a result of this program.

Alton Toms
Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Social Services Rehabilitation Services

The Louisiana Rehabilitation Services program proposes to change its present policy regarding the minimal ACT Score of 16 to a minimal ACT Score of 19 for those clients entering college effective December 20, 1989.

The Louisiana Department of Social Services will conduct public hearings on the submission of this proposed policy in November, 1989 in the following major metropolitan areas of the state.

Public hearings for the policy change of Rehabilitation Services are scheduled as follows:

Wednesday, November 15, 1989, Alexandria, 10 a.m., State Office Building, First Floor, Conference Room, 900 Murray Street, Alexandria, LA.

Thursday, November 16, 1989, Baton Rouge, 10 a.m., Third Floor, Conference Room, Office of Community Services, 1755 Florida Boulevard, Baton Rouge, LA.

Friday, November 17, 1989, New Orleans, 10 a.m., Magnolia Room, Fourth Floor, Avenue Building, 2026 St. Charles Avenue, New Orleans, LA.

All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at said hearing. Copies of the rule will be available at one of the nine Rehabilitation Services' Regional Offices.

May Nelson
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Rehabilitation Services Policy for ACT Scores for college students

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no anticipated implementation costs or savings.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Rehabilitation Services has sufficient funds to provide Client Services in the area of college training as Act 19 was approved by the Louisiana Legislature.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Rehabilitation Services has sufficient funds to provide Client Services in the area of college training as Act 19 was approved by the Louisiana Legislature.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no proposed change in competition and employment in the public and private sector.

Alton Toms
Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

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

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend language in the Plan Document of Benefits as follows:

To Article 1, between Sections III and IV, add the following Section IV and renumber current Sections IV and V to Section V and VI, respectively:

IV. ADDING OR DELETING DEPENDENTS

Notice must be furnished to the program by the plan member whenever a dependent, as defined in Article 1, Section I(I) is added to or deleted from the plan member's coverage, regardless of whether or not such addition or deletion would result in a change in the class of coverage. Such notice must be provided within 30 days of the addition or deletion of the dependent.

In the event that the addition or deletion of a dependent results in a change in the class of coverage, the provisions of Article I, Section V will apply.

Comments or objections will be accepted, in writing, by the Executive Director of the State Employees Group Benefits Program until 4:30 p.m. on December 9, 1989, at the following address: Dr. James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804.

James D. McElveen
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Dependent Changes

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This rule change will not affect the costs or savings to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The revenue collections of state or local governmental units will not be impacted by this rule change.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The directly affected persons, the plan members of the State Employees Group Benefits Program, will not experience any costs or savings resulting from this rule change.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
Competition or employment will not be impacted.

James D. McElveen
Executive Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Wildlife and Fisheries Office of Fisheries

The secretary, Louisiana Department of Wildlife and Fisheries does hereby give notice of intent to promulgate a rule to amend the regulations governing the Experimental Fisheries Program. Authority for adoption of this rule is included in R.S.56:571. Said rule is made a part of this notice of intent as follows.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 7. Experimental Fisheries Program §701. Permits

A. Purpose-Under Louisiana law, only gear which is legally sanctioned may be used in a fishery. All other types of gear require permits. These permits may be issued for the development of new fisheries, gear designed to harvest underutilized species and to persons who are interested in the development of experimental gear. The purpose of the permit system is to:

1. allow the department to closely supervise all fisheries not sanctioned by statutory law which may conflict with established fisheries or which may use gear prohibited by statutory law;

2. allow the permittee to develop experimental gear for fisheries development, while providing information of this activity to the department for scientific purposes.

The following points delineate criteria used in the issuance of permits.

B. General Regulations

1. Permits will not be issued for species which are threatened or endangered or for fisheries, gear types or applications of otherwise legal gear which are specifically prohibited by law.

2. Possession of a permit does not exempt the bearer from laws or regulations except for those which may be specifically exempted by the permit. Violation of a fish or game law which carries a Class II penalty or greater shall constitute a violation of the permit.

3. Permits will be issued only for such time to allow the department to properly evaluate the fishery, gear or methods being used. The department may withdraw any permit because it has a deleterious effect, may withdraw any permit in order to conduct its own evaluation of the gear or fishery, may effect management regulations which render any permit inoperative or may extend any permit as a means of regulating the fishery until such time the fishery comes under statutory laws.

4. The secretary reserves the right to limit the number of permits issued each year. When the number is limited, permits will be granted on a first come, first served basis. A permit does not entitle the bearer the exclusive harvest of the resource.

5. Information gained by the department through the issuance of a permit is not privileged and will be disseminated to the public.

6. Applicants with a citation(s) pending for three years or less, which is a Class II fish or game violation(s) or greater shall be denied a permit until such time as the applicant appears before department officials for the purpose of reviewing the citation(s) issued. The secretary, after reviewing the proceedings, may issue or deny the permit.

7. Permits shall not be issued to any applicant who within three years of the date of his application, has been con-

victed or plead guilty to a Class II fish or game violation or greater, as defined in the laws pertaining to wildlife and fisheries.

8. Applicants found guilty of two or more Class II fish or game violations or greater within five years of the application date shall not receive a permit.

9. The bearer of a permit shall report monthly the catch and effort under the permit, even when catch or effort is zero. This report shall contain total catch, effort, and other parameters which may be required by the department. A report shall be received by the department no later than 30 days following the last day of each month.

10. When a permit is issued, only the permitted specie(s) can be retained. All other species shall be immediately returned to waters from which they were caught. No other fish may be in the possession of the permittee and all fish on board the permitted vessel shall have the head and caudal fin (tail) intact.

11. The permittee shall have the permit in possession at all times when using permitted gear or harvesting permitted specie(s). Permit holder shall be on board permitted vessel when operating under conditions of permit. No permit is transferrable without written permission from the department secretary.

12. When permitted gear is on board permitted vessel or in possession of permittee, permittee and vessel are assumed to be operating under conditions of the permit. No gear other than permitted gear may be on board or in possession of permittee.

13. If citation(s) are issued to any permittee for violation of a Class II fish or game law or conditions regulated by the permit, all permittee's permits shall be suspended until such time as the permittee appears before department officials for the purpose of reviewing the citation(s) issued. The secretary, after reviewing the proceedings, may reinstate or revoke the permit, and the permittee may lose all rights and privileges to participate in the program.

14. Any violation of the conditions of the permit shall result in the immediate suspension of the permit and forfeiture of the deposit, and may result in the permanent revocation of the permit.

C. Saltwater Area Regulations

1. All permits shall be applied for and/or granted from January 1 to July 31 of each year. All permits expire December 31 following the date of issuance. All permits shall be returned to the department by January 31 following expiration.

2. Each applicant for a permit under this program will be assessed an administrative fee of \$50 at the time of appointment. Each applicant who is a resident of Louisiana will be required to post a performance fee deposit of \$1,000 payable by cashier's check. All non-residents shall post a performance fee deposit of \$4,000, also payable by cashier's check. These deposits are required upon application and are valid until December 31 of each year.

3. Permit requests for experimental gear shall include complete descriptions of the gear and methods used, including drawings or pictures, and the specie(s) to be fished. All potential permittees shall request an appointment by contacting seafood division personnel in the New Orleans office. Proof of ownership of the proposed permitted vessel(s) shall be provided at the time of appointment and the person requesting a permit shall show proof that all applicable licenses have been applied for before a permit is issued. Proof of bona fide residency is also required at this time.

4. The department reserves the right to observe the operations taking place under the permit at any time and permittee shall be required to provide food and lodging on the permitted

vessel for an observer at the request of the department.

5. All permittees shall notify the department prior to leaving port to fish under permitted conditions and immediately upon returning from permitted trip. The department shall be notified by calling a designated phone number.

6. If any permittee does not report monthly as required, his permit shall be suspended. If no report is received by January 31 following suspension, the deposit is forfeited.

7. The permitted boat used in the program shall have a distinguishing sign so that it may be identified. The sign shall have the word "EXPERIMENTAL" printed on it in at least six-inch high letters on a contrasting background so as to be visible from low flying aircraft or from any other vessel in the immediate vicinity.

D. Freshwater Area Regulations

1. Permits will be issued to use experimental gear for the harvest of underutilized specie(s) and to harvest said underutilized specie(s) in a manner that will not be deleterious to established fisheries or the fish community.

2. Permit applications for the development of new gear shall include complete descriptions of the gear and methods used, including drawings or pictures, the specie(s) to be fished and the area to be fished.

3. Permit applications shall be accompanied by proof that all applicable licenses have been applied for.

4. Each applicant for a permit under the program will be assessed an administrative fee of \$20 per permit.

5. Permits will be issued on a calendar year basis and will expire on December 31 of the year issued.

6. The department reserves the right to observe the operations taking place under the permit at any time.

7. All permittees shall notify the department prior to leaving to fish under permitted conditions and shall give the approximate hour of departure and the general location where the permittee will fish.

8. If any permittee does not report monthly as required by Paragraph B.9., his permit may be suspended and the permittee may lose all rights and privileges to participate in the program in future years.

9. Permittees shall be required to mark and identify the permitted gear as described in the permit.

AUTHORITY NOTE: Promulgated in accordance with R.S.56:571.

HISTORICAL NOTE: Promulgated by Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 12:119 (February 1986), L.R. 12:847 (December 1986), amended by the Office of Fisheries, LR 15:

Interested persons may submit written comments relative to the proposed rule to Bennie Fontenot, Chief, Freshwater Fish Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

Virginia Van Sickle
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Experimental Fisheries Program (Underutilized Species)

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

There will be no implementation costs (savings) to state or local governing units.

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

There will be no effect on revenue collections of state or local governmental units.

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

Proposed action benefits commercial fishermen by facilitating harvest of underutilized species in saltwater and freshwater. It also contributes to local and state economy by offering sales and employment.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Proposed rule should have no effect on competition and will increase employment opportunities in the commercial fisheries industry.

Bettsie Baker
Undersecretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Wildlife and Fisheries
Office of Fisheries**

The secretary, Louisiana Department of Wildlife and Fisheries does hereby give notice of intent to promulgate a rule to amend the regulations governing the Pompano Permit Program. Authority for adoption of this rule is included in R.S. 56:406. Said rule is made a part of this notice of intent as follows.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 7. Experimental Fisheries Program

§703. Pompano and Black Drum Permits

A. Special Pompano Permit Regulations

1. Permits will not be issued for species which are threatened or endangered or for fisheries, gear types or applications of otherwise legal gear which are specifically prohibited by law.

2. Possession of a permit does not exempt the bearer from laws or regulations except for those which may be specifically exempted by the permit. Violation of a fish or game law which carries a Class II penalty or greater shall constitute a violation of the permit.

3. Information gained by the department through the issuance of a permit is not privileged and will be disseminated to the public.

4. Applicants with a citation(s) pending for three years or less, which is a Class II fish or game violation(s) or greater shall be denied a permit until such time as the applicant appears before department officials for the purpose of reviewing the citation(s) issued. The secretary, after reviewing the proceedings, may issue or deny the permit.

5. Permits shall not be issued to any applicant who within three years of the date of his application, has been convicted or plead guilty to a Class II fish or game violation or greater, as defined in the laws pertaining to wildlife and fisheries.

6. Applicants found guilty of two or more Class II fish or game violations or greater within five years of the application date shall not receive a permit.

7. The bearer of a permit shall report monthly the catch and effort under the permit, even when catch or effort is zero. This report shall contain total catch, effort, and other parameters which may be required by the department. A report shall be received by the department no later than 30 days following the last day of each month.

8. When a permit is issued, only the permitted specie(s) can be retained. All other species shall be immediately returned to waters from which they were caught. No other fish may be in the possession of the permittee and all fish on board the permitted vessel shall have the head and caudal fin (tail) intact.

9. The permittee shall have the permit in possession at all times when using permitted gear or harvesting permitted specie(s). Permit holder shall be on board permitted vessel when operating under conditions of permit. No permit is transferrable without written permission from the department secretary.

10. When permitted gear is on board permitted vessel or in possession of permittee, permittee and vessel are assumed to be operating under conditions of the permit. No gear other than permitted gear may be on board or in possession of permittee.

11. If citation(s) are issued to any permittee for violation of a Class II fish or game law or conditions regulated by the permit, all permittee's permits shall be suspended until such time as the permittee appears before department officials for the purpose of reviewing the citation(s) issued. The secretary, after reviewing the proceedings, may reinstate or revoke the permit, and the permittee may lose all rights and privileges to participate in the program.

12. Any violation of the conditions of the permit shall result in the immediate suspension of the permit and forfeiture of the deposit, and may result in the permanent revocation of the permit.

13. For permitting purposes, a pompano net shall be defined as a gill net not exceeding 1200' in length and not smaller than two and one-half inch bar or five inch stretched mesh.

14. All permits shall be applied for and/or granted from January 1 to April 30 of each year. All permits expire December 31 following the date of issuance. All permits shall be returned to the department by January 31 following expiration.

15. All potential permittees shall request an appointment by contacting Seafood Division personnel at 400 Royal Street, New Orleans. Proof of ownership of the proposed permitted vessel(s) and proof that all applicable licenses have been applied for shall be provided at the time of appointment. Proof of bona fide residency, as defined in R.S. 8:(12), is also required at this time.

16. The permitted boat used in the program shall have a distinguishing sign so that it may be identified. The sign shall have the word "POMPANO" printed on it in at least six-inch high letters on a contrasting background so as to be visible from low flying aircraft or from any other vessel in the immediate vicinity.

17. The department reserves the right to observe the operations taking place under the permit at any time and permittee shall be required to provide food and lodging on the permitted vessel for an observer at the request of the department.

18. All permittees shall notify the department prior to leaving port to fish under permitted conditions and immediately upon returning from permitted trip. The department shall be notified by calling a designated phone number.

CITATION: LAC 7:VII.703

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:406.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR

13:440 (August 1987), amended by the Office of Fisheries, LR 15:

Interested persons may submit written comments relative to the proposed rule to John Roussel, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

Virginia Van Sickle
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Pompano Permit Program**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no implementation costs (savings) to state or local governing units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Proposed action benefits commercial fishermen by facilitating harvest of pompano and black drum. It also contributes to local and state economy by offering sales and employment.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
Proposed rule should have no effect on competition and may increase employment opportunities in the commercial fisheries industry.

Bettsie Baker
Undersecretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Wildlife and Fisheries
Office of Wildlife**

The Louisiana Department of Wildlife and Fisheries does hereby give notice of its intent to promulgate a rule to determine those species that have been designated as endangered or threatened pursuant to the Federal Endangered Species Act. Upon such determination, those species shall be deemed to be endangered or threatened under the provisions of L.S.A. R.S. 56, Chapter 8, Part IV. Said rule is made a part of this notice of intent as follows:

**Title 76
WILDLIFE AND FISHERIES
Part I. Wildlife and Fisheries Commission
and Agencies Thereunder
Chapter 3. Special Powers and Duties
Subchapter E. Louisiana Natural Heritage Program
§317. Threatened and Endangered Species, Determination; Lists.**

The secretary of the Department of Wildlife and Fisheries hereby determines that those species designated as endangered

or threatened pursuant to the Federal Endangered Species Act, are designated as such by the U.S. Fish and Wildlife Service at 50 CFR 17.11 (January 1, 1989). Based upon the above determination, said species, which are enumerated below, are deemed to be endangered or threatened species under the provisions of Louisiana Revised Statutes Title 56, Chapter 8, Part IV.

A. BIRDS

Brown Pelican	<i>Pelecanus occidentalis</i>	E
Bald Eagle	<i>Haliaeetus leucocephalus</i>	E
Peregrine Falcon	<i>Falco peregrinus</i>	T/E
Whooping Crane	<i>Grus americana</i>	E
Eskimo Curlew	<i>Numenius borealis</i>	E
Piping Plover	<i>Charadrius melodus</i>	T/E
Interior Least Tern	<i>Sterna antillarum athalassos</i>	E
Ivory-billed Woodpecker	<i>Campephilus principalis</i>	E
Red-cockaded Woodpecker	<i>Picoides borealis</i>	E
Bachman's Warbler	<i>Vermivora bachmanii</i>	E

B. REPTILES

Green Sea Turtle	<i>Chelonia mydas</i>	T
Hawksbill Sea Turtle	<i>Eretmochelys imbricata</i>	E
Kemp's Ridley Sea Turtle	<i>Lepidochelys kempii</i>	E
Leatherback Sea Turtle	<i>Dermochelys coriacea</i>	T
Loggerhead Sea Turtle	<i>Caretta caretta</i>	T
Gopher Tortoise	<i>Gopherus polyphemus</i>	T
Ringed Sawback Turtle	<i>Graptemys oculifera</i>	T

C. MAMMALS

West Indian Manatee	<i>Trichechus manatus</i>	E
Blue Whale	<i>Balaenoptera musculus</i>	E
Finback Whale	<i>Balaenoptera physalus</i>	E
Sei Whale	<i>Balaenoptera borealis</i>	E
Sperm Whale	<i>Physeter catodon</i>	E
Florida Panther	<i>Felis concolor corvi</i>	E

D. INVERTEBRATES

Louisiana Pearlshell	<i>Margaritifera hembeli</i>	E
----------------------	------------------------------	---

E = endangered
T = threatened

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1904.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Office of Wildlife LR 15:

Interested persons may submit written comments relative to the proposed rule until 4:30 p.m., November 20, 1989 to Gary Lester, Coordinator, Louisiana Natural Heritage Program, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

Virginia Van Sickle
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Threatened and Endangered Species of Louisiana**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The implementation of this rule will not result in any added costs to the operation of the department nor to any

other branch of state or local government.

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

The implementation of this rule will not affect revenue collections of state or local governmental units.

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

The proposed rule should have no estimated costs and/or economic benefits to persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Bettsie Baker
Undersecretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

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

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sport and Commercial Fishing

§123. Black Bass

Pursuant to the authority granted under Louisiana Revised Statutes; Title 56, Section 325(C), the Louisiana Wildlife and Fisheries Commission hereby advertises its intent to establish a minimum size of 16 inches total length and a daily take and possession limit of five fish for black bass in Chicot Lake, Evangeline Parish. These proposed regulations will become effective January 1, 1990.

Interested persons may submit written comments on the proposed rule to the following address: Bennie J. Fontenot, Jr., Chief, Inland Fisheries Division, Louisiana Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:325(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 14:364 (June 1988), LR 15:

Don Hines
Chairman

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Chicot Lake - Black Bass Harvest Restrictions

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

There are no expected implementation costs or savings anticipated to state or local government units.

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

The proposed rule will have little or no anticipated effect upon revenue collections of state or local government units.

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

There are no anticipated short-term costs or benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule should have little or no effect upon competition and employment.

Bettsie Baker
Undersecretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Louisiana Wildlife and Fisheries Commission hereby expresses intent to adopt rules and regulations to preserve the confidentiality of any data, information or statistics submitted or collected pursuant to Section 345 of Title 56 of the Louisiana Revised Statutes. Authority for adoption of this rule is included in R.S. 56:345. Said rule is made a part of this notice of intent as follows.

Title 76

WILDLIFE AND FISHERIES

**Part I. Wildlife and Fisheries Commission
and Agencies Thereunder**

Chapter 3. Special Powers and Duties

Subchapter F. Confidential Fishing Data

§319. Confidentiality of Commercial Landings Data

The Louisiana Wildlife and Fisheries Commission does hereby adopt the following rules and regulations to preserve the confidentiality of any data, information or statistics submitted or collected pursuant to Section 345 of Title 56 of the Louisiana Revised Statutes:

A. Confidentiality

All data collected or otherwise obtained by personnel of the Louisiana Department of Wildlife and Fisheries in the course of their duties and other landings data collected by the Louisiana Department of Wildlife and Fisheries are confidential, and are not to be divulged, except in aggregate form, to any person except employees of the Louisiana Department of Wildlife and Fisheries or the National Oceanic and Atmospheric Administration. National Marine Fisheries Service (NOAA/NMFS) whose duties require this information, except as permitted by law or court order. Aggregate form, with respect to data, shall mean data or information submitted by three or more persons that have been summed or assembled in such a manner so as not to reveal, directly or indirectly, the identity or business of any such person. The Louisiana Department of Wildlife and Fisheries will not voluntarily release confidential information to other state or federal agencies, except NOAA/NMFS as stated above, and to the extent possible, will oppose other agency and congressional subpoenas to obtain confidential information. The Louisiana Department of Wildlife and Fisheries will not disclose confidential statistics under court order without specific approval by the State Attorney General's Office. Employees of the Louisiana Department of Wildlife and Fisheries who have access to confidential statistics shall be subject to the provisions and penalties for unau-

thorized disclosure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:345.

HISTORICAL NOTE: Promulgated by Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 15:

Interested persons may submit written comments on the proposed rule to: Jerry Clark, Louisiana Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

Virginia Van Sickle
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Confidentiality of Commercial Landings
Data**

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

Bettie Baker
Undersecretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Louisiana Wildlife and Fisheries Commission hereby gives notice to the public that pursuant to Act 169 of the 1988 regular session of the Legislature, the commission intends to adopt monetary values to be assigned to illegally taken, possessed, injured, or destroyed fish, wild birds, wild quadrupeds, and other wildlife and aquatic life. Said rule is made part of this notice of intent.

For further information contact M.B. Watson, Louisiana Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, or call (504) 765-2369.

**Title 76
WILDLIFE AND FISHERIES
Part I. Wildlife and Fisheries Commission
Chapter 3. Special Powers and Duties
Subchapter C. Wildlife Values
§315. Fish and Wildlife Values**

The Wildlife and Fisheries Commission hereby adopts the following values for illegally taken, possessed, injured, or de-

stroyed fish, wild birds, wild quadrupeds, and other wildlife and aquatic life.

Game Mammals and Game Birds

Deer	\$474.70
Squirrels	\$8.82
Rabbits	\$14.84
Turkeys	\$726.24
Ducks	\$10.59
Geese	\$38.02
Coots	\$11.34
Gallinules	\$4.01
Rails	\$25.89
Snipe	\$20.29
Quail	\$15.72
Woodcock	\$27.13
Doves	\$8.85

Non-Game Animals

Raptors (Birds)	\$50.00
Other Birds	\$10.00
Frogs	\$8.84/lb
Turtles	\$5.35/lb
Alligator (Skin)	\$45.00/ft
Alligator (Meat)	\$2.00/lb
Nutria	\$2.50
Mink	\$12.50
Fox	\$15.00
Muskrat	\$2.00
Raccoon	\$5.00
Bobcat	\$45.00
Black Bear	\$2,000.00
Marine Mammals	\$2,000.00
Other Mammals	\$10.00

Threatened and Endangered Species

Reptiles (Adult or Young)	\$2,500.00/animal
Reptiles (Eggs)	\$2,500.00/violation
Birds (Adult or Young)	\$2,500.00/animal
Birds (Eggs)	\$2,500.00/violation
Mammals	\$2,500.00/animal
Invertebrates	\$2,500.00/violation

All Non-Commercial/Non-Sport Fish

Marine		Fresh-Water	
Length Inches	Value	Length Inches	Value
1	\$0.32	1	\$0.17
2	\$0.58	2	\$0.22
3	\$0.89	3	\$0.29
4	\$1.20	4	\$0.43
5	\$1.47	5	\$0.57
6	\$1.72	6	\$0.71
7	\$2.03	7	\$0.82
8	\$2.40	8	\$1.00
9	\$2.72	9	\$1.41
10	\$3.00	10	\$1.70
11	\$3.70	11	\$1.99
12	\$4.69	12	\$2.56
13	\$5.72	13	\$3.14
Over 13	\$5.72/lb	Over 13	\$3.14/lb

Recreation and Commercial Fishes

Inch	Red fish	Speckled Trout	Red Snapper	White Trout	Flounder	Croaker	King Mackerel	L.Mouth Bass	Blue Gill	Crappie
1	\$0.37	\$0.37	\$0.37	\$0.37	\$0.37	\$0.37	\$0.37	\$0.31	\$0.25	\$0.31
2	\$0.66	\$0.66	\$0.66	\$0.66	\$0.66	\$0.66	\$0.66	\$0.72	\$0.50	\$0.52
3	\$1.02	\$1.02	\$1.02	\$1.02	\$1.02	\$1.02	\$1.02	\$0.93	\$0.58	\$0.52
4	\$1.38	\$1.38	\$1.38	\$1.38	\$1.38	\$1.38	\$1.38	\$1.05	\$0.73	\$0.72
5	\$1.69	\$1.69	\$1.69	\$1.69	\$1.69	\$1.69	\$1.69	\$1.38	\$0.85	\$0.76
6	\$1.98	\$1.98	\$1.98	\$1.98	\$1.98	\$1.98	\$2.20	\$1.98	\$1.60	\$1.23
7	\$3.17	\$2.64	\$2.61	\$2.03	\$2.42	\$2.42	\$6.10	\$2.60	\$3.99	\$1.74
8	\$4.36	\$3.30	\$3.24	\$2.08	\$2.86	\$2.64	\$10.23	\$3.59	\$9.59	\$2.26
9	\$5.56	\$3.96	\$3.87	\$2.14	\$3.31	\$2.86	\$14.35	\$4.58	\$23.05	\$2.77
10	\$6.75	\$4.62	\$4.50	\$2.19	\$3.75	\$3.17	\$18.48	\$5.57	\$25.61	\$3.29
11	\$7.94	\$5.28	\$5.13	\$2.24	\$4.19	\$3.49	\$22.60	\$6.56	\$28.17	\$4.45
12	\$9.13	\$5.94	\$5.76	\$2.29	\$4.63	\$3.82	\$26.72	\$7.56	\$30.73	\$6.02
13	\$10.33	\$6.60	\$6.39	\$2.34	\$5.07	\$4.16	\$30.85	\$8.55	\$33.29	\$8.15
14	\$11.52	\$8.39	\$7.02	\$2.94	\$5.52	\$4.50	\$34.97	\$9.54	\$35.85	\$11.04
15	\$12.71	\$10.67	\$8.41	\$3.69	\$6.02	\$4.86	\$39.10	\$12.91	\$38.41	\$14.94
16	\$13.90	\$13.55	\$10.04	\$4.62	\$6.54	\$5.23	\$43.22	\$17.48	\$40.98	\$20.23
17	\$17.37	\$17.20	\$11.96	\$5.77	\$7.10	\$5.60	\$47.34	\$23.67	\$43.54	\$27.39
18	\$21.70	\$21.82	\$14.19	\$7.20	\$7.68	\$6.00	\$51.47	\$32.04	\$46.10	\$29.00
19	\$27.10	\$27.67	\$16.81	\$8.98	\$8.29	\$6.40	\$55.59	\$43.38		\$30.61
20	\$33.86	\$35.09	\$19.87	\$11.20	\$8.93	\$6.82	\$59.72	\$58.73		\$32.22
21	\$42.29	\$44.50	\$23.45	\$13.95	\$9.61	\$7.26	\$63.84	\$79.52		\$33.83
22	\$52.83	\$56.44	\$27.62	\$17.39	\$10.33	\$7.71	\$67.97	\$83.30		\$35.44
23	\$66.00	\$59.21	\$32.50	\$21.66	\$11.09	\$8.17	\$72.09	\$87.09		\$37.05
24	\$82.45	\$62.02	\$38.20	\$22.78	\$11.89	\$8.66	\$76.21	\$90.87		\$38.66
25	\$103.00	\$64.86	\$44.86	\$23.92	\$12.73	\$9.16	\$80.34	\$94.66		
26	\$128.67	\$67.73	\$52.65	\$25.08	\$13.62	\$9.69	\$84.46	\$98.45		
27	\$133.61	\$70.64	\$61.77	\$26.27	\$14.56		\$88.59	\$102.23		
28	\$138.56	\$73.59	\$65.02	\$27.49	\$15.55		\$92.71	\$106.02		
29	\$143.51	\$76.57	\$68.38	\$28.74			\$96.83	\$109.81		
30	\$148.46	\$79.59	\$71.85	\$30.01			\$100.96	\$113.59		
31	\$153.41	\$82.65	\$75.42	\$31.32			\$105.08	\$117.38		
32	\$158.36	\$85.75	\$79.12				\$109.21	\$121.17		
33	\$163.31		\$82.94				\$113.33	\$124.95		
34	\$168.25		\$86.88				\$117.45	\$128.74		
35	\$173.20		\$90.95				\$121.58	\$132.53		
36	\$178.15		\$95.15				\$125.70	\$136.31		
37	\$183.10		\$99.48				\$129.83			
38	\$188.05		\$103.96				\$133.95			
39	\$193.00		\$108.58				\$138.08			
40	\$197.95		\$113.35				\$142.20			
41	\$202.90		\$118.26				\$146.32			
42	\$207.84		\$123.34				\$150.45			
43	\$212.79						\$154.57			
44	\$217.74						\$158.74			
45	\$222.69						\$162.95			
46	\$227.64						\$167.20			
47	\$232.59						\$171.50			
48	\$237.54						\$175.83			
49	\$242.48						\$180.21			
50	\$247.43						\$184.63			
51	\$252.38						\$189.10			
52	\$257.33						\$193.61			
53							\$198.17			
54							\$202.78			
55							\$207.43			
56							\$212.13			
57							\$216.89			
58							\$221.69			
59							\$226.55			
60							\$231.46			
61							\$236.42			
62							\$241.44			
63							\$246.51			
64							\$251.64			
65							\$256.83			
66							\$262.07			

Scup or porgy	\$1.12	Pompano	\$3.11
Cabio	\$0.84	Tuna, Blackfin	\$0.38
Bluerunner	\$0.36	Triggerfish	\$0.74
Shark, Thrasher	\$0.39	Grouper, Snowy	\$1.74
Shad	\$0.18	Spanish Mackerel	\$0.30
Tuna, Bigeye	\$2.30	Bearded Brotula	\$0.68
Snapper, Queen	\$1.35	Snapper, Silk	\$1.51
Bluefish	\$0.27	Grouper, Marbled	\$1.34
Grouper, Gag	\$1.82	Shark, Longfin Mako	\$1.00
Bowfin	\$0.14	Snapper, Other	\$1.69
Snapper, Black	\$1.44	Crab, Stone	\$2.00
Tuna, Albacore	\$0.74	Sculpin	\$1.04
Bonito	\$0.29	Jewish	\$0.91
Squid	\$0.34	Eel, Common	\$0.47
Shark, Tiger	\$0.35	Snapper, Lane	\$1.97
Spot	\$0.31	Snapper, Mangrove	\$1.18
Tripletail	\$0.55	Driftfish, Black	\$1.11
Hind, Speckled	\$1.36	Grouper, Other	\$0.71
Paddlefish	\$0.18	Marlin, White	\$0.80
Shark, Sandbar	\$0.27	Marlin, Blue	\$0.82
Snapper, Blackfin	\$1.21	Hake	\$0.47
Hinds, Other	\$1.32	Spearfish	\$0.75
Rudderfish	\$0.59	Sailfish	\$0.95
Shrimp, Freshwater	\$0.86	Grouper, Red	\$1.53
Snapper, Yellowtail	\$0.79	Creville Jack	\$0.11
Hind, Rock	\$1.31	Shark, Blue	\$0.22
Snapper, Gray	\$0.90	Shark, Hammerhead	\$0.31
Tuna, Skipjack	\$1.35	Shark, Sand Tiger	\$0.34
Skates	\$0.43	Grunts	\$0.33
Snapper, Mahogany	\$1.42	Shark, Dogfish	\$0.90
Rays	\$0.31	Sawfish	\$0.20
Oilfish	\$0.75	Shark, White	\$0.43
Barracuda	\$0.29	Grouper, Yellowmouth	\$1.83
SeaBass, Atlantic	\$0.89	Hind, Red	\$1.29
Porgy, Red	\$0.86	Moonfish	\$0.08
Shark, Soupfin	\$0.30	Marlin, Black	\$0.94
Permit	\$0.90	Sardine, Pacific	\$0.28
Grouper, Nassau	\$1.24	Eel, Conger	\$0.43
Spadefish	\$0.20	Blackfish, Sacramento	\$0.29
Filefish	\$0.20	Wenchman	\$0.44
Eel, Moray	\$1.00	Sturgeon, Green	\$0.43
Snapper, Mutton	\$0.35		

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:40 2.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 15:

Commercial Fish Species

Species Group	Value \$/lb	Species Group	Value \$/lb
Menhaden	\$0.05	Shrimp	\$1.46
Crab, Blue	\$0.41	Crawfish	\$0.44
Oyster	\$2.35	Tuna, Yellowfin	\$1.52
Drum, Black	\$0.27	Catfishes	\$0.48
Buffalofish	\$0.18	Shark	\$0.44
Mullet, Black	\$0.64	Sheepshead	\$0.18
Carp	\$0.09	King Whiting	\$0.30
Swordfish	\$3.10	Sheepshead, Freshwater	\$0.19
Garfish	\$0.45	Amberjack	\$0.58
Snapper, Vermillion	\$1.53	Wahoo	\$0.85
Sea Catfish	\$0.13	Grouper & Scamp	\$1.65
Butterfish	\$0.42	Shark, Black Tip	\$0.32
Tilefish	\$1.18	Tuna, Bluefin	\$13.65
Warsaw	\$1.19	Dolphinfish	\$0.83
Grouper, Yellowedge	\$1.73	Shark, Bonito	\$0.72
Grouper, Yellowfin	\$1.71	Scamp	\$1.89
Grouper, Black	\$1.80	Tuna, Other	\$0.41

Virginia Van Sickle
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Schedule of Wildlife and Aquatic Life Species Values**

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

The implementation of this rule will not result in any added costs to the operation of the department nor to any other branch of state or local government. The costs in manpower and court time will be the same for the litigants with or without this rule.

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

Based upon the number of citations issued by the Enforcement Division during FY 87-88 the potential revenue gain for the state as a result of implementation of this rule is approximately \$3.9 million. Depending upon the mechanism used to recover damages in court, i.e., if the local district attorney brings suit, the state's share would be \$3.12 million while the parishes share would be \$780,000.

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

Since this rule imposes a civil penalty on game and fish law violators, there will be a direct economic impact upon the violator, the magnitude of which is directly dependent upon the species and number of animals involved in the violation.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition. Increased revenue to the Department of Wildlife and Fisheries could have a positive impact on employment opportunities with the department by allowing the department to potentially recall or rehire employees who were laid off as a result of budget cuts.

Bettie Baker
Undersecretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Louisiana Wildlife and Fisheries does hereby give notice of its intent to promulgate a rule to establish season dates, bag limits and shooting hours for migratory birds for the 1989-90 Hunting Season. A declaration of emergency is in effect and began on September 2 and will continue for 120 days to ensure compliance with framework established by the U. S. Fish and Wildlife Service (*Federal Register* Volume 54, No. 107, pg. 24290-24293). A summary of this information is made a part of this notice of intent.

This action was taken at a public hearing on August 4, 1989 in Baton Rouge, Louisiana. Subsequent public hearings will be held at regular commission meetings in October and in November. These regulations will be ratified in November to extend the declaration of emergency beyond December 31, 1989.

Dove

September 2-10
October 14-November 12
December 9-January 8
The daily bag limit is 12 with a possession limit after opening day of 24.

Snipe

November 11-February 25
The daily bag limit is 8 with a possession limit after opening day of 16.

Woodcock

December 9-February 11

The daily bag limit is 5 with a possession limit after opening day of 10.

Rail

November 18-January 20
The daily bag limit is 15 Clapper and King in the aggregate and a possession limit of 30 after opening day; 25 Sora and Virginia in the aggregate and possession limit is the daily bag limit.

Gallinule

November 18-January 20
The daily bag limit is 15 with a possession limit of 30 after opening day.

Ducks and Coot

West Zone: Nov. 18-Dec. 4
Dec 26-Jan. 7
East Zone: Nov. 18-Nov. 23
Dec. 15-Jan. 7

Duck Limits

The daily bag limit of ducks is 3, and may include no more than 2 mallards (no more than 1 of which may be a female). 2 wood ducks, 1 black duck, 1 redhead and 1 pintail. Canvasback may not be taken at any time.

Merganser Limits

The daily bag limit of mergansers is 5 of which only 1 may be a hooded merganser. The possession limit is 10 with only 2 hooded mergansers.

Coot Limits

The daily bag and possession limits of coots are 15 and 30, respectively.

Geese Statewide (West and East Zone)

Season Dates	Daily Bag Possession	
	Limit	Limit
Nov. 18-Dec. 4	7	14 (WHITE FRONT, SNOW GOOSE, BLUE GOOSE)
Dec. 15-Feb. 5		(WHITE FRONT, SNOW GOOSE, BLUE GOOSE)
Feb. 6-Feb. 14		(SNOW AND BLUE GOOSE ONLY)

The daily bag limit is 7 in the aggregate of Blue, Snow, or White-fronted geese of which not more than two may be white-fronted. Possession limit is twice the daily bag limit.

Shooting Hours

Dove: One-half hour before sunrise to sunset; EXCEPT on the opening weekend of each split (Sept. 2-3, Oct. 14-15, and Dec. 9-10) when shooting hours will be 12:00 Noon until sunset.

All other migratory birds: One-half hour before sunrise to sunset.

CITATION: None - Changes Annually

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 15:

Interested persons may submit written comments relative to the proposed rule until 4:30 p.m., November 20, 1989 to Hugh A. Bateman, Administrator, Game Division, Louisiana Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

Virginia Van Sickle
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Hunting Season (1989-90)**

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

The Department of Wildlife and Fisheries implements migratory bird regulations annually. Printing of the regulation pamphlet is the only tangible expense, outside of staff time, that can be accurately identified. Cost for FY88 was \$10,550 for printing of the regulations. Other implementation costs (i.e. staff time, etc.) is less than \$5000.

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

Failure to establish migratory bird regulations would result in loss of hunting privileges for these species. There are approximately 100,000 hunters who actively enjoy migratory bird hunting. Failure to establish season would result in the loss of \$1 million in hunting license revenue and \$300,000 lost in duck stamp sales.

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

Non-governmental Groups (i.e. commercial guides, sporting good retailers, hunting clubs) would lose sources of their income if migratory seasons are not established. Hunting in Louisiana generates in excess of \$150,000,000 annually through the sale of outdoor related equipment. Failure to establish migratory bird seasons would result in the loss of funds generated by the hunting public to commercial operations.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no realistic method to estimate effects on competition and employment except that failure to establish seasons will result in the potential layoff of some individuals associated with hunting organizations.

Hugh A. Bateman
Administrator

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

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

Under the authority of R.S. 56:433 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the commission gives notice that rulemaking procedures have been initiated to set the 1989/90 oyster harvesting season. The oyster resources of the public oyster seed grounds and oyster seed reservations have been surveyed and the available supply and size variation have been determined. At a public hearing in Baton Rouge on August 4, the commission announced its intention to conduct the 1989/90 oyster harvest season in the following manner:

1. The public oyster seed grounds, and the Hackberry Bay, Bay Junop and Bay Gardene Oyster Seed Reservations will open one-half hour before sunrise September 6, 1989.

2. The public oyster seed grounds and the oyster seed reservations will close one-half hour after sunset September 15, and remain closed until they reopen one-half hour before sunrise October 16, 1989.

3. The secretary of the Department of Wildlife and Fisheries is authorized to take emergency action if necessary, to close areas where oyster mortalities are occurring or to delay the season or close areas where significant spat catch has occurred with good probability of survival.

4. The Sister Lake Oyster Seed Reservation and the shell plant in American (California) Bay will be closed for the 89/90 oyster season.

5. Bedding will not be allowed in sacks or any type of container, but will consist of shovelling back on the deck of the vessel.

6. For the 89/90 oyster season only, no more than 10 percent loose shell with no oyster on them will be allowed in the bedding operations or seed oyster loads on all the public oyster seed grounds and public oyster seed reservations.

7. For the 89/90 oyster season only, no water pumps will be allowed to load boats on the public oyster seed grounds or oyster seed reservations.

8. No managerial action is taken for the Calcasieu and Sabine Lake tonging areas at this time; seasons for these areas will be addressed at a subsequent commission meeting.

9. Public notice of any opening, delaying of or closing of a season will be given at least 72 hours prior to such action.

Interested persons may submit written comments to the proposed rule until 4:30 p.m., November 20, 1989 to Phil Bowman, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000. Telephone: (504) 765-2384.

CITATION: None - Changes Annually

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:433.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 15:

Virginia Van Sickle
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: 89/90 Oyster Season on Public Grounds**

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

There will be no cost to implement this season as it will be handled along with other duties.

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

This rule change will have no long-term effect on revenue collections of state or local governmental units.

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

This proposed rule change will have no long-term effect on costs, but may increase short-term economic benefits to oyster fishermen or processors.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Approximately 2,000 individuals are influenced by the oyster season. This proposed rule change allows proper biological management which may improve employment opportunities but should have no effect on competition.

Philip Bowman
Assistant Administrator

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby give notice in accordance with the Administrative Procedure Act that they intend to open the 1989 Fall Inshore "White" Shrimp Season in Shrimp Management Zones 1, 2 and 3 at 6 a.m. on August 21, 1989. Also, the commission authorizes the secretary of the Department of Wildlife and Fisheries to delay or close the 1989 Fall Inshore "White" Shrimp Season, by public notice in accordance with R.S. 56:497.3, any area or zone when biological and technical data indicate the need to do so.

Interested persons may submit written or verbal comments or inquiries to William S. "Corky" Perret, Administrator, Seafood Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

CITATION: None - Changes Annually

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:497.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 15:

Virginia Van Sickle
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Shrimp Season, Title 56

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

There will be no cost to implement this season as it will be handled along with other duties.

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

This rule change will have no long-term effect on revenue collections of state or local governmental units.

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

This proposed rule change will have no long-term effect in costs, but may increase economic benefits to shrimp fishermen or processors in the short-term.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Approximately 60,000 individuals are influenced by the shrimp season. This proposed rule change allows proper biological management which may improve short-term employment opportunities but should have no effect on competition in the long-term.

Philip Bowman
Assistant Administrator

John R. Rombach
Legislative Fiscal Officer

Potpourri

POTPOURRI

Board of Levee Commissioners East Jefferson Levee District

Permit Applications

There shall be a \$25 fee payable to the General Operating Fund of the Board of Commissioners of the East Jefferson Levee District for the receipt and processing of any application requiring review and/or action by the board; it being provided, however, that this filing and processing fee shall not be chargeable to any governmental body, agency, or entity, nor to any charitable or non-profit organization, such status as charitable or non-profit may be determined, and the aforesaid filing fee thereby appropriately waived, upon action of any individual board member.

In the event of the denial of any application by the board, the substance of the denied application shall not be resubmitted for review within six months of the board's action in making such denial; it being further provided, however, that such six-month period may be waived by the board in the case of emergency or in the interests of justice and the public good.

Gregory F. Gambel
President

POTPOURRI

Department of Economic Development Office of Financial Institutions

Judicial Interest Calculation

Pursuant to the authority granted by LA Civil Code Article 2924(B)(3), as amended by Act 774 of 1989, the Commissioner of Financial Institutions has determined the rate of judicial interest for the period beginning January 1, 1990 and ending December 31, 1990 to be 11.5 percent, in accordance with the formula mandated by Article 2924(B)(3).

The terms "prime rate" and "reference rate" shall be deemed synonymous for purposes of this calculation. Prime rate is the rate of interest established by a bank for its most favored corporate clients in commercial loan transactions.

The "prime rate" or "reference rate" for Chase Manhattan Bank, N.A., Manufacturers Hanover Trust Company of New York, Morgan Guaranty Trust Company of New York, Bank of America National Trust and Savings Association, and Citibank, N.A., was 10.5 percent at each institution on October 1, 1989.

LA Civil Code Article 2924(3)(a) mandates that "[t]he effective judicial interest rate for the calendar year following the calculation date shall be one percentage point above the average prime or reference rate of the five financial institutions named in this Paragraph."

The effective judicial interest rate for the calendar year beginning on January 1, 1990 shall be 11.5 percent.

This calculation and its "publication in the *Louisiana Register* shall not be considered rulemaking, within the intentment of the Administrative Procedure Act, R.S. 49:950 et seq., and particularly R.S. 49:953", thus, neither a fiscal impact statement nor a "notice of intent" is required.

Fred C. Dent
Commissioner

POTPOURRI

Department of Health and Hospitals Board of Embalmers and Funeral Directors

The Louisiana State Board of Embalmers and Funeral Directors will give the National Board Funeral Director and Embalmer/Funeral Director exams on Saturday, December 9, 1989 at Delgado Community College, 615 City Park Avenue, New Orleans.

Interested persons may obtain further information from the Louisiana State Board of Embalmers and Funeral Directors, Box 8757, Metairie, LA 70011, (504) 838-5109.

Dawn Scardino
Confidential Assistant

POTPOURRI

Department of Health and Hospitals Board of Medical Examiners

NOTICE OF PUBLIC HEARING REGARDING MEDICATION THERAPIES FOR THE TREATMENT OF OBESITY

The location of the public hearing noticed in the September 20, 1989 issue of the *Louisiana Register* has changed from the offices of the board to the Denechaud Room, LePavillon Hotel, 833 Poydras Street, New Orleans. As before, the hearing will be held at 3 p.m., Thursday, October 26, 1989.

The hearing will be held to receive information relative to the effectiveness of various medication therapies which may be employed in the treatment of obesity, such as human chorionic gonadotropin (HCG) and thyroid hormones, diuretics, potassium, phenobarbital, and anorectic drugs. In light of scientific evidence questioning the efficacy of such medications when used for weight control, contraindications for and medical risks associated with their administration, and the cost of such programs to patients, the board is considering whether rules should be adopted regulating, limiting or prohibiting the use of one or more of such medication therapies by physicians.

The hearing is intended to provide interested members of the medical community and public with an opportunity to comment on the use, effectiveness and risks of such medication regimens and whether administrative regulation is warranted. Persons who wish to comment during the hearing should give written notice to the board office, at the address indicated above, by October 16, 1989. So that all persons desiring to comment in

person may be heard, individual presentations should not exceed 10 minutes. Written comments and other information relevant to the matters under consideration by the board may be submitted to the board through November 17, 1989.

Delmar Rorison
Executive Director

POTPOURRI

Department of Natural Resources Office of the Secretary

Fishermen's Gear Compensation Fund

In accordance with the provisions of the Fishermen's Gear Compensation Fund, R.S. 56:700.1, notice is given that thirty-seven claims amounting to \$78,487.09 were received during the month of September, 1989. During the same month, 68 claims in the amount of \$144,963 were paid and three were denied.

Pursuant to the provisions of Act 33 of 1988, the following claims with the Fishermen's Gear Compensation Fund have been validated by the Fund's hearing examiner and the secretary of DNR will approve payment, effective November 1, 1989.

Written comments from interested parties may be addressed to: Department of Natural Resources, Fishermen's Gear Compensation Fund, Box 94396, Baton Rouge, LA 70804, and must be received on or before October 30, 1989.

Claim No. 88-89-494

Raymond Melerine, 1944 Russell Drive, St. Bernard, LA. 70085, SSN 434-78-2429, Catfish Pass (Waterbody), St. Bernard (Parish), Amount \$1953.74.

Claim No. 88-89-525

Richard Luscyc, Rt. 1 Box 710, St. Bernard, LA. 70085, SSN 436-78-5336 American Pass St., Bernard, Amount \$1434.44.

Claim No. 88-89-453

Kenneth R. Adams, Jr., 8801 Gervais Street, New Orleans, LA. 70127, SSN 439-04-1201, Caminada Pass, Jefferson, Amount \$702.95.

Claim No. 88-89-487

Burton J. Banker, Jr., 624 Harang Ave., Metairie, LA. 70001, SSN 436-62-3061, Mouth of Rigolets, Orleans, Amount \$1941.37

Claim No. 88-89-505

August Bertoniere, 1717 Carrollton, Metairie, LA. 70005, SSN 433-64-7469, Lake Pontchartrain, Orleans, Amount \$1403.

Claim No. 88-89-504

Dennis J. Terrebonne, Inc., Rt. 1 Box 237C, Galliano, LA. 70354, Federal I.D. No. 72-0833666, Lake Raccourci, Lafourche, Amount \$899.88.

Claim No. 89-90-7

Errol D. Lovell, 2817 DeBouchel, Meraux, LA. 70075, SSN 439-68-5724, Drum Bay, St. Bernard, Amount \$1151.05.

Claim No. 88-89-481

Jeanette Cantrelle, Inc., Rt. 2 Box 498, Cut Off, LA. 70345, Federal I.D. No. 72-0793501, Vermilion Bay, Vermilion, Amount \$931.46.

Claim No. 88-89-490

Charles A. Morales, Rt. 1 Box 817, St. Bernard, LA. 70085, SSN 438-64-6485, Lake Fortuna, St. Bernard, Amount

\$623.19.

Claim No. 88-89-492

George J. France, Rt. 2 Box 551B Dubuisson Rd., Slidell, LA. 70458, SSN 437-70-6840, Bayou St. Denis, Jefferson, Amount \$1647.53.

Claim No. 88-89-493

George France, Rt. 2 Box 551B, Dubuisson Rd., Slidell, LA. 70458, SSN 437-70-6840, Lake Borgne, St. Bernard, Amount \$2236.36.

Claim No. 88-89-446

Hugh A. Johnson, 2128 Pecan Street, St. Bernard, LA. 70085, SSN 421-74-0871, Hopedale Lagoon, St. Bernard, Amount \$3350.50.

Claim No. 88-89-502

George A. Barisich, 2812 Meraux Lane, Violet, LA. 70092, SSN 438-76-1126, Grand's Pass, St. Bernard, Amount \$1947.71.

Claim No. 89-90-11

Rose Boudwin, 901 Peach Street, Houma, LA. 70363, SSN 437-229-716, Pelican Lake, Terrebonne, Amount \$500.

Claim No. 88-89-501

A.R. Womack, Jr., P.O. Box 638, Lake Arthur, LA. 70549, SSN 434-62-8829, Chandeleur Sound, St. Bernard, Amount \$1900.

Claim No. 88-89-476

Milton Matherne, 4953 Shrimper's Row, Houma, LA. 70363, SSN 436-60-4211, Wine Island, Terrebonne, Amount \$1173.80.

Claim No. 88-89-496

H. P. Valure Trawling Co., Inc., 1315 Katherine Street, Houma, LA. 70363, Federal I.D. No. 72-1088342, Grand Cailou Bayou, Terrebonne, \$392.18.

Claim No. 88-89-524

Leslie Savoie, Rt. 1 Box 245D, Cut Off, LA. 70345, SSN 436-60-9042, Breton Sound, Plaquemines, Amount \$945.86.

Claim No. 89-90-13

Gordon Authement, Rt. 1 Box 105, Blaise Drive, Chauvin, LA. 70344, SSN 434-76-4544, Timbalier Bay, Terrebonne, Amount \$572.74.

Claim No. 88-89-509

Louis J. Parria, Jr., Box 229, Williamae Street, Lafitte, LA. 70067, SSN 435-23-2593, Grand Isle Pass, Jefferson, Amount \$3104.70.

Claim No. 88-89-517

Russell J. Olander, 204 Hazel Lane, Franklin, LA. 70538, SSN 436-72-4815, Lake Borgne, St. Bernard, Amount \$812.67.

Claim No. 89-90-4

Larry L. Matherne, Sr., P.O. Box 219, Barataria, LA. 70036, SSN 439-58-1495, Gulf of Mexico, Jefferson, Amount \$3611.31.

Claim No. 89-90-5

Clifton O. Creppel, Rt. 1 Box 772, Marrero Street, Lafitte, LA. 70067, SSN 436-26-6972, Lake Washington, Plaquemines, Amount \$500.

Claim No. 89-90-27

A.J. Billiot, P.O. Box 69, Cut Off, LA. 70345, SSN 727-03-0244, Barataria Pass, Jefferson, Amount \$631.65.

Claim No. 89-90-42

Jeff Toups, 308 E. 40th Street, Cut Off, LA. 70345, SSN 438-13-1211, Barataria Pass, Jefferson, Amount \$5000.

Claim No. 89-90-41

Wayne A. Boudwin, 4354 Hwy. 56, Houma, LA. 70363, SSN 438-25-3159, Gulf of Mexico, Terrebonne, Amount \$3201.34.

Claim No. 89-90-43

Gregory Gottschack, 65302 Mulberry Street, Mandeville, LA. 70448, SSN 437-90-5807, Lake Pontchartrain, Jefferson, Amount \$907.53.

Claim No. 89-90-40

Robert Guerra, Rt. 1 Box 793, St. Bernard, LA. 70085, SSN 438-58-5622, Garfish Pass, Plaquemines, Amount \$796.34.

Claim No. 88-89-514

Lorne LeBouef, 2516 Citrus Avenue, St. Bernard, LA. 70085, SSN 434-53-3377, Lorán 29138.5 46993.7, St. Bernard, Amount \$528.23.

Claim No. 89-90-58

John T. Powell, Jr., 1450 Seminole Ave., Metairie, LA. 70005, SSN 439-60-4368, Lake Pontchartrain, Orleans, Amount \$903.95.

Claim No. 89-90-28

M.J. Trawlers, Inc., Rt. 1 Box 0496 Lafitte, LA. 70067, Federal I.D. No. 72-0833887 Lorán 28928.9 46764.9, Plaquemines, Amount \$2879.09.

Raymond W. Stephens, Jr.
Secretary

**CUMULATIVE INDEX
(Volume 15, Number 10)**

1989

<i>Pages</i>	<i>Issue</i>
3— 54	January
57— 136	February
141— 231	March
237— 346	April
353— 431	May
439— 517	June
527— 584	July
595— 673	August
681— 775	September
784— 924	October

AGRICULTURE AND FORESTRY DEPARTMENT

Agricultural and Environmental Sciences, Office of

- Advisory Commission on Pesticides, 76R, 441ER
- Chemistry Lab fee, 77R
- Crop pests, diseases
 - Quarantine, 344P
 - Sweet potato weevil quarantine, 427P, 772P
- Feed Commission
 - Aflatoxin adulterant standards, 241ER
- Honeybee import, 49P
- Horticulture Commission
 - Landscape architect exam, 134P
 - Retail floristry exam, 134P, 427P, 670P
- Nursery certificate fee, 77R
- Seed Commission
 - Hybrid seed corn, 394N, 613R
 - Okra seed, 394N, 613R
 - Onion bulbs and seed, 394N, 613R
 - Rice seed, 394N, 613R
 - Soybean seed, 394N, 613R
- Seed Irish potato, 78R
- Structural Pest Control Commission, 555N

Agro-Consumer Services, Office of

- Weights and Measures Commission
 - Registration, 78R

Animal Health Services, Office of

- Livestock Sanitary Board
 - Admittance of livestock, 868N
 - Auction market, 395N, 810R, 870N
 - Contagious diseases, 871N
 - Definitions 394N, 811R, 870N
 - Permanent identification, 396N, 812R
 - Poultry slaughter, testing, 396N, 812R
 - Reporting contagious diseases, 397N, 812R
- Swine
 - Backtag identification, 869N
 - Entering the state, 871N
 - Pseudorabies testing, 872N
- Video auction market, 501N, 813R

Forestry, Office of

- Burning fee, 503N
- Seedling prices, 398N
- Timber marking fee, 504N
- Timber stumpage, 5R
- Timberland fire protection, 79R

Management and Finance, Office of

- Central Registry
 - Farm product additions, 110N, 256R
- Meat, poultry, seafood fee, 79R
- Market Commission
 - Market bulletin, 75R
- Security devices, 873N

Marketing, Office of

- Crawfish Promotion Research Board
 - Crawfish bags, 200N

CIVIL SERVICE DEPARTMENT

Civil Service Commission

- Amends certain rules, 201N
- Appeal disposition, 398N
- Disciplinary actions, 398N
- Layoff avoidance, 504N
- Leave, unclassified position, 505N
- Pay adjustment, 16N, 202N, 281N
- Preferred reemployment list, 505N
- Red circle pay rate, 505N
- Referee decision review, 505N
- Restricted appointment, 505N
- Suspensions, 398N
- Unsatisfactory rating, 505N

CULTURE, RECREATION AND TOURISM DEPARTMENT

Cultural Development, Office of

- Guide to Arts Program, 561N, 720R

ECONOMIC DEVELOPMENT DEPARTMENT

Architectural Examiners, Board of

- Application for exam, 5R
- Construction costs, 874N
- Examination, 5R, 562N
- Grades, reversing, 562N
- Nat'l. Council, Architectural Registration Bd., 506N, 732R
- Registration, 5R
- Renewal procedure, 507N, 732R

Auctioneers Licensing Board

- Licensing, 257R

CR—Committee Report

EO—Executive Order

ER—Emergency Rule

L—Legislation N—Notice of Intent P—Potpourri

PPM—Policy and Procedure Memorandum R—Rule

Certified Public Accountants, Board of

Education requirements, 399N, 402N, 614R, 616R
 Qualifying experience, 403N, 617R
 Permits, 404N, 618R

Commerce and Industry, Office of

Finance Division
 Corporate Headquarters Tax Equalization, 875N
 General Provisions, 408N
 Financial fees, 441ER
 Industrial Tax Equalization, 144ER, 879N
 Industry Assistance Program, 882N
 LA Capital Companies Tax Credit, 147ER, 685ER, 883N
 LA Industrial Training Program, 406N, 619R
 New Warehousing/Distribution Tax Equalization, 888N

Contractors, Licensing Board for

Examination, 596ER
 General Provisions, 596ER
 Licenses, 596ER

Economic Development Corporation

Minority and Women Business
 Development, 242ER, 281N, 445R
 Minority Venture Capital Match
 Program, 60ER, 293N, 464R
 Small Business Equity Program
 Feasibility studies, 64ER, 288N, 459R
 Loan guaranty, 64ER, 282N, 453R, 530ER
 Loan participation, 67ER, 285N, 456R
 Small Business Innovative Research Program, 405N,
 733R
 Technology Transfer/Commercialization Grant, 530ER
 Venture Capital Co-investment
 Program, 61ER, 289N, 460R
 Venture Capital Match Program, 63ER, 292N, 463R,
 531ER

Financial Institutions, Office of

ABC Financial Services, Inc., 427P
 Fees, assessments, 294N, 465R
 Judicial interest rate, 922P

Racing Commission

Application form, 7R
 Arabian horse racing, 789ER
 Bleeder medication, 7R
 Dangerous substance abuse testing, 789ER
 Disqualified horse recognized as winner, 202N,
 631N
 Horse registration, 7R, 3ER
 Jockey fee schedule, 790ER, 891N
 Super six, 8R
 Testing for dangerous substance abuse, 250ER,
 294N, 620R
 Twin trifecta, 8R

Real Estate Appraisal Subcommittee

Certification 410N, 583CR, 583CR, 600ER, 631N, 814R

Real Estate Commission

Exams, 80R
 License applications, 80R
 Revisions, 892N

Secretary, Office of

Minority and Women's Business Enterprise
 Certification, 598ER, 598ER, 630N
 Recertification, 599ER, 630N

Used Motor Vehicle and Parts Commission

Procedural changes, 111N, 258R, 375R
 Salvage pool, dealer eligibility, 893N
 Vehicle service contracts, 295N, 466R

EDUCATION DEPARTMENT**Elementary and Secondary Education, Board of**

8(g) Calendar, 8R
 8(g) Policy Manual, 16N, 181R, 260R, 753N
 8(g) Program, budget, 203N, 468R
 Act 832 implementation, 207N, 468R
 Adult Ed. State Plan, 566N, 818R
 Bulletin 741
 Chemical redistribution, 645N
 Elective/exploratory class list, 442ER
 Elementary class flex time, 442ER, 563N, 819R
 Elementary elective/exploratory courses, 563N, 818R
 H.S. credit for correspondence courses, 17N, 260R
 Journalism courses, 17N, 260R
 Local electives, 18N, 261R
 Maximum class size, K-3, 113N, 376R
 Pre-algebra, 80R
 Presidential election holiday, 298N, 544R
 Secondary local elective courses, 19N, 261R
 Sex education, 204N, 468R
 State Exit Exam, 373ER, 508N
 Vocational Ag. I, II, 536ER, 563N, 819R
 Bulletin 746
 Assistant Superintendent standards, 113N, 376R
 Principal certification, 564N, 792ER
 Reading specialist certification, 410N, 620R
 Upper elem. teacher certification, 564N, 819R
 Bulletin 1191
 Transportation Handbook-Age requirement, 204N, 468R
 Transportation Handbook-Driver experience, 205N,
 468R
 Bulletin 1196
 Competitive food policy, 9R
 Bulletin 1213
 Bus standards, 635N
 Type "D" buses, 298N, 544R
 Bulletin 1794
 Materials of Instruction/Textbooks procedure, 411N,
 621R
 Certification fee schedule, 604ER
 Child care food program, 9R
 Criterion referenced test/graduation test, 206N, 469R
 ECIA, ESEA application, 508N, 734R
 Homeless Children Education, 509N, 734R
 Migrant Education, 355ER, 510N, 734R
 Minimum standards waivers, 632N, 791ER
 Noncertified school personnel, 604ER, 754N
 Nonpublic school standards, 19N, 261R
 Nutrition/Training Program, 685ER, 894N

CR—Committee Report**EO—Executive Order****ER—Emergency Rule****L—Legislation N—Notice of Intent P—Potpourri****PPM—Policy and Procedure Memorandum R—Rule**

Post-Baccalaureate Certification Scholarship, 790ER
 Remedial program, 250ER, 412N, 622R
 SSD No. 1 reduction in force, 253ER, 411N, 621R
 Special Ed Certification 604ER, 755N
 Superintendent Certification, 754N
 Teacher certification fee schedule, 757N
 Teaching certificate denial, 9R
 Temporary employment permit, 606ER, 758N
 Test scores, 69ER
 Test security, 70ER, 207N, 469R
 Textbook funds for K-3 material, 533ER, 635N
 Tuition exemption Continuing Education, 534ER, 636N
 Vocational Education State Plan, 566N, 820R
 Waivers of minimum standards, 531ER

Proprietary School Commission

Licensure exemption, 210N, 377R
 Occupational studies degree assoc., 209N, 376R
 Staff qualifications, 210N, 378R

ENVIRONMENTAL QUALITY DEPARTMENT

Air Quality and Nuclear Energy, Office of

Asbestos-containing materials, 567N, 735R
 Fee Schedule, 568N
 Organic compound emission, 636N

Nuclear Energy Division

NORM, 299N, 510N, 735R
 Radiation, 71ER

Solid and Hazardous Waste, Office of

Hazardous Waste Division
 Act 803, 211N, 378R
 Boiler, industrial furnaces, 568N, 737R, 772CR,
 772CR
 Closure requirements, 181R
 Conformity II, 301N, 470R
 Definitions, 569N, 737R
 Discarded commercial chemicals, 181R
 Ignitable/reactive wastes, 181R
 Incompatible wastes, 181R
 Land disposal of waste, 894N
 Prohibitions on land disposal of waste, 898N
 Wastewater exclusions, 181R
 Solid Waste Division
 Recycling awareness, 899N

Water Resources, Office of

Oil and gas, 114N, 261R
 Surface water, 570N, 738R
 Water pollution, 73ER

EXECUTIVE ORDERS

BR 89-1—Amends BR 88-41 — Creating Governor’s Special Task Force on Judicial Selection, 59
 BR 89-2—Amends BR 88-20 — Transferring Research Division to Department of Economic Development, 59
 BR 89-3—Amends BR 88-43 — Creating Employee Group Benefits Program Task Force, 59
 BR 89-4—Grants Excess Unused Ceiling to Certain Projects, 59
 BR 89-5—Increases Number of Ex-officio Members in Highway Safety Commission, 60

BR 89-6—Amends BR 88-46 to appoint members to the Special Task Force from the Senate, 143
 BR 89-7—Creates a Task Force on Criminal Justice, 143
 BR 89-8—Declares a state of emergency for repairs to T.H. Harris Voc.-Tech School, 144
 BR 89-9—Appoints additional members to the Task Force on Criminal Justice, 144
 BR 89-10—Creates task force on disparity in state procurement, 239
 BR 89-11—Creates task force on shrimp management, 239
 BR 89-12—Composition and duties of the Louisiana Historical Records Advisory Commission, 240
 BR 89-13—Amends BR-89-7 to include another member on the task force, 355
 BR 89-14—Organizes the Louisiana Economic Development Cabinet, 355
 BR 89-15—Creates the Governor’s Task Force on Welfare Reform within the Department of Social Services, 439
 BR 89-16—Establishes state employee awareness about substance abuse, 439
 BR 89-17—Authorizes inmate labor for certain renovations at LTI in Baton Rouge, 440
 BR 89-18—Authorizes inmate labor to repair oxidation pond at LTI in Baton Rouge, 440
 BR 89-19—Declares July 3-4 holidays, 440
 BR 89-20—Amends BR 89-12 regarding composition of Louisiana Historical Records Advisory Commission, 527
 BR 89-21—Transfers functions being performed by Division of Administration under an Economic Development Administration grant to Department of Economic Development, 527
 BR 89-22—Transfers particular offices of the former Department of Health and Human Resources (DHHR) to the Department of Health and Hospitals (DHH) and Department of Social Services (DSS), 527
 BR 89-23—Creates a Governor’s Commission on Medical Malpractice, 595
 BR 89-24—Creates a Governor’s Task Force on Economic Development at the Port of Lake Charles, 595
 BR 89-25—Directs DOTD to be subject to the Louisiana Procurement Code and directs DOTD contracts to be reviewed by Office of Contractual Review, 596
 BR 89-26—Authorizes the Louisiana Housing Finance Agency to establish the comprehensive housing policies and the State Housing Plan, 683
 BR 89-27—Transfers certain scholarship programs to the Board of Regents, or its successor and to the Board of Elementary and Secondary Education, 684
 BR 89-28—Establishes the Louisiana Indian Gaming Commission, 684
 BR 89-29—Creates Task Force on Community Based Services for the functionally impaired elderly and disabled, 684
 BR 89-30—Rescinds Section 2 of BR 89-27 in its entirety, 788
 BR 89-31—Expands membership of Governor’s Commission on Medical Malpractice (See BR 89-23), 788
 BR 89-32—Establishes a Land Acquisition Task Force, 788

CR—Committee Report

EO—Executive Order

ER—Emergency Rule

L—Legislation

N—Notice of Intent

P—Potpourri

PPM—Policy and Procedure Memorandum

R—Rule

GOVERNOR'S OFFICE

Architects Selection Board

Organization, 115N, 262R

Division of Administration

Commissioner's Office

Incentive award, 901N

Policy and Procedure Memoranda

PPM No. 49, 606ER, 639N, 820R

PPM No. 71, 596

PPM No. 73, 528

Uniform fee schedule, 302N

Community Development

LCDBG, '89, 20N, 182R, 212N, 378R, 639N, 828R

Contractual review, 81R

Property Assistance Agency, 571N, 830R

Risk Management

Insurance, 85R

State Planning

LCDBG final statement, '89, 20N, 182R, 212N, 378R,
639N

Elderly Affairs, Office of

Long-term care ombudsman, 213N, 379R

State Plan on Aging, 116N, 150ER, 263R

Title III-C Nutrition, 214N, 384R

Law Enforcement and Administration of

Criminal Justice

Appeals procedure, 900N

Crime Victim Assistance, 901N

Special Commission on Education Services

Award processing fee, 303N, 571N, 622R

Guaranteed student loan, 793ER

Women's Services, Office of

Marriage license fees, 117N, 268R

HEALTH AND HOSPITALS DEPARTMENT

Chiropractic Examiners, Board of

Peer Review Committee, 758N

Standards, 758N

Dentistry, Board of

Dental assistant, 642N

Dental practice address, 642N

Dental specialist, 644N

Hygienist practice address, 643N

Hygienist duties, 643N

Dietetics and Nutrition, Board of

Foreign graduate license, 86R

Embalmers and Funeral Directors, Board of

Embalmer requirements, 9R

Exam, 134P, 670P, 923P

Family Security, Office of

(see Office of Secretary)

MAP

Adds drugs to MAC, 414N, 548R

Hospitals, Office of

Ambulance certification, 512N, 627R

Human Services, Office of

(previously Office of Mental Health)

OMR/MH/PRADA Block Grant, 11R

Substance abuse group homes, 800ER, 904N

Licensed Professional Vocational

Rehabilitation Counselors, Board of

General Provisions, 126N, 275R

Medical Examiners, Board of

Alternative qualification, 37N, 272R

Licensure, 36N, 271R

Obesity medication, 773P, 923P

Physician records, 34N, 268R

Mental Health, Office of

(see Office of Human Services)

OMR/MH/PRADA, Block Grant, 11R

Nursing, Board of

Education Program, 760N

Program Evaluation, 761N

Nursing Home Administrators, Board of Examiners for

Certified nurse asst., 3ER, 32N, 194R

Emergency license, 32N, 195R

License refusal, 33N, 195R

Reciprocity, 33N, 195R, 303N

Register use, 572N

Pharmacy, Board of

Prescription/refills, 761N

Physical Therapy Examiners, Board of

Definitions, 763N

Fees, 214N, 387R

Licensing/certification, 214N, 387R

Practice, 214N, 387R

Professional Counselors, Board of Examiners of

Adjudication, 645N, 837R

Code of Conduct/Declaration statement, 511N, 622R

License, 645N, 837R

Mental health counseling, 413N, 544R

Psychologists, Board of

Address display, 87R

Doctoral programs, 86R

License display, 87R

Public Health, Office of

Certificate preparation, 765N

Handicapped Children

Eligibility, 648N, 839R

Fee adjustment schedule, 254ER, 304N, 471R

Hemophilia program, 414N, 545R

Laboratory certification, 763N

Lead Poisoning Program, 88R

Sanitary Code

Mechanical wastewater treatment plant, 38N, 196R,
306N, 472R

Non-dairy frozen desserts, 88R

Reportable diseases, conditions, 305N, 471R

Safe Drinking Water Program, 765N

Sewage treatment, 307N

Swimming pools/bathing places, 767N

Temporary food service, 39N, 89R

Vaccine Preventable Disease Program, 905N

Vital Records

Copies of records, 308N, 473R

CR—Committee Report

EO—Executive Order

ER—Emergency Rule

L—Legislation

N—Notice of Intent

P—Potpourri

PPM—Policy and Procedure Memorandum

R—Rule

Local registrars, 308N, 473R
Orleans Parish marriage license, 309N, 474R
Paternity, 118N, 272R
Records for research, 310N, 475R
WIC State Plan, 670P

Secretary, Office of

Anesthesia services, 773P
Block grants, 415N, 738R
Child day care center, 222N, 546R
Child placing agency, 222N, 546R
Facility Need Review, 11R
Fees, 312N, 476R, 905N
ICF/MR additional beds, 573N, 738R
Infectious disease notification, 42N, 196R
MAP
Adult day care licensing, 648N, 843R
AIDS patients, facility need review, 649N, 843R
Annual resident review, 374ER
Chronic mental illness, 320N, 478R
Closed restricted drug formulary, 803ER
Drug price not subject to multiple source limits, 536ER
Facility Need Review Program, 220N, 392R, 416N, 418N, 546R, 547R
HIV disabled, 322N, 479R
Hospice care, 155ER, 328N, 482R
Infants, service limit, 331N, 485R
Inpatient hospital reimbursement, 326N, 482R
Insurance procedures, 319N, 483R
LMAC-multiple source drugs, 255ER, 414N, 548R, 649N, 844R
LTC facility screening, 328N, 484R
LTC income disregards, 92R
LTC medical eligibility for SNF, 329N, 484R
LTC reimbursement for ICF/MR, 572N, 739R, 844R
LTC vacancy notice, 513N, 628R
Mentally ill/emotionally disturbed, 769N
OSS payment increase, 221N, 392R
Pharmacist/Medical records practitioner, 512N, 628R
Preadmission screening, 374ER
Pregnant women, 324N, 480R, 804ER
Prescription drug dispensing fee, 539ER
Provider ID instructions, 330N, 484R
Psychiatric care reimbursement, 442ER
Psychiatric hospitalization, 767N
SNF rate, technology dependent children, 374ER
SNF/ICF, I and II reimbursement, 804ER
SNF/TDC reimbursement, 443ER, 768N
Transportation schedule, 650N
Medicaid recipient rights, 346P
Medicare catastrophic coverage, 255ER, 607ER
Mentally ill rehab, 539ER
Need Review Policy, 11R
Physician inclusion of podiatrists, 49P
Reimbursement for inpatient hospital services, 155ER
Resident screening, review, 4ER
Resource transfer, 805ER
Sliding fee policy, 92R
Spousal impoverishment, 805ER

Substance Abuse Counselors, Board of Certification of

Certification, 793ER, 903N
Code of Ethics, 793ER, 903N
General Provisions, 793ER, 903N

Veterinary Medicine, Board of

Equine dentistry, 799ER
Sodium Pentobarbital, 800ER

INSURANCE DEPARTMENT

Insurance Education Advisory Council

Educational requirements for agents, 419N, 548R
Medicare supplement, 692ER

JUSTICE DEPARTMENT

Attorney General Office

Electronic Video Bingo, 73ER, 74ER, 223N

LABOR DEPARTMENT

Employment Security, Office of

No vested rights, 906N
Overpayment recovery, 907N
Regulation effective date, 906N
Waiver of overpayment recovery, 907N
Workmen's Comp. benefits, 671P

Labor, Office of

Community Services Block Grant, 332N
Job Training Partnership Act, 332N, 496R
Minor labor law, 908N

Plumbing Board

Enforcement fee, 650N

Research and Statistics

Data estimates, 134P

Review, Board of

Claims appeal, 120N, 485R
Employment security law, 122N, 487R

Worker's Compensation, Office of

Self-insurers, 514N

LEVEE COMMISSIONERS, BOARD OF

East Jefferson Levee District

Permit applications, 922P

CR – Committee Report

EO – Executive Order

ER – Emergency Rule

L – Legislation

N – Notice of Intent

P – Potpourri

PPM – Policy and Procedure Memorandum

R – Rule

LOUISIANA ADMINISTRATIVE CODE UPDATE

October, 1988 -- December, 1988, 47
January, 1989 - March, 1989, 343
April, 1989 - June, 1989, 583

NATURAL RESOURCES DEPARTMENT

Coastal Management

Hearing, 773P

Conservation, Office of

Hazardous liquid pipeline, 224N, 420N, 552R, 629R
Injection and Mining Division
Hearing 430P, 430P
Public hearing, 230P, 230P, 231P, 429P
Statewide order 29-L-1, 575N, 741R
Statewide order 29-N-2, 225N
Statewide order 29-Q-1, 421N, 551R

Fishermen's Gear Compensation Fund

Claims, 49P, 135P, 228P, 346P, 427P, 517P, 584P,
671P, 773P, 923P
Fee notice, 334N, 497R

Secretary, Office of

Public hearing, 584P

PUBLIC SAFETY AND CORRECTIONS DEPARTMENT (Corrections Services)

Adult Services, Office of

Furloughs, 652N, 853R

Liquefied Petroleum Gas Commission

Containers, 653N, 854R
General requirements, 653N, 854R
Installations 653N, 854R
Motor fuel, 653N, 854R
Trucks, trailers, 653N, 854R

(Public Safety)

Motor Vehicles, Office of

Commercial driver license, 909N
License plate removal, 374ER, 421N, 584CR, 608ER

Private Security Examiners, Board of

Amendments, 11R, 651N, 846R

State Fire Marshal, Office of

Health care facility emergency generator, 95R
Life Safety Code, 96R
Remanufactured housing, 718ER, 909N

State Police, Office of

Charitable Gaming, 805ER
DWI, 577N
Vehicle towing, storage, 911N

REPUBLICAN PARTY

State Central Committee

General Provisions, 742R

REVENUE AND TAXATION DEPARTMENT

Secretary, Office of

Dealer recordkeeping, 124N, 274R
Tax collection alternatives, 122N, 274R

Tax Commission

Real/personal property, 655N
Residential property appraisal, 430P
Timber stumpage, 5R

SECRETARY OF STATE DEPARTMENT

Secretary, Office of

Foreign corporations, 125N, 338N, 498R

SOCIAL SERVICES DEPARTMENT

Community Services, Office of

Children's trust fund, 129N, 279R
Executive Committee, 423N
LIHEAP, 335N, 498R
Parliamentary Procedure, 423N
Proprietary school, 422N, 553R
SSBG, 336N, 431P, 744R
Telephone Access Program, 423N, 745R
Three-year State Plan, 423N, 745R

Council on Purchase of Products/Services of Severely Disabled

Sheltered Workshop, 912N

Deaf, Commission for the

Telephone Access Program, 423N, 745R

Eligibility Determinations, Office of

AFDC Program
Bona fide loans, 225N, 392R
Child support award, 807ER
Child support enforcement, 96R
Child support income assignment, 809ER
Earned income disregards, 515N, 629R
Error rate, 130N, 279R
Essential persons, 156ER, 337N, 497R
Monthly reporting, 609ER, 666N

Food Stamp Program

Dependent Care, 14R
Earned income tax credit, 226N, 393R
Elderly/disabled defined, 609ER, 666N
Foster care, 227N, 393R
Foster children, 74ER
Income, 609ER, 666N
Monthly reporting, 609ER, 666N
Pre-release applications, 337N, 497R
Public institution residents, 157ER
Replacement issuances, 515N, 629R

CR—Committee Report

EO—Executive Order

L—Legislation

PPM—Policy and Procedure Memorandum

ER—Emergency Rule

P—Potpourri

R—Rule

Resources, 609ER, 666N
Verification, 609ER, 666N
IFG Program, 444ER, 578N, 744R
Income tax credit, 74ER
RCA Program
Monthly reporting, 424N, 553R, 609ER, 666N
Work requirements, 96R

Rehabilitation Services

ACT Score, 912N
Three-year State Plan, 423N, 745R
Proprietary school, 422N, 553R

Secretary, Office of

LIHEAP, 335N, 498R
Public hearing, 52P

**TRANSPORTATION AND DEVELOPMENT
DEPARTMENT**

Maintenance

Driveway permit, 48CR

Secretary, Office of

Ferry toll, 43N, 44N, 444ER, 444ER
Real Estate, 157ER

Traffic and Planning

Outdoor advertising, 15R

Weights and Measures

Airport fuel vendors/distributors, 15R
Fees for manuals, 15R
New product evaluation, 48CR
Project inspections, 48CR
Qualified product list, 48CR

TREASURY DEPARTMENT

Bond Commission

Applications, 4ER, 44N, 197R
Line of Credit, 719ER
Tax-exempt bond issues, 375ER, 516N, 630R

State Employees Group Benefits Program

Admission dates, 97R
Case management, 578N, 750R
Dental surgery, 97R
Dependent changes, 913N
Emergency Room, 130N, 279R
Fee schedule, 131N, 280R, 339N, 499R
HMO's, 97R
Obesity treatment, 99R
Out-patient surgery, 100R
Plan Document, 610ER, 667N, 865R
Rate increase, 132N, 280R
Single claim determination period, 133N, 280R

State Employees' Retirement System

Active member trustees, 342N

Treasurer, Office of

Government agency obligations, 580N, 751R
Time certificates of deposit, 580N, 751R

WILDLIFE AND FISHERIES DEPARTMENT

Fisheries, Office of

Oyster lease rental, 49CR
Oyster lease survey, 197R
Pompano and Black Drum, 915N
Underutilized species, 913N

Wildlife and Fisheries Commission

Alligator season, 541ER
Bait dealer permit, 668N, 867R
Black and Clear Lakes net ban, 15R
Black Bass, 916N
Black Drum, 809ER
Commercial landings, 917N
Fish seining prohibition, 133N, 281R
Fish/wildlife values, 918N
Free fishing days, 424N
Furbearer trapping season, 719ER
Hunting seasons, 425N, 553R, 611ER
Lake Bistineau netting prohibition, 426N, 554R
Mesh size for nets, 256ER
Migratory birds, 920N
Oyster season, 612ER, 810ER, 921N
Paddlefish prohibition, 669N, 868R
Refugee, wildlife management areas, 100R
Saltwater gill and trammel nets, 46N, 280R
Seizure, forfeiture, disposition, 426N, 554R
Shrimp season, 4ER, 46N, 375ER, 445ER, 445ER,
612ER, 670N, 922N
Spanish and King Mackerel, 669N, 868R
Spotted seatrout, 256ER, 613ER
Toledo Bend Reservoir-
Black bass prohibition, 227N, 393R
Waterfowl conservation stamp, 105R
Wildlife value guidelines, 45N, 200R

Wildlife, Office of

Threatened/endangered species, 916N

CR – Committee Report

EO – Executive Order

ER – Emergency Rule

L – Legislation **N – Notice of Intent** **P – Potpourri**

PPM – Policy and Procedure Memorandum **R – Rule**

STATEMENT OF OWNERSHIP, MANAGEMENT AND CIRCULATION

Required by 39 U.S.C. 3685

1A. Title of Publication LOUISIANA REGISTER		1B. PUBLICATION NO. 0 0 0 7 5 4 5 0							2. Date of Filing 9/22/89
3. Frequency of Issue MONTHLY		3A. No. of Issues Published Annually 12					3B. Annual Subscription Price \$80/\$40		
4. Complete Mailing Address of Known Office of Publication (Street, City, County, State and ZIP+4 Code) (Not printers) P.O. BOX 94095, BATON ROUGE, EAST BATON ROUGE, LA 70804-9095									
5. Complete Mailing Address of the Headquarters of General Business Offices of the Publisher (Not printer) SAME AS ABOVE									
6. Full Names and Complete Mailing Address of Publisher, Editor, and Managing Editor (This item MUST NOT be blank)									
Publisher (Name and Complete Mailing Address) OFFICE OF THE STATE REGISTER, P. O. BOX 94095, BATON ROUGE, LA 70804-9095									
Editor (Name and Complete Mailing Address) NANCY MIDKIFF, P. O. BOX 94095, BATON ROUGE, LA 70804-9095									
Managing Editor (Name and Complete Mailing Address)									
7. Owner (If owned by a corporation, its name and address must be stated and also immediately thereunder the names and addresses of stockholders owning or holding 1 percent or more of total amount of stock. If not owned by a corporation, the names and addresses of the individual owners must be given. If owned by a partnership or other unincorporated firm, its name and address, as well as that of each individual must be given. If the publication is published by a nonprofit organization, its name and address must be stated.) (Item must be completed.)									
Full Name				Complete Mailing Address					
OFFICE OF THE STATE REGISTER				P. O. BOX 94095, BATON ROUGE, LA 70804-9095					
8. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages or Other Securities (If there are none, so state)									
Full Name				Complete Mailing Address					
NONE									
9. For Completion by Nonprofit Organizations Authorized To Mail at Special Rates (DMM Section 423.12 only) The purpose, function, and nonprofit status of this organization and the exempt status for Federal income tax purposes (Check one)									
(1) <input checked="" type="checkbox"/> Has Not Changed During Preceding 12 Months			(2) <input type="checkbox"/> Has Changed During Preceding 12 Months			(If changed, publisher must submit explanation of change with this statement.)			
10. Extent and Nature of Circulation (See instructions on reverse side)				Average No. Copies Each Issue During Preceding 12 Months		Actual No. Copies of Single Issue Published Nearest to Filing Date			
A. Total No. Copies (Net Press Run)				1227		1100			
B. Paid and/or Requested Circulation				2		4			
1. Sales through dealers and carriers, street vendors and counter sales									
2. Mail Subscription (Paid and/or requested)				815		821			
C. Total Paid and/or Requested Circulation (Sum of 10B1 and 10B2)				817		825			
D. Free Distribution by Mail, Carrier or Other Means Samples, Complimentary, and Other Free Copies				60		60			
E. Total Distribution (Sum of C and D)				877		885			
F. Copies Not Distributed				350		215			
1. Office use, left over, unaccounted, spoiled after printing									
2. Return from News Agents				0		0			
G. TOTAL (Sum of E, F1 and 2—should equal net press run shown in A)				1227		1100			
11. I certify that the statements made by me above are correct and complete				Signature and Title of Editor, Publisher, Business Manager, or Owner <i>Nancy Midkiff, Editor</i>					