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Executive Orders

EXECUTIVE ORDER EWE 92-28

WHEREAS, the United States District Court in the case of *Major v. Teen* 475 F.Supp. 325, made certain findings of past state and "de facto" actions showing a need for careful review as to discrimination within the State of Louisiana; and

WHEREAS, the Louisiana Legislature acknowledged that in light of the decision of the Supreme Court of the United States in the case of *City of Richmond v. J.A. Croson Company*, evidence must be found and proven past discrimination against blacks, women or French-Acadian contractors and sub-contractors in the road, bridge port, airport transit and highway construction industry of the state or against black women or French-Acadian workers hired or employed by contractors and sub-contractors in the industry in order to justify minority set-aside or preference programs; and

WHEREAS, the Legislature further acknowledged by Act No. 9 of the First Extraordinary Session, 1989, that the State of Louisiana has a compelling governmental interest to take steps to dismantle, eradicate, and neutralize such discriminatory and exclusionary system; and

WHEREAS, the State of Louisiana acknowledged that the state has a further compelling interest to guarantee that public funds, derived from tax contributions of its citizens and others, do not finance, foster, or support, directly or indirectly, a system of racial or sexual discrimination or exclusion; and

WHEREAS, Act No. 9 of the First Extraordinary Session of the Louisiana Legislature, 1989 mandated that a study or inquiry be made to make necessary findings and determinations as to whether or not there has been past discrimination or exclusion against Blacks or women or French-Acadian contractors and sub-contractors in the road, bridge port, airport transit, and highway construction industry of the State or against black women or French-Acadian workers hired or employed by contractors and sub-contractors in such industry; and

WHEREAS, Act No. 9 of the First Extraordinary Session of 1989 of the Louisiana Legislature mandated that if such study found or determined that past discrimination or exclusion existed against Blacks or women or French-Acadian contractors, or laborers in the construction of state funded public works projects, the governor shall submit findings of fact and race-neutral recommendations to the Legislature to dismantle, eradicate, and remedy such discrimination; and

WHEREAS, Race-Neutral or sex-neutral measures as enumerated in the case of *City of Richmond v. J.A. Croson Company* may include but are not limited to the following: simplification of bidding procedures; relaxation of bonding requirements; implementation of training programs; financial aid; elimination or modification of formal barriers caused by bureaucratic inertia; prohibitions of discrimination in provi-

sions of credit or bonding by local suppliers and banks; and other programs which eradicate a disproportional lack of capital for operating purposes, special programs as to bonding requirements and state financing programs for small firms; and

WHEREAS, Act No. 9 of 1989 First Extraordinary Session mandated that if by July 11, 1989 the Legislature had not enacted sufficient race-neutral or sex-neutral legislation, the governor shall, and is authorized and empowered to issue such executive orders subject to the approval by the oversight committees of the House Appropriations Committee and the Senate Finance Committee within thirty days after issuance, as are necessary to dismantle, eradicate, and remedy any and all discrimination and is specifically authorized to direct the secretary of the Department of Transportation and Development to promulgate emergency rules and regulations in accordance with the provisions of the administrative procedure act to require black or women or French-Acadian set-aside or preference programs on all constructions projects whose funding is derived from monies collected from taxes or petroleum projects "Highway Trust Fund" monies as referenced in Title 47, Chapter 7, Sub-Title II of the Louisiana Revised Statutes of 1950; and

WHEREAS, the amount established for set-aside or preference programs shall be distributed for award to Black contractors in each congressional district in the same proportion to the total amount set-aside as the Black population in each congressional district bears to the total Black population in the state; and

WHEREAS, sufficient race-neutral or sex-neutral legislation, as required by Act No. 9 of the 1989 First Extraordinary Session have not been enacted to dismantle, eradicate, and remedy any and all discrimination; and

WHEREAS, a study of the State of Louisiana referred to as a "Disparity Study" performed in two parts: the first part inconclusive, the second conclusive, with respect to the analysis of disparity and possible discrimination in the Louisiana construction industry and State Procurement System and its impact on minority and women-owned firms relative to the public works arena; and

WHEREAS, the purpose of the disparity study was to collect and develop evidence regarding the nature and extent of possible discrimination against Minority, Women Business Enterprises in state public works construction; and

WHEREAS, the "Disparity Study" concluded that systemic barriers, discrimination, and exclusion, against Blacks and women firms have a significant impact on the DOTD construction market as well as overall construction market in the state; and

NOW, THEREFORE, I, Edwin W. Edwards, Governor of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The Secretary of the Department of Transportation and Development for the State of Louisiana is hereby directed to promulgate emergency rules and regulations in accordance with the provisions of the Administrative Procedure Act to require Blacks and women set-aside or preference programs on all construction projects consistent with the mandates of Act No. 9 of the First Extraordinary Session of the Louisiana Legislature, 1989; and

SECTION 2: The provisions of this order are to be effective upon the signature of the governor and shall remain in effect until amended, modified or rescinded by the opera-

tion of law.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this ninth day of April, 1992.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 92-29

WHEREAS, the Legislature by Act 109, 1984 and Act 291, 1986 as established in R.S. 39:1595.4 and 39:1594(l) provide that a preference shall be given by all governmental bodies in purchasing products and services from state supported sheltered workshops for persons with severe disabilities. The program is referred to as the Louisiana State Use Program and is applicable to all state and local governments, educational institutions and other political subdivisions of Louisiana;

WHEREAS, the Louisiana State Use Program is patterned after similar programs in at least 20 other states as well as the Federal Government with the primary purpose of employing persons severely disabled in transitional jobs which would give to them marketable skills eventually allowing them to be employed in the private sector;

WHEREAS, the Louisiana State Use Program benefits the State of Louisiana in the following ways:

jobs are created for those who would not otherwise be employed;

the state conserves resources because these persons have jobs, pay taxes, spend in their community, and receive less or no government support;

some goods presently bought out of state can be purchased through this program keeping those dollars in Louisiana;

the program's workers are loyal and consistent high performers for the jobs they undertake;

the program's only motive is to provide services and/or products that meet or exceed specifications at a fair price to both parties via training the severely disabled citizens of Louisiana.

WHEREAS, the Council on the Purchase of Products and Services of Severely Disabled Persons ("Council") has published regulations and procedures as authorized by R.S. 39:1595.4.

WHEREAS, said products and services are to be purchased on a pre-bid basis thus avoiding the cost of the bid procedure as authorized by R.S. 39:1595.4 and as established by Acts 109 and 291 of the 1984 and 1986 Legislatures, respectively.

WHEREAS, such council has established Employment Development Services, Inc. ("EDS") as the central non-profit agency ("CNA") to coordinate the program negotiating service and custom product contracts within the state under this program and allocating those contracts to the vari-

ous sheltered workshops in the state. To accomplish this, EDS shall enter, as necessary, into contracts with government procuring entities for the furnishing of products or services provided by the sheltered workshops.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, issue the following executive order:

SECTION 1: Each department, institution, board, commission, budget unit of the state, and other political subdivisions in the state shall observe and be guided by the provisions of this program. Preference shall be given in the form of purchases of those services and products requested by EDS on behalf of the program. Such services and products provided by the Louisiana State Use Program to specification shall remain allocated to the program as long as a need by that governmental body exists and EDS requests that service or product. The products generally available for purchase from the program are published as part of state contract information by the director of purchasing, State of Louisiana and separately in the Louisiana State Use Catalog published by EDS. Services are purchased on a custom basis and are generally described but not necessarily limited to those published in the EDS Catalog. EDS will request any service or custom product directly from the appropriate governmental body. Products and services published as being available from the program are to be purchased prior to the purchase of any other alternate source.

SECTION 2: The program is hereby placed within the Governor's Office, Division of Administration. Membership of the council shall continue as presently defined unless otherwise designated by the Commissioner of Administration.

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 ninth day of April, 1992.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 92-30

WHEREAS, the natural beauty of the State of Louisiana is self-evident; and

WHEREAS, the State of Louisiana has an environment which is rich in natural resources; and

WHEREAS, throughout the history of our state, the people of Louisiana have benefited from our state's natural resources in both recreation and employment; and

WHEREAS, the public health of the people of Louisiana, as well as natural resources of Louisiana, are dependent upon our state's delicate environment; and

WHEREAS, the Executive Department, through the Department of Environmental Quality, works to preserve and protect our delicate environment; and

WHEREAS, the establishment of an Advisory Task Force on Environmental Quality within the Executive Department, Office of the Governor, will provide a forum for environ-

mentalists, conservationists, businessmen, and industrialists to consider and carefully analyze all issues relative to environmental quality;

NOW THEREFORE I, EDWIN W. EDWARDS, Governor of the State of Louisiana, by virtue of the constitution and laws of the State of Louisiana do hereby create and establish an Advisory Task Force on Environmental Quality within the Executive Department, Office of the Governor, and do hereby order and direct as follows:

SECTION 1: The Advisory Task Force on Environmental Quality is hereby created and established within the Executive Department, Office of the Governor.

SECTION 2: The duties and functions of the Advisory Task Force on Environmental Quality include, but are not limited to, identifying all issues necessary to preserve and protect the environment of Louisiana, recommending viable solutions to the problems raised by those issues, evaluating the existing and proposed measures which are designed to preserve and protect Louisiana's environment, and any other duties and functions requested by the secretary of the Department of Environmental Quality.

SECTION 3: The Advisory Task Force on Environmental Quality shall be composed of the secretary of the Department of Environmental Quality and 22 members, who shall be selected by and serve at the pleasure of the governor. These members shall be recognized leaders in the fields of the environment, conservation, business, or industry, and shall be able to provide expertise concerning environmental quality.

SECTION 4: The members of the Advisory Task Force on Environmental Quality shall receive no compensation for their services.

SECTION 5: The secretary of the Department of Environmental Quality shall serve as the chairman of the Advisory Task Force on Environmental Quality. The governor shall appoint the vice-chairman of the Advisory Task Force on Environmental Quality.

SECTION 6: The Advisory Task Force on Environmental Quality shall meet on times and dates as requested by the secretary of the Department of Environmental Quality. The Advisory Task Force on Environmental Quality shall report their findings and recommendations to the governor through the secretary of the Department of Environmental Quality.

SECTION 7: All departments, commissions, boards, agencies, and officers of the state or any political subdivision thereof are authorized and directed to cooperate with the Advisory Task Force on Environmental Quality in implementing the provisions of this executive order.

SECTION 8: This executive order shall be effective upon signature.

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 fourteenth day of April, 1992.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 92-31

WHEREAS, Executive Order EWE 92-9 was signed on February 19, 1992, establishing the Land Acquisition Task Force; and

WHEREAS, it is necessary to expand that task force to include Paul Frey, State Forester;

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, do hereby amend Section 1 of Executive Order EWE 92-9 by adding Paul Frey, State Forester, as a member of the Land Acquisition Task Force.

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 twentieth day of April, 1992.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 92-32

WHEREAS, Louisiana loses an average of sixty square miles of coastal marshes and ninety 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 forested wetlands); and

WHEREAS, Louisiana contains 25 percent of the wetlands in the United States, and wetlands loss is widely recognized as a significant crisis that must be addressed; and

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

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; and

WHEREAS, the Department of Culture, Recreation, and Tourism and the Department of Agriculture play important roles in the preservation and protection of important natural habitat in Louisiana;

NOW THEREFORE I, EDWIN W. EDWARDS, Governor of the State of Louisiana, do hereby amend and supplement Executive Orders EWE 92-9 and EWE 92-31 and 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, the commissioner of Agriculture, the director of the Office of State Parks, a representative of the Louisiana Nature Conservancy, the commissioner of Administration, a representative of the Louisiana Sierra Club, one state representative appointed 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, or any of their designees. The governor shall appoint the chairman and 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 September 1, 1992.

SECTION 3: The Land Acquisition Task Force shall be charged with developing a comprehensive plan for funding the acquisition of critical natural habitats preservation areas and parks that are identified as vital to the conservation of the state's precious plant and animal life and other natural resources. This plan may include any funding mechanisms appropriate to the achievement of this goal.

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 twenty-fourth day of April, 1992.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 92-33

WHEREAS, Executive Order EWE 92-6 was signed on February 13, 1992, creating the Louisiana Interagency Action Council; and

WHEREAS, it is necessary to expand that Task Force to include four members-at-large;

NOW THEREFORE I, EDWIN W. EDWARDS, Governor of the State of Louisiana, do hereby amend Section 1 of Executive Order 92-6 by adding four at-large members to the Louisiana Interagency Action Council.

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 twenty-ninth day of April 1992.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 92-34

WHEREAS, pursuant to the Tax Reform Act of 1986 (the "Act") and Act 51 of the 1986 Louisiana Legislative Session, Executive Order BR 88-35 establishing (i) a method for

the allocation of bonds subject to the private activity bond volume limits, including the method of allocation of bonds subject to the private activity bond volume limits for this calendar year 1992 (the "1992 Ceiling"), (ii) the procedure for obtaining an allocation of bonds under the 1992 Ceiling, and (iii) a system of central record keeping for such allocations; and

WHEREAS, the Calcasieu Parish Public Trust Authority has requested an allocation in the amount of \$10,000,000 from the 1992 Ceiling to be used in connection with the mortgage credit certificate program for first-time homebuyers in Calcasieu Parish; and

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

WHEREAS, it is the intent of the Governor of the State of Louisiana that this Executive Order, to the extent inconsistent with the provisions of Executive Order BR 88-35, supercedes and prevails over such provisions with respect to the allocation made herein;

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

SECTION 1: That the bond issue described in this Section is hereby granted an allocation from the 1992 Ceiling in the amount shown:

AMOUNT OF ALLOCATION	NAME OF ISSUER	NAME OF PROJECT
\$10,000,000	Calcasieu Parish Public Trust Authority	Mortgage Credit Certificate Program

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

SECTION 3: The allocation granted hereby shall be valid and in full force and effect through June 30, 1992, provided that such bonds are delivered to the initial purchasers thereof on or before June 30, 1992.

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

SECTION 5: That this executive order, to the extent conflicting with the provisions of Executive Order BR 88-35, supercedes and prevails over the provisions of such executive order.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this twenty-ninth day of April, 1992.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 92-35

WHEREAS, Executive Order EWE 92-30 was executed to provide a forum for environmentalists, conservationists, businessmen, and industrialists to consider and carefully analyze all issues relative to environmental quality; and

WHEREAS, an Advisory Task Force on Environmental Quality within the Executive Department, Office of the Governor, as created by Executive Order EWE 92-30 was created and established; and

NOW THEREFORE I, EDWIN W. EDWARDS, Governor of the State of Louisiana by virtue of the Constitution and laws of the State of Louisiana, do hereby amend Executive Order EWE 92-30 as follows:

SECTION 1: The Advisory Task Force on Environmental Quality shall be composed of the following additional members:

A. Three members-at-large.

SECTION 2: All other orders and directions of Executive Order EWE 92-30 remain in effect.

SECTION 3: All departments, commissions, boards, agencies, and officers of the state or any political subdivision thereof are authorized and directed to cooperate with the Advisory Task Force on Environmental Equality in implementing the provisions of this executive order.

SECTION 4: The provisions of this executive order are effective upon signature.

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 thirtieth day of April, 1992.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences

The Commissioner of Agriculture and Forestry is exercising the emergency provision of the Administrative Procedure Act, R.S. 49:953(B), and pursuant to his authority under R.S. 3:3203(A) adopts the following emergency rules.

This emergency adoption is necessary in order that the department may implement training and certification programs and drift standards concerning commercial aerial pesticide applicators during the 1992 agriculture season.

EMERGENCY RULE

1. Beginning with the effective date of these rules, commercial aerial pesticide applicators, with the single exception of aerial mosquito pest control applicators, must attend department-approved off-target training courses once each year to maintain their certification as a commercial aerial applicator.

2. Commercial aerial pesticide applicators who apply mixtures containing 1:1-Dimethyl-4, 4'-Bipyridinium (cation) dichloride, Isopropylamine salt of glyphosate, Sulfosate Trimethylsulfonium carboxymethylaminomethylphosphonate, 4-(2, 4-Dichlorophenoxy) butyric acid, and 2,4-Dichlorophenoxyacetic acid (commonly known as Gramoxone, Roundup, Touchdown, 2,4-DB and 2,4-D, respectively) must register with the department once yearly on department approved forms prior to making any applications of these chemicals. Effective January 1, 1993, Propanil must be registered under the provisions of this paragraph.

3. Commercial aerial pesticide applicators applying any concentrations of agricultural pesticides shall not apply these chemicals from a height of greater than 18 feet above the target field crops.

4. Commercial aerial pesticide applicators, with the single exception of aerial mosquito pest control applicators, shall adhere to the following standards for fixed wing aircraft, regarding boom configurations, nozzle angles and volume of pesticides per acre:

a. the effective spray boom length shall not exceed 75 percent of the length of the wing (wing tip to wing tip) on which the boom is attached;

b. all spray nozzles shall be oriented to discharge straight back toward the rear of the aircraft;

c. the spray boom pressure shall not exceed a maximum of 40 pounds per square inch (40 PSI);

d. when disc and core type nozzles are used for herbicide, desiccant or defoliant applications, a number 46 or larger core must be used; and

e. unless further restricted by other regulations or labeling, the chemicals listed in number 2 above shall be applied in a minimum of five gallons of total spray mix per acre. All other agricultural pesticides, unless further restricted by other regulations or labeling, shall be applied in a minimum of one gallon of total spray mix per acre.

5. All aerial pesticide applicators are prohibited from making an application of any pesticide while it is raining. This prohibition shall not apply to a drizzle of rain so light as to not cause puddling or run-off water from the field.

6. Unless further restricted by other regulations or labeling, commercial aerial pesticide applicators, with the single exception of mosquito pest control applicators, are prohibited from making an application of any pesticide within 100 feet from the edge of the swath to any inhabited structure, including but not limited to inhabited dwellings, hospitals, nursing homes and places of business. No aerial applicator, with the single exception of aerial mosquito pest control applicators, shall apply pesticides within 1000 feet of any school grounds during normal school hours.

The effective date of these rules is May 9, 1992, and they shall remain in effect for 120 days or until these rules take effect through the normal promulgation process, whichever is shortest.

Bob Odom
Commissioner

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Bulletin 1903 - Regulations for the Implementation of R.S. 17:7(11) - Education of Dyslexic Students

The Board of Elementary and Secondary Education, at its meeting of April 23, 1992, exercised those powers conferred by the Administrative Procedure Act, R.S. 49:953(B) and readopted as an emergency rule, Bulletin 1903 - Regulations for the Implementation of R.S. 17:7(11) - the Louisiana Law for the Education of Dyslexic Students. The text of this document was printed in full in the January 20, 1992 issue of the *Louisiana Register* and may be viewed in its entirety on pages 9-12.

Emergency adoption is necessary in order to continue the regulations until adoption is finalized. Effective date of this emergency rule is April 23, 1992.

Carole Wallin
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Federally Required Amendments to the Louisiana Annual Special Education Program Plan for FY 91-93

The Board of Elementary and Secondary Education, at its meeting of April 23, 1992, exercised those powers conferred by the Administrative Procedure Act R.S. 49:953(B) and adopted as an emergency rule, the federally-required amendments to the Louisiana Annual Special Education Program Plan for FY 91-93. Effective date of the emergency rule is May 20, 1992.

NEW STATE PLAN REQUIREMENTS UNDER PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT AS ADDED BY THE EDUCATION OF THE HANDICAPPED ACT AMENDMENTS OF 1990 (PUB. L. 101-476) AND THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENTS OF 1991 (PUB. L. 102-119)

Assurances Regarding Implementation of These Requirements During Fiscal Year 1993

For purposes of implementing provisions of the Education of the Handicapped Act Amendments of 1990 (Pub. L. 101-476) and the Individuals with Disabilities Education Act Amendments of 1991 (Pub. L. 102-119), which amend Part B of the Individuals with Disabilities Education Act (Act) (20 U.S.C. 1401, 1411-1420), the State of Louisiana makes the following assurances:

(1) In accordance with Section 612 (2) of the Act, throughout the period of the Fiscal Year (FY) 1993 grant award, the state's definition of "children with disabilities," or its equivalent, will include "children with autism" and "children with traumatic brain injury" as separate disability categories under Part B, as specified in Section 602 (a) (1) of the Act. As soon as possible, but no later than July 1, 1993, the state will make conforming changes to state statutes, regulations, or policies and procedures, as appropriate.

(3) In accordance with Section 612 (2) of the Act, throughout the period of the FY 1993 grant award, the state's definition of "special education," or its equivalent, will add "instruction in other settings" to the list of settings in which "specially designed instruction" may be provided to children with disabilities, as required by Section 602 (a) (16) of the Act. As soon as possible, but no later than July 1, 1993, the state will make conforming changes to state statutes, regulations, or policies and procedures, as appropriate.

(4) In accordance with Section 612 (2) of the Act, throughout the period of the FY 1993 grant award, the state's definition of "related services," or its equivalent, will include "rehabilitation counseling" and "social work services" as eligible related services, as required by Section 602 (a) (17) of the Act. As soon as possible, but no later than July 1, 1993, the state will make conforming changes to state statutes, regulations, or policies and procedures, as appropriate.

(5) In accordance with Section 612 (4) of the Act, throughout the period of the FY 1993 grant award, each public agency in the state will implement individualized education programs (IEPs) for students with disabilities, as provided in Section 614 (a) (5) of the Act, which IEPs include the following provisions, as required by Section 602 (a) (19) and (a) (20) of the Act:

(A) A statement of needed transition services for students with disabilities beginning at age 16 and each year thereafter, and to the extent appropriate, for students with disabilities 14 years of age or younger;

(B) Where appropriate, a statement of interagency responsibility if a state or local agency, other than the public agency responsible for the student's education, is responsible for providing or paying for needed transition services;

(C) Where a participating agency, other than the public agency responsible for the student's education, has failed to provide agreed upon transition services, a statement that the public agency will reconvene a meeting of the participants on the IEP team to identify alternative strategies to meet the transition objectives in the student's IEP; and

(D) That with respect to IEPs of students with disabilities, "transition services" has the same meaning as the term "transition services," as defined in section 602 (a) (19) of the Act.

As soon as possible, but no later than July 1, 1993, the state will make conforming changes to state statutes, regulations, or policies and procedures, as appropriate.

(6) In accordance with Section 613 (a) (3) of the Act, throughout the period of the FY 1993 grant award, the state will implement a comprehensive system of personnel development (CSPD), consistent with the purposes of the Act and with the CSPD described in Section 676 (b) (8) of Part H of the Act, that shall include—

(A) a description of the procedures and activities the state will undertake to ensure an adequate supply of qualified special education and related services personnel, including—

(i) the development and maintenance of a system for determining, on an annual basis—

(l) the number and type of personnel, including leadership personnel, that are employed in the provision of special education and related services, by area of specialization, including the number of such personnel who are employed on an emergency, provisional, or other basis, who do not hold appropriate state certification or licensure; and

(II) the number and type of personnel, including leadership personnel, needed, and a projection of the numbers of such personnel that will be needed in five years, based on projections of individuals to be served, retirement and other leaving of personnel from the field, and other relevant factors;

(ii) the development and maintenance of a system for determining, on an annual basis, the institutions of higher education within the state that are preparing special education and related services personnel, including leadership personnel, by area of specialization including—

(I) the numbers of students enrolled in such programs; and

(II) the number who graduated with certification or licensure or with credentials to qualify for certification or licensure, during the past year; and

(iii) the development, updating, and implementation of a plan that—

(I) will address current and projected special education and related services personnel needs including the need for leadership personnel; and

(II) coordinates and facilitates efforts among state and local educational agencies, institutions of higher education, and professional associations to recruit, prepare, and retain qualified personnel, including personnel from minority backgrounds, and personnel with disabilities; and

(B) a description of the procedures and activities the state will undertake to ensure that all personnel necessary to carry out this part are appropriately and adequately prepared, including—

(i) a system for the continuing education of regular and special education and related services personnel;

(ii) procedures for acquiring and disseminating to teachers, administrators, and related services personnel significant knowledge derived from education research and other sources; and

(iii) procedures for adopting, where appropriate, promising practices, materials, and technology.

As soon as possible, but no later than July 1, 1993, the state will make conforming changes to state statutes, regulations, or policies and procedures, as appropriate.

(7) In accordance with Section 613 (a) (15) of the Act, throughout the period of the grant award, the state will have in effect policies and procedures relating to the smooth transition for those individuals participating in the early intervention program assisted under Part H of the Act who will participate in preschool programs assisted under Part B of the Act, including a method of ensuring that when a child turns age three, an individualized education program, or, if consistent with Sections 614 (a) (5) and 677 (d), an individualized family service plan, has been developed and is being implemented by such child's third birthday. As soon as possible, but no later than July 1, 1993, the state will make conforming changes to state statutes, regulations, or policies and procedures, as appropriate.

(8) In accordance with Section 612 (4) of the Act, throughout the period of FY 1993 grant award, for each child with a disability aged three through five, if consistent with state policy and at the discretion of the local educational agency or intermediate educational unit, and with the concurrence of the parents or guardian, each local educational agency or intermediate educational unit in the state, by the beginning of each school year, will establish an individualized education program for each child with a disability or an

individualized family service plan described in Section 677 (d), and will then review and, if appropriate, revise its provisions periodically, but not less than annually. As soon as possible, but no later than July 1, 1993, the state will make conforming changes to state statutes, regulations, or policies and procedures, as appropriate.

(9) Throughout the period of the FY 1993 grant award, the state will comply with all requirements of Part B of the Act, including any departmental regulations amending 34 CFR Part 300 that became final and effective by the date on which your state received its FY 1993 grant award.

Emergency adoption is necessary because in order to meet U.S. Department of Education requirements that the rule be adopted by the governing authority and submitted to the Office of Special Education and Rehabilitation Services no later than May 1, 1992.

Carole Wallen
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Textbook Adoption Cycle

The Board of Elementary and Secondary Education, at its meeting of April 23, 1992, exercised those powers conferred by the Administrative Procedure Act, R.S. 49:953(B) and changed the textbook adoption cycle from a six-year to a seven-year adoption cycle as noted in the Louisiana Adoption Cycle listed below.

Beginning July 1, 1992 and every year thereafter, the Louisiana textbook adoption cycle will be for a period of seven years with the categories each year as follows:

1991	1992	1993	1994	1995	1996	1997
Social Studies K-12 Special Ed	Language and Composition Literature Spelling Special Ed Computer Literacy	Reading Special Ed	Science K-12 Health and Physical Education Special Ed Computer Literacy	Vocational Agriculture Business Education Home Economics Special Ed	Foreign Language Handwriting Music/Fine Arts Special Ed Computer Literacy	Math K-12 Computer Science Special Ed

*Special Education materials are adopted each year in the area of the adopting disciplines.

Louisiana Adoption Information

Contract period	- 7 years (definite contract)
Invitation to Bid	- July 1
Bid Due to State	- August 1
First Hearing	- September (1st Wednesday)
Books to Committee	- September 1
State Review Period	- September 1 - December 1
Second Hearing	- December (first week)
BESE Approval	- December
Textbook Caravan	- January 1 - February 1
Add, Substitute or Cancel	- February 1 - March 1
Local Adoption	- February 1 - June 1

Emergency adoption of this change is necessary in order for the Department of Education to have adequate time to inform local school districts and textbook publishers prior to the July 1, 1992 invitation to bid announcement. Effective date of emergency rule is July 1, 1992.

Carole Wallin
Executive Director

DECLARATION OF EMERGENCY

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

The Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, Sentencing Commission exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to amend the Felony Sentencing Guidelines, effective May 20, 1992, for 120 days. Emergency adoption of the amendments described here is necessary to eliminate technical problems experienced by the courts and the Office of Probation and Parole in implementing the Felony Sentencing Guidelines as of January 1, 1992 and to make such other adjustments as are necessary to ensure the timely and expeditious sentencing of offenders in a fair and equitable manner under the sentencing guidelines without further delay.

Title 22
CORRECTIONS, CRIMINAL JUSTICE
AND LAW ENFORCEMENT
Part IX. Sentencing Commission
Subpart 1. Felony Sentencing Guidelines

Chapter 2. Determining Sentences Under the Sentencing Guidelines

§205. Criminal History Index Classification System

B. Definitions

2. *Crime-free time* means a period of time during which the offender was not in a *custody status*, as defined below, and during which the offender has not committed an offense which subsequently results in a felony or misdemeanor conviction, as defined herein.

3. *Custody status* means any form of criminal justice supervision resulting from a guilty plea, conviction, or an adjudication of delinquency including post conviction release or bail, confinement, probation, or parole.

4. *Felony adjudication* means any unexpunged adjudication for delinquency by a court exercising juvenile jurisdiction:

a. for the offense of first-degree murder, second-degree murder, manslaughter, aggravated rape, forcible rape, simple rape, sexual battery, aggravated kidnapping, or armed robbery, or

b. for any felony offense if the defendant was under the age of 26 years at the time of the commission of the current offense, or

c. for any felony offense if the defendant was 26 years of age or older at the time of the commission of the current offense and the defendant previously had been convicted as an adult of a felony or a misdemeanor in which an element involved the use of a dangerous weapon.

6. *Misdemeanor adjudication* means an unexpunged adjudication for delinquency by a court exercising juvenile jurisdiction for an offense which, if committed by an adult, would be a misdemeanor, as defined herein.

C. Criminal History Index Factors
1. The criminal history index is based on points derived from the following factors:

c. prior applicable adjudications of delinquency.
d. custody status at the time of commission of the offense serving as the basis for the current conviction.

2. The Criminal History Index is composed of seven classes ranging from Class A, most serious criminal history, to Class G, least serious criminal history.

3. Method of Calculation

a. Prior felony convictions and adjudications: Score all felony convictions and applicable felony adjudications of delinquency by the number of points ascribed to the seriousness level of the offense of conviction as set forth in Chapter 4, §402.A and C. If the prior felony conviction is based on an unranked offense, i.e., not ranked on the crime seriousness ranking table, the court may assign a seriousness score of one point to the conviction. If the court believes that a seriousness score of one point significantly under represents the seriousness of the prior conviction, the judge may use the seriousness score of an analogous offense, provided the court states for the record why the unranked offense is analogous to the ranked offense which serves as the basis for the score.

b. Prior misdemeanor convictions and adjudications: Add one-fourth (.25) point, not to exceed a total of one point, for each of the following misdemeanor convictions or adjudications:

i. any misdemeanor conviction for an offense in Louisiana Revised Statutes Title 14 or the Uniform Controlled Dangerous Substances Law of Louisiana Revised Statutes Title 40 or any local ordinance which is substantially similar to an offense in Title 14 or the Uniform Controlled Dangerous Substances Law of Title 40.

ii. any misdemeanor conviction for a traffic offense in Louisiana Revised Statutes Title 32 or local traffic ordinance substantially similar to any Title 32 traffic offense if the current offense of conviction involves the operation of a motor vehicle.

iii. any misdemeanor adjudication if, at the time of the commission of the current offense, the offender was under age 17, and is being prosecuted as an adult.

c. Prior similar criminal behavior: Add one-half (.5) point for each prior felony conviction or adjudication if the prior offense of conviction or adjudication is in the same "crime family" as the current offense of conviction. See Chapter 4, §402.D., Crime Family Table. The court also may add the additional one-half point if the court finds that the prior conviction or adjudication was analogous to the offenses in the crime family of the current offense, and states for the record the reasons for the finding.

d. Offenses committed during custody status: Add one point if the current felony offense was committed while the offender was in a "custody status."

e. Limitation on prior misdemeanor convictions: Points added to an offender's criminal history index score for misdemeanor convictions or adjudications shall not increase the offender's criminal history index more than one level.

f. Multiple convictions on same day: Count only the most serious conviction or adjudication if more than one conviction or adjudication occurred on the same day.

AUTHORITY NOTE: Promulgated in accordance with

R.S. 15:321-329.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, Louisiana Sentencing Commission, LR 18:46 (January 1992), repromulgated LR 18:166 (February 1992), amended LR 18:

§209. Departures From the Designated Sentence Range

C. *Mitigating Circumstances* means a factor which is present to a significant degree which lessens the seriousness of the offense below the level of the typical case arising under the offense of conviction. Factors which constitute a legal defense shall not be considered mitigating circumstances. The following factors constitute mitigating circumstances:

17. The offender has spent a significant period of time free of any custody status during which he has not engaged in any criminal activity resulting in a felony or misdemeanor conviction, as defined herein. If deemed appropriate, the court may consider the suggested crime-free time reduction factors in Chapter 4, §402.E.

18. Any other relevant mitigating circumstances which distinguish the case from the typical case of the offense of conviction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:321-329.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, Louisiana Sentencing Commission, LR 18:47 (January 1992), amended LR 18:

§215. Concurrent and Consecutive Sentences

C. Procedure for Imposing Consecutive Sentences. If the court finds that a consecutive sentence should be imposed, the following procedures apply to determine the base sentence range and the recommended sentence.

1. The base sentence range is established by determining, from the appropriate cell in the grid, the designated sentence range for the most serious offense of conviction. The most serious offense is the offense with the longest statutory term of incarceration or the offense with the longest term of incarceration within the designated sentence range under the guidelines, whichever is greater.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:321-329.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, Louisiana Sentencing Commission, LR 18:49 (January 1992), amended LR 18:

Chapter 4. Louisiana Sentencing Guidelines Tables

§401. Criminal Seriousness Tables

A. Crime Seriousness Master Ranking List

Negligent Homicide (LRS 14:32): Level 4.

Possession with Intent to Distribute Marijuana (LRS 40:966(A)(1)): Level 4.

Solicitation for Murder (LRS 14:28.1): Level 4.

Possession of Drugs (Sched. II, Narcotic) (LRS 40:967(C)): Level 5.

B. Felonies Ranked Numerically by Statute Number

Negligent Homicide (LRS 14:32): Level 4.

Possession with Intent to Distribute Marijuana (LRS 40:966(A) (1)): Level 4.

Solicitation for Murder (LRS 14:28.1): Level 4.

Possession of Drugs (Sched. II, Narcotic) (LRS 40:967(C)): Level 5.

C. Ranted Felonies in Alphabetical order

Negligent Homicide (LRS 14:32): Level 4.

Possession with Intent to Distribute Marijuana (LRS 40:966(A) (1)): Level 4.

Solicitation for Murder (LRS 14:28.1): Level 4.

Possession of Drugs (Sched. II, Narcotic) (LRS 40:967(C)): Level 5.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:321-329.

HISTORICAL NOTE: Promulgated by the Office of Governor, Commission on Law Enforcement and Administration of Criminal Justice, Louisiana Sentencing Commission, LR 18:50 (January 1992), amended LR 18:

§402: Criminal History Tables

D. Crime Family Table

Negligent Homicide (LRS 14:32): Level 4.

Possession with Intent to Distribute Marijuana (LRS 40:966(A) (1)): Level 4.

Solicitation for Murder (LRS 14:28.1): Level 4.

Possession of Drugs (Sched. II, Narcotic) (LRS 40:967(C)): Level 5.

E. Crime-Free Time

Amount of Crime-Free Time	Suggested Multiplication Factor
Less than 5 years	1 (Full value)
5 years to 10 years	.75 (Reduced by one-fourth)
Over 10 years but less than 20 years	.50 (Reduced by one-half)
20 years or more	.10 (Reduced by 90%)

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:321-329.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, Louisiana Sentencing Commission, LR 18:50 (January 1992), amended LR 18:

§403. Tables for Determining Designated Sentence

A. Sentencing Guidelines Grid

	A	B	C	D	E	F	G
	(5.0 +)	(4.9-4.0)	(3.9-3.0)	(2.9-2.0)	(1.9-1.0)	(0.9-0.1)	(0)
MURDER AG RAPE DIST DRUGS SCH I NARC AG KIDNAPPING	LIFE	LIFE	LIFE	LIFE	LIFE	LIFE	LIFE
ARM ROBBERY FORC RAPE MANSLAUGHTER AG BURGLARY KIDNAPPING II	360-330	300-270	240-210	180-150	126-96	102-72	90-60
AG BATTERY ROBBERY I DIST DRUGS SCH II NARC SIMP RAPE	240-210	180-150	126-96	108-84	84-72	72-60	60-36
MOLEST JUVEN PURSE SNATCH BATTERY II SIMP BURGLARY INHAB. DWELL. SIMP ESCAPE	144-120	108-84	84-72	66-54	60-48	54-36	48-24
CARNAL KNOWL OF JUVENILE SIMP BURGLARY SIM CR DMG PRP I > = 50,000	240-160	225-150	210-140	195-130	180-120	165-110	150-100
FORGERY IND BEHAV JUV ILL POSS STOL GDS I > = 500 THEFT I > = 500	120-96	84-66	72-54	42-30	36-24	36-18	36-18
SMP ARS. I > = 500 UNLAW ENTRY PL BUS SIMP CRIM DMG PROP II > = 500	225-150	210-140	195-130	180-120	165-110	150-100	135-90
ILL POSS STOL GOODS II > = 100 POSS DRUGS SCH I, Non-Narcotic THEFT II > = 100	72-60	66-54	46-36	36-24	30-18	(30-18)	(30-15)
CONTRABAND POSS DRUGS SCH II, Non-N, III, IV SIMP ARS. II < 500	210-140	195-130	180-120	165-110	150-100	135-90	120-80
CRIM AGNST NATURE PROSTITUTION SIMP ESCAPE SIMP POSS MARI	60-48	30-24	24-18	(24-18)	(24-15)	(24-12)	(24-12)
	195-130	180-120	165-110	150-100	135-90	120-80	108-54
	48-36	24-18	(24-18)	(24-15)	(21-12)	(21-12)	(21-12)
	180-120	165-110	150-100	135-90	120-80	108-54	72-36
	36-24	(24-18)	(24-15)	(24-15)	(18-21)	(18-12)	(18-12)
	165-110	150-100	135-90	120-80	108-54	72-36	48-24
	24-18	(24-15)	(24-12)	(24-12)	(15-12)	(15-12)	(15-12)
	150-100	135-90	120-80	108-54	72-36	48-24	24-12

----- - Reverse dotted line

----- - Heavy Dashed Line

* Most frequently occurring offenses for each level are listed.

E. Intermediate Sanction Definitions

Jail: Incarceration not in custody of the Department of Public Safety and Corrections. If the court desires to sentence an offender to less than one month of jail time, the offender should receive a proportionate reduction in the number of sanction unit credits. When jail is used as an intermediate sanction, sanction unit credit is based on the number of days or months which the offender will actually serve, deducting the amount of anticipated good time credit which the offender will earn if he serves his sentence on good behavior.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:321-329.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, Louisiana Sentencing Commission, LR 18:50 (January 1992), amended LR 18:

Complete tables 401.A, B, C, and 402.D, including amendments, can be obtained from the Office of the State Register, 1051 North Third Street, Baton Rouge, LA 70802 or from the Louisiana Sentencing Commission, 1885 Wooddale Boulevard, Baton Rouge, LA 70806.

Michael A. Ranatza
Executive Director

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Board of Veterinary Medicine

The Department of Health and Hospitals, Board of Veterinary Medicine has adopted the following emergency rule in accordance with R.S. 49:953(B)(1) and 954(B)(2). This

rule is necessary to prevent the expiration of licensure for persons holding licenses as practitioners of veterinary medicine, and certified euthanasia technicians. As per R.S. 1524, and 1555, licenses for each of the holders named will expire on June 30, 1992. Due to changes in the fee structure and the administrative changes necessitated by these changes, renewal notices will not be mailed until approximately June 1, 1992. The emergency rule adopted by the board will extend the renewal period to accommodate a normal renewal period of 90 days from date of mailing.

The emergency rule adopted on May 6, 1992, by a quorum of the board members, is as follows:

EMERGENCY RULE

The board shall extend the date of expiration for all persons licensed to practice veterinary medicine and licensed as certified euthanasia technicians from June 30, 1992 to September 30, 1992. Renewals received after September 30, 1992 shall be considered late and shall be charged a late fee as allowed under R.S. 1525 and 1209.

Charles C. Kleinpeter, DVM
President

DECLARATION OF EMERGENCY

Department of Public Safety and Corrections Board of Pardons

Pursuant to the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and pursuant to R.S. 15:572, et seq., the Board of Pardons at its meeting on April 21, 1992, adopted the following rules and procedures and form of application for processing and filing for clemency consideration. In an effort to comply with department regulation number 30-34, Composition and Location of Adult Inmate Prison Record Folders, dated April 1, 1992 and due to the numerous applications received it is necessary to implement new rules for processing said applications expeditiously. The following rules, having been adopted by the board will govern the processing of applications for pardon, commutation of sentence, or restoration of citizenship. It is specifically provided that rules previously adopted and adhered to, unless included herein, are void.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT Part V. Board of Pardons

Chapter 1. Applications

§101. Purpose

Any complete application for pardon, commutation of sentence, or restoration of citizenship filed with the Board of Pardons shall be considered by the board at anytime after receipt thereof. No application will be considered by the board until it deems the application to be complete in accordance with the following rules and procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 18:

§103. Filing Procedure

A. All Applicants

1. Every application must be submitted on the Application for Clemency form (see Appendix A at end of this Section) approved by the Board of Pardons and must contain the following information:

- a. name of applicant;
- b. prison number (DOC#);
- c. date of birth;
- d. race/sex;
- e. education (highest grade completed);
- f. age at time of offense;
- g. present age;
- h. offender class;
- i. place of incarceration;
- j. parish of conviction/judicial district/court docket number;
- k. offense(s) convicted of;
- l. parish where offense(s) committed;
- m. date of sentence;
- n. length of sentence;
- o. time served;
- p. prior parole and/or probation;
- q. when and how parole or probation completed;
- r. prior clemency hearing/recommendation/approval;
- s. reason for requesting clemency;
- t. relief requested; and
- u. institutional disciplinary reports (incarcerated applicants only) total disciplinary reports, number within the last 12 months and nature and date of last violation.

2. The application shall be signed by applicant, dated and shall contain a prison or mailing address and home address.

3. An application must be completed; if any required information does not apply the response should be "NA".

B. In addition to the information submitted by application, the following required documents must be attached as they apply to each applicant:

1. Incarcerated Applicants. Any applicant presently confined in any institution must attach a current master prison record and time computation/jail credit worksheet and have the signature of a classification officer verifying the conduct of the applicant as set out in Paragraph A.1.u. of this Section.

2. Parolees. Applicants presently under parole supervision or who have completed parole supervision must attach a copy of their master prison record.

3. Probationers. Applicants presently under probation supervision or who have completed probationary period must attach a certified copy of sentencing minutes.

4. Federal Convictions. Applicants with a federal conviction must attach a copy of judgment and commitment papers.

5. R.S. 15:572(B) First Offender Pardons. Applicants who have received an Automatic First Offender Pardon should attach a copy of the Automatic First Offender Pardon.

C. No additional information or documents may be submitted until applicants have been notified that they will be given a hearing. Information or documents submitted prior to notice will be considered as having never been received.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 18:

SUBMIT TO:
LA BOARD OF PARDONS
504 Mayflower St.
Baton Rouge, LA 70802

REVISED 4/92

APPLICATION FOR CLEMENCY

REQUIRED ATTACHMENTS:

INCARCERATED APPLICANTS: CURRENT MASTER PRISON RECORD
TIME COMPUTATION/JAIL CREDIT WORKSHEET
SIGNATURE OF CLASSIFICATION OFFICER

PAROLEES: A COPY OF MASTER PRISON RECORD

PROBATIONERS: SENTENCING MINUTES

FEDERAL CONVICTION APPLICANTS: JUDGMENT AND COMMITMENT PAPERS

AUTOMATIC FIRST OFFENDER PARDON APPLICANTS: A COPY OF PARDON

1.
(a) NAME _____ (b) DOC# _____ (c) DOB _____
(d) RACE/SEX ____/____ (e) ED. LEVEL _____ (f) AGE AT TIME OF OFFENSE _____
(g) PRESENT AGE _____ (h) OFFENDER CLASS _____ (i) PLACE OF
INCARCERATION _____
(j) PARISH OF CONVICTION/JUDICIAL DISTRICT/COURT DOCKET# _____/
_____/_____
(k) OFFENSE(S) CONVICTED OF _____
(l) PARISH COMMITTED _____
(m) SENTENCE DATE _____ (n) LENGTH _____ (o) TIME SERVED _____
(p) PRIOR PAROLE/PROBATION _____ NO

YES (q) COMPLETED SATISFACTORILY _____ YES/DATE _____ NO, REASON _____

FOR REVOCATION

(r) PRIOR CLEMENCY HEARING _____ NO _____ YES FAVORABLE RECOMMENDATION _____ NO

YES APPROVED BY GOVERNOR _____ NO _____ YES
(s) REASON FOR REQUESTING CLEMENCY _____ AGE _____ MEDICAL _____ TIME SERVED _____ OTHER _____

(SPECIFY)

(t) RELIEF REQUESTED _____
_____ COMMUTATION OF SENTENCE (TIME CUT)
_____ CUT TO TIME SERVED
_____ OTHER (YEARS REQUESTED) _____
_____ PARDON AND RESTORATION
_____ W/FIREARMS
_____ W/O FIREARMS
_____ RESTORATION OF LA. RIGHTS
_____ (FEDERAL CONVICTIONS ONLY)
_____ W/FIREARMS
_____ W/O FIREARMS

(u) INCARCERATED APPLICANTS ONLY:
DISCIPLINARY REPORTS: TOTAL SINCE INCARCERATION: _____ LAST 12 MOS. _____
DATE AND NATURE OF LAST _____
VERIFIED BY: _____

(CLASSIFICATION OFFICER SIGNATURE/DATE)

2.

PRISON/MAILING ADDRESS: _____ HOME ADDRESS: _____

(APPLICANT SIGNATURE/DATE)

§105. Discretionary Powers of the Board

A. The Board of Pardons at its discretion may deny any applicant a hearing for any of the following reasons: serious nature of the offense, insufficient time served on sentence, proximity of parole/good time date, past criminal record, poor conduct while incarcerated, probation/parole - unsatisfactory/violated, or any other factor determined by the board. However, nothing in this article shall prevent the board from hearing any case.

B. Any applicant denied under this article shall be notified in writing of the reason for denial and thereafter may file a new application two years from date of the letter of denial.

C. Any fraudulent documents or information submitted by applicant will result in an automatic denial by the board and no new application will be accepted until four years have elapsed from the date of letter of denial.

D. In any matters not specifically covered by these rules, the board shall have discretionary powers to act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 18:

§107. Hearings Granted

A. After notice to an applicant that a hearing has been granted the applicant must submit the following documents and/or information:

1. proof of advertisement (Affidavit/Certificate) from the official journal of the parish where the offense occurred. This ad must state: "I (applicant's name) have applied for clemency" and must be published for three days within a 30 day period without cost to the Department of Public Safety and Corrections, Corrections Services, Board of Pardons;

- 2. employment agreement; and
- 3. residence agreement.

B. Applicant may submit additional information, i.e. letters of recommendation and copies of certificates of achievement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 18:

§109. Public Hearing Dates

A. The chairman shall determine public hearing dates for the purpose of reviewing and acting on applications pending before the board. The board shall also meet at the discretion of the chairman to transact such other business as deemed necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 18:

§111. Notice of Public Hearings

A. After receipt of all documents required by §103 and 107 (A.1.3) and the clemency investigation from the appropriate Probation and Parole District, the board shall set the matter for public hearing.

B. At least 30 days prior to public hearing date the board shall give written notice of the date, time and place to the following:

- 1. the district attorney and sheriff of the parish in which the offense occurred and the district attorney and sheriff of the parish in which the applicant was convicted;

- 2. the applicant;

3. the victim who has been physically or psychologically injured by the applicant (if convicted of that offense), and the victim's spouse or next of kin, unless the injured victim, spouse or next of kin advises the board, in writing, that such notification is not desired;

4. the spouse or next of kin of a deceased victim when the offender responsible for the death is the applicant (if convicted of that offense), unless the spouse or next of kin advises the board, in writing, that such notification is not desired; and

5. any other interested person who notifies the Board of Pardons in writing, giving name and return address.

C. The district attorney, injured victim, spouse or next of kin, and any other persons who desire to do so shall be given a reasonable opportunity to attend the hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 18:

§113. Denials by Board after Public Hearing

A. The board shall notify the applicant within 21 working days of the denial. Applicant may submit a new application two years after the date of letter of denial.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 18:

§115. Denial/No Action Taken by Governor After Favorable Recommendation

A. The board shall notify the applicant within 21 working days after its receipt of notification that favorable recommendation was denied or no action taken by the governor. Applicant may submit a new application one year from the date of the letter of denial or notice of no action. This rule does not apply to applicants denied under §103 or 107.

B. An applicant who has been paroled, released under good time parole supervision or released from sentence, within one year of the date of a letter of denial or notice of no action by the governor, may submit a new application after two years from the date of release from confinement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 18:

§117. Governor Grants

A. The Office of the Governor, will notify the applicant if any clemency is granted. Applicant may submit a new application for additional relief two years from the date of notice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 18:

Cynthia F. Fayard
Chairman

DECLARATION OF EMERGENCY

Department of Public Safety and Corrections Liquefied Petroleum Gas Commission

The Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to adopt the following emergency rules. This is necessary to ensure the safety of L. P. Gas conversions currently and to be installed on school buses and mass transit vehicles.

Title 55 PUBLIC SAFETY Part IX. Liquefied Petroleum Gas

Chapter 12. School Bus and Mass Transit Installations Preface

This Chapter applies to L. P. Gas systems supplying L. P. Gas to propel school buses and mass transit vehicles.

§1201. Application

A. Prior to the initial installation of or conversion to an L. P. Gas system on any vehicle to be used as a school bus by either public or private educational institutions or mass transit vehicles, an applicant (the ultimate consumer or dealer) shall submit an Application to Install an L. P. Gas System on School Bus/Mass Transit Vehicles (Form DPSLP 8035), and other information deemed necessary by the L. P. Gas Commission for review. A registration fee of \$10 must be submitted with the application which includes the first registration decal. NOTE: If the application is submitted by an ultimate consumer, it must be stated on the application the name of the dealer making installation of or conversion to an L. P. Gas system.

B. After completion of the director's review of the application within the time described in §1211, the application will be returned to the applicant, indicating the submission complies with the L. P. Gas Commission rules or indicating that corrections are required, and such corrections shall be noted specifically on the returned application.

1. Rejected applications: an applicant may make the corrections required on a rejected application and may re-submit the application for review by the director in accordance with the process described in this Section.

2. Accepted applications: subject to the provisions of §1203 of this Chapter, once the application is returned to the applicant with an indication that the application complies with the L. P. Gas safety rules, L. P. Gas converted vehicle(s) may be placed immediately into L. P. Gas service upon completion of the L. P. Gas system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, LR 18: §1203. **Inspections**

A. Upon completion of the installation of the L. P. Gas system, a physical inspection must be conducted by the L. P. Gas Commission to ensure that all rules and regulations have been complied with and that the installation is safe. At that time a certificate of registration-completion will be issued along with a registration decal valid for the year of issuance.

B. All school bus/mass transit vehicles registered with the L. P. Gas Commission shall be inspected and issued a registration decal annually between the months of June 1 and August 31 of each year and an annual registration fee of

\$10 shall be paid to the L. P. Gas Commission. At this time, the commission shall issue a new registration decal certifying as to the safety of the system and thus allowing such vehicles to be fueled at any dealer installation. No dealer shall fuel any school bus/mass transit vehicle to which a current registration decal is not permanently affixed.

C. At any time, including any time prior to the L. P. Gas system being placed into service, the commission may require an inspection of any L. P. Gas converted vehicle system. No L. P. Gas system shall be placed into L. P. Gas service that does not comply with the rules promulgated by the L.P. Gas Commission in effect 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, LR 18: §1205. **Notice of Completion**

The applicant shall notify the Office of the Director in writing when any school bus or mass transit installation is completed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, LR 18: §1207. **Material Variances**

A. If the director determines the completed installation or conversion varies materially from the application originally accepted, resubmission of the specifications is required. The director's review of such resubmitted application will follow the described procedure(s) in §1201.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, LR 18: §1209. **Review of Applications**

The director will review all applications within 45 calendar days of receipt of the application. The director must mail written notification to the applicant of whether the application is accepted, rejected, or still under review within the 45 calendar day period. An application is not accepted (i.e. in compliance) until the applicant has received written notification of the acceptance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, LR 18: §1211. **Maximum Permitted Filling Density**

Each container shall be fitted with an approved automatic means to prevent filling in excess of the maximum permitted filling density. The motor fuel container shall be installed on the underside of the vehicle on the streetside. Installation of the container on top or at the rear of the bus is prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, LR 18: §1213. **Aggregate Water Capacity**

L. P. Gas containers used on school buses shall not exceed 115 gallons aggregate water capacity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, LR 18

§1215. Container Shall Be Secured

The container shall be secured to the school bus/mass transit frame (not to the floor of the vehicle) by fasteners/brackets which are designed and manufactured by the same manufacturer as the container. The container shall have a minimum of two padded mounting frame brackets, designed (with a factor of safety of four) to withstand loadings in any direction equal to four times the filling weight of the container. Container brackets shall be secured in place using lock washers and double nutted 1/2 inch grade eight tensile strength bolts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, LR 18: §1217. **Container Installation**

Containers shall be installed with as much clearance as practical, but never less than the minimum normal road clearance of the vehicle under maximum load conditions. Minimum clearance shall be to the bottom of the container or to the lowest fitting on the container or housing, whichever is lower. All container valves and fitting shall be protected by means of a heavy gauge metal guard having a minimum thickness of seven gauge steel.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, LR 18: §1219. **Plumbing Chamber Door**

An eight inch by 14 inch minimum size plumbing chamber door shall be provided in the street sidewall of the bus to allow easy access for filling or securing the service valve in the event of an emergency. The plumbing chamber door shall be hinged and latched, but not locked.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, LR 18: §1221. **Relief Valves**

All safety relief valves shall be vented through the street sidewall of the bus skirting. The relief valve discharge vent line shall be metallic pipe or tubing (other than aluminum) and shall be sized, located and secured, so as not to restrict full discharge.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, LR 18: §1223. **Vent Lines**

The relief valve discharge vent lines shall run vertically upward and shall be secured against the outside skirting, continuing upward between windows, terminating at the rolling eaves of the bus roof. A spring-loaded dust or rain cap must be provided which will not divert the discharge of L. P. Gas onto the container or vehicle. An approved flexible steel high pressure L. P. Gas connector shall connect the relief valve threaded collar to the discharge vent line by means of threaded fittings or manufactured hose fittings designed specifically for this purpose. The relief valve discharge vent line and the approved flexible steel high pressure L. P. Gas connector shall withstand the pressure from the relief discharge when the relief valve is in the full open position.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, LR 18:

G.L. "Mike" Manuel, Jr.
Director

DECLARATION OF EMERGENCY

Department of Social Services Office of Community Services

The Department of Social Services, Office of Community Services has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to adopt the following rule in the Adoption Program. Emergency rulemaking is necessary as Act 235, the Children's Code, became effective January 1, 1992.

This rule is mandated by the Children's Code, Title XII, Chapter 2. The emergency rule amends, reenacts, and revises laws in respect to private adoptions. This rule hereby supersedes the notice published in the September 20, 1991, *Louisiana Register*, pages 917-918.

EMERGENCY RULE

I. Certificate of Adoption. Any prospective adoptive parent in a private adoption shall obtain a Certificate of Adoption prior to physically receiving the child.

II. Definitions

A. *Certificate of Adoption*—a person who applies to adopt a child privately is certified as qualified to adopt in accordance with the Louisiana Children's Code. A Certificate of Adoption is valid a minimum of two years without an update being required. A Certificate of Adoption can be revoked for just cause.

B. *Any prospective adoptive parents* in this Section—any couple who is adopting any child except a stepchild, grandchild, sibling, niece, or nephew of one of the prospective adopting parents or child placed by an agency.

III. Procedures. There are two procedures by which a valid Certificate of Adoption may be obtained by any prospective adoptive couple in Louisiana attempting to adopt privately. Any out-of-Louisiana prospective adoptive couple must also comply with the Louisiana Interstate Compact on Placement of Children.

A. The prospective adoptive couple may apply for a court order approving the placement of a child in their home. The court shall be of proper venue in the state of Louisiana. The application for court approval of adoptive placement shall be verified and shall contain the following:

1. the name, address, age, occupation, and marital status of the prospective adoptive parents;
2. the expected date of the child's placement;
3. the relationship between the child and the prospective adoptive parent, if any;
4. the name of the child whose placement is requested, if known;
5. this application for court approval of adoptive placement shall be filed with the clerk of a court of appropriate venue as authorized in Louisiana's Children's Code;
6. the application for court approval of adoptive placement shall be set for hearing in chambers, confidentially, and in a summary manner within 48 hours of its filing;
7. at the hearing, the prospective adoptive parents

shall testify under oath concerning their fitness to receive the child into their care and custody including but not limited to:

- a. their moral fitness, previous criminal records or validated complaints of child abuse or neglect, if any;
 - b. their mental and physical health;
 - c. their financial capacity and disposition to provide the child with food, clothing, medical care, and other material needs;
 - d. their capacity and disposition to give the child love, affection, and guidance and to undertake the responsibilities of becoming the child's parents;
 - e. the adequacy of the physical environment of their home and neighborhood for the placement of the child;
 - f. the names and ages of other family members who would reside with the child in the prospective adoptive home and their attitude toward the proposed adoption;
 - g. the stability and the permanence, as a family unit, of the proposed adoptive home;
8. at the conclusion of the hearing, the court shall render an order approving or disapproving the placement of the child with the prospective parents;
9. the order shall be in writing and signed by the judge;

10. a certified copy of the court order approving the adoptive placement shall be given to the prospective adoptive parents. This certified court order is the Certificate of Adoption if approval is granted;

11. any order disapproving the adoptive placement shall include specific reason therefor;

12. any perjury, withholding of information or misleading statements, during this hearing, may be grounds for revocation of the Certificate of Adoption, or for revoking the adoption itself.

B. The second procedure for obtaining a Certificate of Adoption is that any person qualified to adopt in Louisiana may request a social worker of a licensed child placing agency, a board certified social worker, a licensed counselor, psychologist, or psychiatrist to conduct a home study before the physical placement of the child in the home. Those people or agencies doing the home study shall be licensed in their respective fields in the state of Louisiana.

1. This home study must address, as appropriate, in writing all the items in the following sections of the Louisiana Administrative Code, namely:

LAC 48:4115(C) Adoptive Home Study; LAC 48:4115(D) Notification regarding application; LAC 48:4115(E) Access to Records; LAC 48:4115(F) Updating Home Study; LAC 48:4115(H) Review Procedure; LAC 48:4115(I) Adoptive Parents' Records.

2. This home study must also contain a criminal records check for all federal and state arrests and convictions, and validated complaints of child abuse and neglect, respectively, in this or any other state for each prospective adoptive parent. This study shall provide a certificate indicating all information discovered or that no information has been found.

a. Attorneys representing prospective adoptive couples living in Louisiana for private adoptions must request the court having jurisdiction to order a Louisiana child abuse/neglect records check from the Office of Community Services Regional Office for the parish of residence of the prospective adoptive couple with the results of said check to be submitted in writing to the court. The court order shall be sent to the attention of the Adoption Petition Unit.

b. The mailing address of the regional offices of the Office of Community Services where this form may be obtained are as follows:

New Orleans Regional Office, Box 57149, New Orleans, LA 70157-7149;

Baton Rouge Regional Office, Box 66789, Baton Rouge, LA 70896;

Lafayette Regional Office, 1353 Surrey Street, Lafayette, LA 70501;

Lake Charles Regional Office, Box 16865, Lake Charles, LA 70616;

Alexandria Regional Office, Box 832, Alexandria, LA 71309;

Shreveport Regional Office, Box 801, State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101-4388;

Monroe Regional Office, Box 3047, Monroe, LA 71210;

Thibodaux Regional Office, Box 998, Thibodaux, LA 70302-0998.

3. The Prospective adoptive couple at the end of this home study shall be given a Certificate of Adoption if favorable in the judgement of the contracted person doing the home study in accordance with Louisiana Children's Code. If there is a disapproval, the prospective adoptive couple shall be informed in writing of the reason of the disapproval.

IV. Enforcement. The Department of Social Services, Office of Community Services in carrying out the duties as detailed in the Children's Code Title XII, Chapter 10, Article 1229 (A) shall include in the report to the court a copy of the Certificate of Adoption for the prospective adoptive couple or report to the court in writing that no Certificate of Adoption has been obtained in accordance with the Louisiana Children's Code.

Gloria Bryant-Banks
Secretary

DECLARATION OF EMERGENCY

Department of Social Services Rehabilitation Services Commission for the Deaf

The Department of Social Services, Commission for the Deaf, mandated by the 1990 Regular Session, is authorized to certify sign language interpreters of the deaf and to maintain a registry of sign language interpreters.

Because of the nature of the state mandate, the demands for certified sign language interpreters in all legal settings, mental health areas, and social services areas, as well as the availability of state funds for evaluation and certification for interpreters, the Commission for the Deaf sees an imminent peril to public health, safety, or welfare requiring adoption of a rule upon shorter notice than the normal process. As a result, the emergency rulemaking process is applicable at this time.

The Commission for the Deaf is revising the certification standards for sign language interpreters as published in the *Louisiana Register* in April, 1991.

EMERGENCY RULE

State Sign Language Interpreter Certification Standards

Certification Statement

All individuals who use the title "Sign Language Interpreter" must be certified by and registered with the Louisiana Commission for the Deaf.

Implementation of the generalists certification process is projected to be as follows:

Grandfathering	July 1, 1991 through December 31, 1991
Screening	January 1, 1992
Written Examination	April 1, 1992
Situational Ethics	April 1, 1992
Performance Examination	
Transliterating	July 1, 1992
Interpreting	July 1, 1992

Situational specialties will require the appropriate subcommittees of the Interpreter Certification Board to review/revise the Louisiana Registry of Interpreters to reflect recommended certification levels.

Legal	August 31, 1991
Medical	October 31, 1991
Mental Health	December 31, 1991
Occupational	February 28, 1992
Educational (Postsecondary)	April 30, 1992
Governmental Services	June 30, 1992
Community Services	August 31, 1992
Tactile/Graphic	October 31, 1992
Relay	December 31, 1992
Cultural Arts	April 30, 1993
Educational (Preschool/Elementary)	July 1, 1993*
Educational (Secondary)	July 1, 1993*
Cued Speech	July 1, 1993*

Religious - no testing will be scheduled, as this is considered to be a function of individual religious bodies.

*or until such time as the appropriate criteria for certification of educational interpreters, including Cued Speech Interpreters, developed by an Educational Interpreter Subcommittee of the Interpreter Certification Board are in place.

EXAMINATION

The Louisiana State Certification Program includes the following examination components:

Qualifications for Examination:

All individuals who desire to be examined for possible certification must:

1. be at least 18 years of age; and
2. possess a high school diploma/GED; and
3. submit completed application forms and required documentation; and
4. pass appropriate examination/s; and
5. abide by state laws, rules, and regulations; and
6. abide by the Registry of Interpreters for the Deaf, Inc. (RID) Code of Ethics.

Application:

An individual interested in examination must contact the Louisiana Commission for the Deaf (LCD). An application packet will be sent. Upon receipt of the completed application, LCD will notify the Chair of the Interpreter Certification Board to arrange for screening.

Screening:

To begin the certification process, the candidate must demonstrate sufficient communication skills in Sign Language, as demonstrated through the Sign Language Proficiency Interview, and determined as follows:

Level I	Intermediate
Level II	Advanced
Level III	Superior
Level IV	Superior
Level V	Superior

Written Examination:

Upon successful completion of screening, the candidate will be eligible for the written examination.

The written examination is designed to assess the candidate's knowledge of the general field of deafness, including deaf culture and the profession of interpreting, both general across languages and specific to sign language.

Successful completion of the written examination will permit continuation of the process through the situational ethics examination.

Situational Ethics Examination:

Upon successful completion of the written examination, the candidate will be eligible for the situational ethics examination.

The candidate will be examined on application of the RID Code of Ethics, professional attitudes toward deafness and interpreting, and the ability to react to conflict situations.

Successful completion of the situational ethics examination will permit continuation of the process through the performance examination/s.

Interpreting Performance Examination:

Upon successful completion of the situational ethics examination, the candidate will be eligible for the interpreting performance examination.

The candidate's ability to render American Sign Language into spoken English and spoken English into American Sign Language will be examined. Factors involved include clarity of signs, fingerspelling and voice, appropriateness of English structure and register, inflection of signs and voice to depict affect, and conceptual accuracy.

Transliterating Performance Examination:

Upon successful completion of the situational ethics examination, the candidate will be eligible for the transliterating performance examination.

The candidate's ability to render Sign English into spoken English and spoken English into Sign English will be examined. Factors considered are clarity of signs, fingerspelling and voice, appropriateness of English Structure and register, inflection of signs and voice to depict affect, and conceptual accuracy.

Examination Dates:

Examinations will be administered a minimum of twice annually.

No Shows:

Failure to appear at an examination site at the appropriate time, for other than just cause, will result in being placed at the bottom of the waiting list for the next available date.

Notification of Results:

The candidate will be notified of individual results. Results of any part of the examination will be maintained in confidential files, however, successful completion will be a matter of public record.

Re-Application:

Persons who do not successfully pass a section of the examination may re-apply after a waiting period of at least six months.

Duration of Certificates:

Certificates shall be continuous as long as the individual interpreter meets annual renewal requirements.

Level I (Internship)

Minimum Criteria. The applicant must:

1. possess an Intermediate Sign Language Proficiency Interview rating in American Sign Language or Sign Language or Sign English; and
2. successfully complete the written examination; and
3. successfully complete the situational ethics examination; and
4. submit a letter of internship from a certified interpreter.

Level II

Minimum Criteria. The applicant must:

1. possess an Advanced Sign Language Proficiency Interview Rating; and
2. successfully complete the written examination; and
3. successfully complete the situational ethics examination; and
4. successfully complete a performance examination; and
5. submit three letters of reference.

Level III

Minimum Criteria. The applicant must:

1. possess a Superior Sign Language Proficiency Rating; and
2. successfully complete the written examination; and
3. successfully complete the situational ethics examination; and
4. successfully complete a performance examination; and
5. submit three letters of reference.

Level IV

Minimum Criteria. The applicant must:

1. possess a Superior Sign Language Proficiency Interview Rating; and
2. successfully complete the written examination; and
3. successfully complete the situational ethics examination; and
4. successfully complete the interpreting performance examination; or successfully complete the transliterating performance examination.

Level V

Minimum Criteria. The applicant must:

1. possess a Superior Sign Language Proficiency Interview Rating; and
2. successfully complete the written examination; and
3. successfully complete the situational ethics examination; and
4. successfully complete the interpreting performance examination; and successfully complete the transliterating performance examination.

RENEWAL

Requirements: To maintain certification, the interpreter will, on an annual basis:

1. file a renewal form; and
2. provide documentation demonstrating proof of professional involvement, professional growth, and field work.

The certificate year is July 1 through June 30.

Should a certificate expire, the interpreter must re-submit an application and fees, and successfully complete the State Certification Program.

Grandfather Clause: For the period of July 1, 1991 through December 31, 1991, applicants will be awarded a certificate according to the following:

Level I - Individuals with one through three Louisiana Registry of Interpreters for the Deaf Situational Specialties, or a Louisiana Commission for the Deaf Interim Certificate E.

Level II - Individuals with four through eight Louisiana Registry of Interpreter for the Deaf Situational Specialties, or a Louisiana Commission for the Deaf Interim Certificate D.

Level III - Individuals with nine or more Louisiana Registry of Interpreters for the Deaf Situational Specialties, or a Louisiana Commission for the Deaf Interim Certificate C.

Level IV - Individuals with Louisiana Commission for the Deaf Interim Certificate B, or current or past Registry of Interpreters for the Deaf certification of:

Expressive Interpreting Certificate (EIC), or Expressive Translating Certificate (ETC), or Interpreting Certificate (IC), or Transliterating Certificate (TC), or Certificate of Interpreting (CI), or Certificate of Transliterating (CT).

Level V - Individuals with Louisiana Commission for the Deaf Certificate A, or current or past Registry of Interpreters for the Deaf certification of:

Specialist Certificate: Legal (SC:L, formerly LSC), or Specialist Certificate: Performing Arts (SC:PA), or Master Comprehensive Skills Certificate (MCSC), or Comprehensive Skills Certificate (CSC), or Reverse Skills Certification (RSC), or Certification of Interpretation (CI), and Certificate of Transliteration (CT), formerly EIC and ETC, and IC and TC, respectively.

Applicants must submit:

1. application form; and
2. appropriate fee; and
3. Louisiana Registry of Interpreters for the Deaf credentials or
4. Registry of Interpreters for the deaf Certificate/s; and
5. resume indicating:
 - a. education;
 - b. field experience;
 - c. professional involvement; and three references.

Reciprocity.

Reciprocity with other interpreting certificates will be determined on an individual basis, as presented to the Interpreters Certification Board and approved by the Louisiana Commission for the Deaf.

A temporary certificate may be issued by the Chair of the ICB pending resolution of individual reciprocity issues.

Applicants for temporary certificates must submit:

1. application form; and

2. appropriate fee; and
 3. resume indicating:
 - a. education;
 - b. field experience;
 - c. professional involvement; and three references.
- Grievance.

Any individual who disagrees with the action of the Interpreter Certification Board, or the results of any examination, will be permitted the right of appeal/grievance as outlined in Louisiana Commission for the Deaf policy.

Certification Authority

The Louisiana Commission for the Deaf is authorized by R.S. 46:2352(7) of the 1990 Louisiana Legislative Session to certify interpreters for persons who are deaf. Louisiana Commission for the Deaf, Box 94371, Baton Rouge, LA 70804-9371, (504) 342-2850 (V/T), 1-800-256-1523 (V/T).

Gloria Bryant-Banks
Secretary

censed processing facility, however each shipment shall be accompanied with the exact number of alligator hide tags. In the event that an alligator tag contains a factory defect rendering it unusable for the purpose intended or becomes detached from an alligator or hide, the tag must be reattached to the tail of the alligator/hide. The department will be responsible for the replacement of reattached tags prior to shipping out-of-state or prior to tanning within the state. It shall be unlawful to tag or attempt to tag an alligator with a tag that has been locked prior to the taking. Accidentally locked tags may be replaced upon request. The intentional alteration of hide tags is strictly prohibited and will result in the confiscation of all tags and alligator/hides which are part of the violation and the revocation of the violator's alligator hunting license. Violation of this part is a class 7A violation as described in Title 56.

James H. Jenkins, Jr.
Chairman

DECLARATION OF EMERGENCY

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

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, and under the authority of R.S. 56:317, the Wildlife and Fisheries Commission acting through its chairman and pursuant to commission resolution dated April 2, 1992, hereby finds that an imminent peril to the public welfare exists and accordingly, adopts an emergency rule, effective April 13, 1992.

The Commission finds that the present rule pursuant to the tagging requirements for the american alligator is in question due to a court ruling, which could adversely impact a thriving 30 million dollar Louisiana industry by resulting in the loss of federal approval to ship alligators outside Louisiana. Implementation of the emergency rule will permit uninterrupted out of state shipments of this commercially valuable renewable natural resources.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 7. Alligators

§701. Alligator Regulations

F. Alligator Hide Tag Procurement and Tagging Requirements.

7. A hide tag shall be properly attached and locked using the tag's locking device in the alligator's tail immediately upon possession by an alligator hunter. The department recommends that the tag be attached by encircling a medial scute within approximately the last 12 inches of the tail. Alligator farmers, fur buyers and fur dealers may wait until farm-raised alligators are skinned prior to tagging, but under no circumstances can the tag be attached using the locking device more than 48 hours after dispatching the alligator. Live or dead farm-raised alligators may be transported with their accompanying tags from a licensed alligator farm to a li-

DECLARATION OF EMERGENCY

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

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, R.S. 49:967 and R.S. 56:497 the Wildlife and Fisheries Commission hereby finds that an imminent peril to the public welfare exists and accordingly adopts the following emergency rule.

The Wildlife and Fisheries Commission does hereby:

1. Set the 1992 spring inshore shrimp season to open as follows:
 - a. in Zone 1, that portion of Louisiana's inside waters, as described in R.S. 56:945, from the Louisiana/Mississippi state line to South Pass of the Mississippi River at 6 a.m. on June 1, 1992; and
 - b. in Zone 2, that portion of Louisiana's inside waters, as described in R.S. 56:945, from South Pass of the Mississippi River to the western shore of Vermilion Bay and Southwest Pass at Marsh Island at 6 a.m. on May 18, 1992; and
 - c. in Zone 3, that portion of Louisiana's inside waters, as described in R.S. 56:945, from the western shore of Vermilion Bay and Southwest Pass at Marsh Island to the Louisiana/Texas state line at 6 a.m. on June 1, 1992.

The commission finds that shrimp in these zones are projected to be of legal size count and will meet the management criteria by the opening dates of the season.

James H. Jenkins, Jr.
Chairman

Rules

RULE

Board of Elementary and Secondary Education

Revisions to Standards 1.090.11 and 1.105.37
of Bulletin 741

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to the notice of intent published February 20, 1992 in the *Louisiana Register* and under the authority contained in the Louisiana Constitution (1974), VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the following policy on Adding Electives/Exploratories to the Program of Studies (Amendment to Standards 1.090.11 and 1.105.37 of Bulletin 741).

ADDING ELECTIVES/EXPLORATORIES TO THE PROGRAM OF STUDIES

1.090.11. A school system choosing to add an elective/exploratory course to its program of studies shall apply to the director of the Bureau of Elementary Education, State Department of Education (SDE), at least 60 days prior to the anticipated date of implementation. The state superintendent of education shall follow the guidelines for elective approval and submit a recommendation to the BESE for consideration.

The application for an elective/exploratory course shall be by the superintendent and shall contain the following information:

1. detailed outline of course content;
2. time requirements (minutes per day; days per year or semester);
3. detailed course objectives and methods by which they shall be measured;
4. qualifications of the instructor;
5. date the course is to begin;
6. approximate number of students;
7. criteria for enrollment.

If the course is to be offered for the succeeding school year, an end-of-the-year evaluation shall be sent on provided forms to the Bureau of Elementary Education for determining its continuation.

After an elective/exploratory course has been in effect for three successive school years and if the system wants the course to be a permanent part of its curriculum, the school system's superintendent shall apply by letter to the director of the Bureau of Elementary Education for permission to include it. The superintendent of education shall review the request with course evaluations and submit the request along with a recommendation to BESE for consideration.

During the year preceding the system's accreditation on-site review, an end-of-the-year evaluation shall be completed for all specially designed elective courses.

The department will review each course evaluation as a part of the on-site review and make a determination concerning the continuation of each course.

1.105.37. A school system choosing to add an elective course to its program of studies shall apply to the director of the Bureau of Secondary Education, SDE, at least 60 days prior to the anticipated date of implementation. The state su-

perintendent of education shall follow the guidelines for elective approval and submit a recommendation to the BESE for consideration.

The director of the Bureau of Secondary Education shall determine, from the information submitted, whether or not the course is approved and so notify the applicant.

The application for an elective course shall be signed by the superintendent and shall contain the following information:

1. detailed outline of course content;
2. units of credit to be granted;
3. detailed course objectives and the methods by which they shall be measured;
4. qualifications of the instructor;
5. date the course is to begin;
6. approximate number of students; and
7. criteria for enrollment.

Elective courses designed specifically for special education students shall also be approved by the Office of Special Education Services.

If the course is to be offered for the succeeding school year, an end-of-the-year evaluation shall be sent on forms provided to the Bureau of Secondary Education for determining its continuation.

After an elective course has been in effect for three successive school years and the system wants the course to be a permanent part of its curriculum, the school superintendent shall apply by letter to the director of the Bureau of Secondary Education for permission to include it. The state superintendent of education shall review the request along with course evaluations and submit the request along with a recommendation to the BESE for consideration.

AUTHORITY NOTE: R.S. 17:6, R.S. 17:7.

Carole Wallin
Executive Director

RULE

Student Financial Assistance Commission Office of Student Financial Assistance

GSL Program Policy and Procedures Manual

The Student Financial Assistance Commission (LASFAC) advertises its revision and reissue of the Loan Program Policy and Procedure Manual. Effective May 20, 1992 this manual will replace the 1987 Policy and Procedure Manual and its supplementing Loan Program Memorandums (LPMs).

LASFAC supplies copies of the manual to schools and lenders participating in the Guaranteed Student Loan Programs administered by the commission. The manual is maintained in accordance with federal regulations by the issuance of Loan Program Memoranda.

Jack L. Guinn
Executive Director

RULE

**Department of Employment and Training
Office of Labor**

(Editor's Note: A portion of the following rule, published in the *Louisiana Register*, April, 1992, page 372, is being republished to correct a typographical error.)

**Title 40
LABOR AND EMPLOYMENT**

Part XIII. Job Training Partnership Act

Chapter 1. General Provisions

§121. Carry-Over Balances

B. Title III - Reallotment and Reallocation Policy

1. Excess Unexpended Funds

c. Louisiana will apply the same reallotment procedures to substate grantees and state subcontractors that the U. S. Department of Labor applies to the state. Our reallotment policy states that the amount available for reallotment from substate grantees and state subcontractors is equal to the sum of unexpended funds in excess of 20 percent of the prior year's allocation or subgrant amount and all unexpended previous program year funds. ...

AUTHORITY NOTE: Promulgated in accordance with Public Law 97-300.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Labor, LR 9:334 (May 1983), amended LR 10:546 (July 1984), LR 15:496 (June 1989); repealed and repromulgated by the Department of Employment and Training, Office of Labor, LR 17:357 (April 1991), amended LR 18:373 (April 1992), repromulgated LR 18: (May 1992).

Gayle F. Truly
Secretary

RULE

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

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001, et seq., particularly R.S. 30:2054, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary has adopted the Air Quality Regulations, LAC 33:III.4865, (AQ45).

This regulation establishes identical standards as those established by EPA for controlling particulate emissions from nonmetallic mineral processing plants. These regulations also include test methods, reporting, recordkeeping and monitoring requirements. See *Federal Register* dated August 1, 1985, 51 FR 31337, 148.

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

Chapter 31. Standards of Performance for New Stationary Sources

§4865. Standards of Performance for Nonmetallic Mineral Processing Plants (Subpart 000)

A. Applicability and Designation of Affected Facility

1. Except as provided in Subsection A.2, 3, and 4 of this Section, the provisions of this Section are applicable to the following affected facilities in fixed or portable nonmetallic mineral processing plants: each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, enclosed truck or railcar loading station.

2. An affected facility that is subject to the provisions of LAC 33:III.3190 through 3194, or 3250 through 3253, or that follows in the plant process any facility subject to the provisions of LAC 33:III.3190 through 3194 or LAC 33:III.3250 through 3253, is not subject to the provisions of this Section.

3. Facilities at the following plants are not subject to the provisions of this Section:

a. fixed sand and gravel plants and crushed stone plants with capacities, as defined in Subsection B of this Section, of 23 megagrams per hour (25 tons per hour) or less;

b. portable sand and gravel plants and crushed stone plants with capacities, as defined in Subsection B of this Section, of 136 megagrams per hour (150 tons per hour) or less; and

c. common clay plants and pumice plants with capacities, as defined in Subsection B of this Section, of nine megagrams per hour (10 tons per hour) or less.

4. a. When an existing facility is replaced by a piece of equipment of equal or smaller size, as defined in Subsection B of this Section, having the same function as the existing facility, the new facility is exempt from the provisions of Subsections C, E, and F of this Section except as provided for in Subsection A.4.c of this Section.

b. An owner or operator seeking to comply with this Paragraph shall comply with the reporting requirements of Subsection G.1 and 2 of this Section.

c. An owner or operator replacing all existing facilities in a production line with new facilities does not qualify for the exemption described in Subsection A.4.a of this Section and must comply with the provisions of Subsections C, E, and F of this Section.

5. An affected facility under Subsection A.1 of this Section that commences construction, reconstruction, or modification after August 31, 1983 is subject to the requirements of this Section.

B. Definitions.

All terms not defined in LAC 33:III:3013 or herein shall have the meaning given them in LAC 33:III.111 of these regulations.

Bagging Operation—the mechanical process by which bags are filled with nonmetallic minerals.

Belt Conveyor—a conveying device that transports material from one location to another by means of an endless belt that is carried on a series of idlers and routed around a pulley at each end.

Bucket Elevator—a conveying device of nonmetallic minerals consisting of a head and foot assembly which supports and drives an endless single or double strand chain or belt to which buckets are attached.

Building—any frame structure with a roof.

Capacity—the cumulative rated capacity of all initial

crushers that are part of the plant.

Capture System—the equipment (including but not limited to enclosures, hoods, ducts, fans, and dampers) used to capture and transport particulate matter generated by one or more process operations to a control device.

Control Device—the air pollution control equipment used to reduce particulate matter emissions released to the atmosphere from one or more process operations at a non-metallic mineral processing plant.

Conveying System—a device for transporting materials from one piece of equipment or location to another location within a plant. Conveying systems include but are not limited to the following: feeders, belt conveyors, bucket elevators and pneumatic systems.

Crusher—a machine used to crush any nonmetallic minerals, and includes, but is not limited to, the following types: jaw, gyratory, cone, roll, rod mill, hammermill, and impactor.

Enclosed Truck or Railcar Loading Station—that portion of a nonmetallic mineral processing plant where nonmetallic minerals are loaded by an enclosed conveying system into enclosed trucks or railcars.

Fixed Plant—any nonmetallic mineral processing plant at which the processing equipment specified in Subsection A.1 of this Section is attached by a cable, chain, turnbuckle, bolt or other means (except electrical connections) to any anchor, slab, or structure including bedrock.

Fugitive Emission—particulate matter that is not collected by a capture system and is released to the atmosphere at the point of generation or thereafter.

Grinding Mill—a machine used for the wet or dry fine crushing of any nonmetallic mineral. Grinding mills include, but are not limited to, the following types: hammer, roller, rod, pebble and ball, and fluid energy. The grinding mill includes the air conveying system, air separator, or air classifier, where such systems are used.

Initial Crusher—any crusher into which nonmetallic minerals can be fed without prior crushing in the plant.

Nonmetallic Mineral—any of the following minerals or any mixture of which the majority is any of the following minerals: crushed and broken stone, including limestone, dolomite, granite, traprock, sandstone, quartz, quartzite, marl, marble, slate, shale, oil shale, and shell; sand and gravel; clay including kaolin, fireclay, bentonite, fuller's earth, ball clay, and common clay; rock salt; gypsum; sodium compounds, including sodium carbonate, sodium chloride, and sodium sulfate; pumice; gilsonite; talc and pyrophyllite; boron, including borax, kernite, and colemanite; barite; fluorospar; feldspar; diatomite; perlite; vermiculite; mica; or kyanite, including andalusite, sillimanite, topaz, and dumortierite.

Nonmetallic Mineral Processing Plant—any combination of equipment that is used to crush or grind any nonmetallic mineral wherever located, including lime plants, power plants, steel mills, asphalt concrete plants, portland cement plants, or any other facility processing nonmetallic minerals except as provided in Subsections A.2 and 3 of this Section.

Portable Plant—any nonmetallic mineral processing plant that is mounted on any chassis or skids and may be moved by the application of a lifting or pulling force. In addition, there shall be no cable, chain, turnbuckle, bolt or other means (except electrical connections) by which any piece of equipment is attached or clamped to any anchor, slab, or structure, including bedrock that must be removed prior to

the application of a lifting or pulling force for the purpose of transporting the unit.

Production Line—all affected facilities (crushers, grinding mills, screening operations, bucket elevators, belt conveyors, bagging operations, storage bins, and enclosed truck and railcar loading stations) which are directly connected or are connected together by a conveying system.

Screening Operation—a device for separating material according to size by passing undersize material through one or more mesh surfaces (screens) in series, and retaining oversize material on the mesh surfaces (screens).

Size—the rated capacity in tons per hour of a crusher, grinding mill, bucket elevator, bagging operation, or enclosed truck or railcar loading station; the total surface area of the top screen of a screening operation; the width of a conveyor belt; and the rated capacity in tons of a storage bin.

Stack Emission—the particulate matter that is released to the atmosphere from a capture system.

Storage Bin—a facility for storage (including surge bins) or nonmetallic minerals prior to further processing or loading.

Transfer Point—a point in a conveying operation where the nonmetallic mineral is transferred to or from a belt conveyor except where the nonmetallic mineral is being transferred to a stockpile.

Truck Dumping—the unloading of nonmetallic minerals from movable vehicles designed to transport nonmetallic minerals from one location to another. Movable vehicles include but are not limited to: trucks, front end loaders, skip hoists, and railcars.

Vent—an opening through which there is mechanically induced air flow for the purpose of exhausting from a building air carrying particulate matter emissions from one or more affected facilities.

C. Standard for Particulate Matter

1. On and after the date on which the performance test required to be conducted by LAC 33:III.3115 is completed, no owner or operator subject to the provisions of this Section shall cause to be discharged into the atmosphere from any transfer point on belt conveyors or from any other affected facility any stack emissions which:

a. contain particulate matter in excess of 0.05 g/dscm; or

b. exhibit greater than seven percent opacity, unless the stack emissions are discharged from an affected facility using a wet scrubbing control device. Facilities using a wet scrubber must comply with the reporting provisions of Subsection G.3, 4, and 5 of this Section.

2. On and after the 60th day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial start-up, no owner or operator subject to the provisions of this Section shall cause to be discharged into the atmosphere from any transfer point on belt conveyors or from any other affected facility any fugitive emissions which exhibit greater than 10 percent opacity, except as provided in Subsection C.3, 4, and 5 of this Section.

3. On and after the 60th day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial start-up, no owner or operator shall cause to be discharged into the atmosphere from any crusher, at which a capture system is not used, fugitive emissions which exhibit greater than 15 per-

cent opacity.

4. Truck dumping of nonmetallic minerals into any screening operation, feed hopper, or crusher is exempt from the requirements of this Section.

5. If any transfer point on a conveyor belt or any other affected facility is enclosed in a building, then each enclosed affected facility must comply with the emission limits in Subsection C.1, 2, and 3 of this Section, or the building enclosing the affected facility or facilities must comply with the following emission limits:

a. No owner or operator shall cause to be discharged into the atmosphere from any building enclosing any transfer point on a conveyor belt or any other affected facility any visible fugitive emissions except emissions from a vent as defined in Subsection B of this Section.

b. No owner or operator shall cause to be discharged into the atmosphere from any vent of any building enclosing any transfer point on a conveyor belt or any other affected facility emissions which exceed the stack emissions limits in Subsection C.1 of this Section.

D. Reconstruction

1. The cost of replacement of ore-contact surfaces on processing equipment shall not be considered in calculating either the "fixed capital cost of the new components" or the "fixed capital cost that would be required to construct a comparable new facility" under LAC 33:III.3129. Ore-contact surfaces are crushing surfaces; screen meshes, bars, and plates; conveyor belts; and elevator buckets.

2. Under LAC 33:III.3129, the "fixed capital cost of the new components" includes the fixed capital cost of all depreciable components (except components specified in Subsection D.1 of this Section) which are or will be replaced pursuant to all continuous programs of component replacement commenced within any two-year period following August 31, 1983.

E. Monitoring of Operations. The owner or operator of any affected facility subject to the provisions of this Section which uses a wet scrubber to control emissions shall install, calibrate, maintain and operate the following monitoring devices:

1. A device for the continuous measurement of the pressure loss of the gas stream through the scrubber. The monitoring device must be certified by the manufacturer to be accurate within ± 250 pascals (± 1 inch water) gauge pressure and must be calibrated on an annual basis in accordance with manufacturer's instructions.

2. A device for the continuous measurement of the scrubbing liquid flow rate to the wet scrubber. The monitoring device must be certified by the manufacturer to be accurate within ± 5 percent of design scrubbing liquid flow rate and must be calibrated on an annual basis in accordance with manufacturer's instructions.

F. Test Methods and Procedures

1. In conducting the performance tests required in LAC 33:III.3115, the owner or operator shall use as reference methods and procedures the test methods in the Division's Source Test Manual or other methods and procedures as specified in this Section, except as provided in LAC 33:III.3115.B. Acceptable alternative methods and procedures are given in Subsection F.5 of this Section.

2. The owner or operator shall determine compliance with the particulate matter standards in LAC 33:III.3515.C.1 as follows:

a. Method 5 (LAC 33:III.6015) or Method 17 (LAC 33:III.6069) shall be used to determine the particulate matter concentration. The sample volume shall be at least 1.70 dscm (60 dscf). For Method 5 (LAC 33:III.6015), if the gas stream being sampled is at ambient temperature, the sampling probe and filter may be operated without heaters. If the gas stream is above ambient temperature, the sampling probe and filter may be operated at a temperature high enough, but no higher than 121°C (250°F), to prevent water condensation on the filter.

b. Method 9 (LAC 33:III.6047) and the procedures in LAC 33:III.3121 shall be used to determine opacity.

3. In determining compliance with the particulate matter standards in Subsection C.2 and 3 of this Section, the owner or operator shall use Method 9 (LAC 33:III.6047) and the procedures in LAC 33:III.3121, with the following additions:

a. The minimum distance between the observer and the emission source shall be 4.57 meters (15 feet).

b. The observer shall, when possible, select a position that minimizes interference from other fugitive emission sources (e.g., road dust). The required observer position relative to the sun (LAC 33:III.6047.B.1) must be followed.

c. For affected facilities using wet dust suppression for particulate matter control, a visible mist is sometimes generated by the spray. The water mist must not be confused with particulate matter emissions and is not to be considered a visible emission. When a water mist of this nature is present, the observation of emissions is to be made at a point in the plume where the mist is no longer visible.

4. In determining compliance with Subsection C.5 of this Section, the owner or operator shall use Method 22 (LAC 33:III.6079) to determine fugitive emissions. The performance test shall be conducted while all affected facilities inside the building are operating. The performance test for each building shall be at least 75 minutes in duration, with each side of the building and the roof being observed for at least 15 minutes.

5. The owner or operator may use the following as alternatives to the reference methods and procedures specified in this Section:

a. For the method and procedure of Subsection F.3 of this Section, if emissions from two or more facilities continuously interfere so that the opacity of fugitive emissions from an individual affected facility cannot be read, either of the following procedures may be used:

i. For the combined emission stream use the highest fugitive opacity standard applicable to any of the individual affected facilities contributing to the emissions stream.

ii. Separate the emissions so that the opacity of emissions from each affected facility can be read.

6. To comply with Subsection G.4 of this Section, the owner or operator shall record the measurements as required by Subsection G.3 of this Section using the monitoring devices in Subsection E.1 and 2 of this Section during each particulate matter run and shall determine the averages.

G. Reporting and Recordkeeping

1. Each owner or operator seeking to comply with Subsection A.4 of this Section shall submit to the administrative authority the following information about the existing facility being replaced and the replacement piece of equipment.

a. For a crusher, grinding mill, bucket elevator, bag-

ging operation, or enclosed truck or railcar loading station:

i. the rated capacity in tons per hour of the existing facility being replaced; and

ii. the rated capacity in tons per hour of the replacement equipment.

b. For a screening operation:

i. the total surface area of the top screen of the existing screening operation being replaced; and

ii. the total surface area of the top screen of the replacement screening operation.

c. For a conveyor belt:

i. the width of the existing belt being replaced; and

ii. the width of the replacement conveyor belt.

d. For a storage bin:

i. the rated capacity in tons of the existing storage bin being replaced; and

ii. the rated capacity in tons of replacement storage bins.

2. Each owner or operator seeking to comply with Subsection A.4 of this Section shall submit the following data to the administrative authority, Department of Environmental Quality, Office of Air Quality and Radiation Protection, Box 82135, Baton Rouge, LA 70884-2135.

a. The information described in Subsection G.1 of this Section.

b. A description of the control device used to reduce particulate matter emissions from the existing facility and a list of all other pieces of equipment controlled by the same control device; and

c. The estimated age of the existing facility.

3. During the initial performance test of a wet scrubber, and daily thereafter, the owner or operator shall record the measurements of both the change in pressure of the gas stream across the scrubber and the scrubbing liquid flow rate.

4. After the initial performance test of a wet scrubber, the owner or operator shall submit semiannual reports to the administrative authority of occurrences when the measurements of the scrubber pressure loss (or gain) and liquid flow rate differ by more than ± 30 percent from the average determined during the most recent performance test.

5. The reports required under Subsection G.4 of this Section shall be postmarked within 30 days following the end of the second and fourth calendar quarters.

6. The owner or operator of any affected facility shall submit written reports of the results of all performance tests conducted to demonstrate compliance with the standards set forth in Subsection C of this Section, including reports of opacity observations made using Method 9 (LAC 33:III.6049) to demonstrate compliance with Subsection C.2 and 3 of this Section and reports of observations using Method 22 (LAC 33:III.6079) to demonstrate compliance with Subsection C.5 of this Section.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 18: (May 1992).

James B. Thompson, III
Assistant Secretary

RULE

Department of Environmental Quality Air Quality and Radiation Protection

Standards of Performance for the Rubber Tire Manufacturing Industry (AQ46) (LAC 33:III.3805)

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has adopted LAC 33:III.3805 of the Louisiana Air Quality Regulations.

These regulations establish the identical standards as those established by EPA for controlling VOC emissions from rubber tire manufacturers. These regulations also include test methods, reporting, recordkeeping, and monitoring requirements. See *Federal Register* dated September 15, 1987, 52 FR 34874, #178.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 31. Standards of Performance for New Stationary Sources.

§3805. Standards of Performance for the Rubber Tire Manufacturing Industry (Subpart BBB)

A. Applicability and Designation of Affected Facilities

1. The provisions of this Section, except as provided in Subsection A.2 of this Section, apply to each of the following affected facilities in rubber tire manufacturing plants that commence construction, modification, or reconstruction after January 20, 1983: each underthread cementing operation, each sidewall cementing operation, each tread end cementing operation, each bead cementing operation, each green tire spraying operation, each Michelin-A operation, each Michelin-B operation, and each Michelin-C automatic operation.

2. The owner or operator of each underthread cementing operation and each sidewall cementing operation in rubber tire manufacturing plants that commenced construction, modification, or reconstruction after January 20, 1983, and before September 15, 1987, shall have the option of complying with the alternate provisions in Subsection D of this Section. This election shall be irreversible and irrevocable. The alternate provisions in Subsection D of this Section do not apply to any undertread cementing operation or sidewall cementing operation that is modified or reconstructed after September 15, 1987. The affected facilities in this Paragraph are subject to all applicable provisions of this Section.

3. Although the affected facilities listed under Subsection A.1 of this Section are defined in reference to the production of components of a "tire," as defined under Subsection B.1 of this Section, the percent emission reduction requirements and VOC use cutoffs specified under Subsections C.1.a, b, f, g.iii, g.iv, h, i, and j of this Section refer to the total amount of VOC used (the amount allocated to the affected facility), including the VOC used in cements and organic solvent-based green tire spray materials for tire

types not listed in the Subsection B.1 of this Section definition of "tire."

B. Definitions

1. All terms not defined in LAC 33:III.3013 or herein shall have the meaning given them in LAC 33:III.111 of these regulations.

Bead—rubber-covered strands of wire, wound into a circular form, which ensure a seal between a tire and the rim of the wheel onto which the tire is mounted.

Bead Cementing Operation—the system that is used to apply cement to the bead rubber before or after it is wound into its final circular form. A bead cementing operation consists of a cement application station, such as a dip tank, spray booth and nozzles, cement trough and roller or swab applicator, and all other equipment necessary to apply cement to wound beads or bead rubber and to allow evaporation of solvent from cemented beads.

Component—a piece of tread, combined tread/sidewall, or separate sidewall rubber, or other rubber strip that is combined into the sidewall of a finished tire.

Drying Area—the area where VOC from applied cement or green tire sprays is allowed to evaporate.

Enclosure—a structure that surrounds a VOC (cement, solvent, or spray) application area and drying area, and that captures and contains evaporated VOC and vents it to a control device. Enclosures may have permanent and temporary openings.

Green Tire—an assembled, uncured tire.

Green Tire Spraying Operation—the system used to apply a mold release agent and lubricant to the inside and/or outside of green tires to facilitate the curing process and to prevent rubber from sticking to the curing press. A green tire spraying operation consists of a booth where spraying is performed, the spray application station, and related equipment, such as the lubricant supply system.

Michelin-A Operation—the operation identified as Michelin-A in the Emission Standards and Engineering Division confidential file as referenced in federal Docket A-80-9, Entry II-B-12.

Michelin-B Operation—the operation identified as Michelin-B in the Emission Standards and Engineering Division confidential file as referenced in federal Docket A-80-9, Entry II-B-12.

Michelin-C-automatic Operation—the operation identified as Michelin-C-automatic in the Emission Standards and Engineering Division confidential file as referenced in federal Docket A-80-9, Entry II-B-12.

Month—a calendar month or a prespecified period of 28 days or 35 days (utilizing a 4-4-5-week recordkeeping and reporting schedule).

Organic Solvent-based Green Tire Spray—any mold release agent and lubricant applied to the inside or outside of green tires that contains more than 12 percent, by weight, of VOC as sprayed.

Permanent Opening—an opening designed into an enclosure to allow tire components to pass through the enclosure by conveyor or other mechanical means, to provide access for permanent mechanical or electrical equipment, or to direct air flow into the enclosure. A permanent opening is not equipped with a door or other means of obstruction of air flow.

Sidewall Cementing Operation—the system used to apply cement to a continuous strip of sidewall component or

any other continuous strip component (except combined tread/sidewall component) that is incorporated into the sidewall of a finished tire. A sidewall cementing operation consists of a cement application station and all other equipment, such as the cement supply system and feed and takeaway conveyors, necessary to apply cement to sidewall strips or other continuous strip component (except combined tread/sidewall component) and to allow evaporation of solvent from the cemented rubber.

Temporary Opening—an opening into an enclosure that is equipped with a means of obstruction, such as a door, window, or port, that is normally closed.

Tire—any agricultural, airplane, industrial, mobile home, light-duty truck and/or passenger vehicle tire that has a bead diameter less than or equal to 0.5 meter (m) (19.7 inches) and a cross section dimension less than or equal to 0.325 m (12.8 in.), and that is mass produced in an assembly-line fashion.

Tread End Cementing Operation—the system used to apply cement to one or both ends of the tread or combined tread/sidewall component. A tread end cementing operation consists of a cement application station and all other equipment, such as the cement supply system and feed and takeaway conveyors, necessary to apply cement to tread ends and to allow evaporation of solvent from the cemented tread ends.

Undertread Cementing Operation—the system used to apply cement to a continuous strip of tread or combined tread/sidewall component. An undertread cementing operation consists of a cement application station and all other equipment, such as the cement supply system and feed and takeaway conveyors, necessary to apply cement to tread or combined tread/sidewall strips and to allow evaporation of solvent from the cemented tread or combined tread/sidewall.

VOC Emission Control Device—equipment that destroys or recovers VOC.

VOC Emission Reduction System—a system composed of an enclosure, hood, or other device for containment and capture of VOC emissions and a VOC emission control device.

Water-based Green Tire Spray—any mold release agent and lubricant applied to the inside or outside of green tires that contains 12 percent or less, by weight, of VOC as sprayed.

2. Notations used under this Section are defined below:

B_o = total number of beads cemented at a particular bead cementing affected facility for a month

C_a = concentration of VOC in gas stream in vents after a control device (parts per million by volume)

C_b = concentration of VOC in gas stream in vents before a control device (parts per million by volume)

C_f = concentration of VOC in each gas stream vented directly to the atmosphere from an affected facility or from a temporary enclosure around an affected facility (parts per million by volume)

D_c = density of cement or spray material (grams per liter)

D_r = density of VOC recovered by an emission control device (grams per liter)

E = emission control device efficiency, inlet versus outlet (fraction)

F_c = capture efficiency, VOC captured and routed to one control device versus total VOC used for an affected facility (fraction)

F_o = fraction of total mass of VOC used in a month by all facilities served by a common cement or spray material distribution system that is used by a particular affected facility served by the common distribution system

G = monthly average mass of VOC used per tire cemented or sprayed with a water-based green tire spray for a particular affected facility (grams per tire)

G_b = monthly average mass of VOC used per bead cemented for a particular bead cementing affected facility (grams per bead)

L_c = volume of cement or spray material used for a month (liters)

L_r = volume of VOC recovered by an emission control device for a month (liters)

M = total mass of VOC used for a month by all facilities served by a common cement or spray material distribution system (grams)

M_o = total mass of VOC used at an affected facility for a month (grams)

M_r = mass of VOC recovered by an emission control device for a month (grams)

N = mass of VOC emitted to the atmosphere per tire cemented or sprayed with a water-based green tire spray for an affected facility for a month (grams per tire)

N_b = mass of VOC emitted per bead cemented for an affected facility for a month (grams per bead)

Q_a = volumetric flow rate in vents after a control device (dry standard cubic meters per hour)

Q_b = volumetric flow rate in vents before a control device (dry standard cubic meters per hour)

Q_f = volumetric flow rate of each stream vented directly to the atmosphere from an affected facility or from a temporary enclosure around an affected facility (dry standard cubic meters per hour)

R = overall efficiency of an emission reduction system (fraction)

T_d = total number of days in monthly compliance period (days)

T_o = total number of tires cemented or sprayed with water-based green tire sprays at a particular affected facility for a month

W_o = weight fraction of VOC in a cement or spray material

C. Standards for Volatile Organic Compounds

1. On and after the date on which the initial performance test, required by LAC 33:III.3115, is completed, but no later than 180 days after initial start-up, each owner or operator subject to the provisions of this Section shall comply with the following conditions:

a. for each undertread cementing operation:

i. discharge into the atmosphere no more than 25 percent of the VOC used (75 percent emission reduction) for each month; or

ii. maintain total (uncontrolled) VOC use less than or equal to the levels specified below, depending upon the duration of the compliance period:

- 3,870 kilograms of VOC per 28 days,
- 4,010 kilograms of VOC per 29 days,
- 4,150 kilograms of VOC per 30 days,
- 4,280 kilograms of VOC per 31 days, or
- 4,840 kilograms of VOC per 35 days.

b. for each sidewall cementing operation:

i. discharge into the atmosphere no more than 25

percent of the VOC used (75 percent emission reduction) for each month; or

ii. maintain total (uncontrolled) VOC use less than or equal to the levels specified below, depending upon the duration of the compliance period:

- 3,220 kilograms of VOC per 28 days,
- 3,340 kilograms of VOC per 29 days,
- 3,450 kilograms of VOC per 30 days,
- 3,570 kilograms of VOC per 31 days, or
- 4,030 kilograms of VOC per 35 days.

c. for each tread end cementing operation: discharge into the atmosphere no more than ten grams of VOC per tire (g/tire) cemented for each month.

d. for each bead cementing operation: discharge into the atmosphere no more than five grams of VOC per bead (g/bead) cemented for each month.

e. for each green tire spraying operation where only water-based sprays are used:

i. discharge into the atmosphere no more than 1.2 grams of VOC per tire sprayed with an inside green tire spray for each month; and

ii. discharge into the atmosphere no more than 9.3 grams of VOC per tire sprayed with an outside green tire spray for each month.

f. for each green tire spraying operation where only organic solvent-based sprays are used:

i. discharge into the atmosphere no more than 25 percent of the VOC used (75 percent emission reduction) for each month; or

ii. maintain total (uncontrolled) VOC use less than or equal to the levels specified below, depending upon the duration of the compliance period:

- 3,220 kilograms of VOC per 28 days,
- 3,340 kilograms of VOC per 29 days,
- 3,450 kilograms of VOC per 30 days,
- 3,570 kilograms of VOC per 31 days, or
- 4,030 kilograms of VOC per 35 days.

g. for each green tire spraying operation where both water-based and organic solvent-based sprays are used:

i. discharge into the atmosphere no more than 1.2 grams of VOC per tire sprayed with a water-based inside green tire spray for each month; and

ii. discharge into the atmosphere no more than 9.3 grams of VOC per tire sprayed with a water-based outside green tire spray for each month; and either

iii. discharge into the atmosphere no more than 25 percent of the VOC used in the organic solvent-based green tire sprays (75 percent emission reduction) for each month; or

iv. maintain total (uncontrolled) VOC use for all organic solvent-based green tire sprays less than or equal to the levels specified under Subsection C.1.f.ii of this Section.

h. for each Michelin-A operation:

i. discharge into the atmosphere no more than 35 percent of the VOC used (65 percent emission reduction) for each month; or

ii. maintain total (uncontrolled) VOC use less than or equal to the levels specified below, depending upon the duration of the compliance period:

- 1570 Kilograms of VOC per 28 days,
- 1630 Kilograms of VOC per 29 days,
- 1690 Kilograms of VOC per 30 days,
- 1740 Kilograms of VOC per 31 days, or

- (e). 1970 Kilograms of VOC per 35 days.
 - i. for each Michelin-B operation:
 - i. discharge into the atmosphere no more than 25 percent of the VOC used (75 percent emission reduction) for each month; or
 - ii. maintain total (uncontrolled) VOC use less than or equal to the levels specified below, depending upon the duration of the compliance period:
 - (a). 1310 Kilograms of VOC per 28 days,
 - (b). 1360 Kilograms of VOC per 29 days,
 - (c). 1400 Kilograms of VOC per 30 days,
 - (d). 1450 Kilograms of VOC per 31 days, or
 - (e). 1640 Kilograms of VOC per 35 days.
 - j. for each Michelin-C-automatic operation:
 - i. discharge into the atmosphere no more than 35 percent of the VOC used (65 percent emission reduction) for each month; or
 - ii. maintain total (uncontrolled) VOC use less than or equal to the levels specified under Subsection C.1.h.ii of this Section.

D. Alternate Standard for Volatile Organic Compounds

1. On and after the date on which the initial performance test, required by LAC 33:III.3115, is completed, but no later than 180 days after September 19, 1989, each owner or operator subject to the provisions in Subsection A.2 of this Section shall not cause to be discharged into the atmosphere more than: 25 grams of VOC per tire processed for each month if the operation uses 25 grams or less of VOC per tire processed and does not employ a VOC emission reduction system.

2. [Reserved]

E. Performance Test and Compliance Provisions

1. LAC 33:III.3115.D does not apply to the monthly performance test procedures required by this Section. LAC 33:III.3115.D does apply to initial performance tests and to the performance tests specified under Subsection E.2.b and c of this Section. LAC 33:III.3115.F does not apply when Method 24 (LAC 33:III.6083) is used.

2. Performance tests shall be conducted as follows:

a. the owner or operator of an affected facility shall conduct an initial performance test, as required under LAC 33:III.3115.A, except as described under Subsection E.10 of this Section. The owner or operator of an affected facility shall thereafter conduct a performance test each month, except as described under Subsection E.2.d, 6.a, and 10 of this Section. Initial and monthly performance tests shall be conducted according to the procedures in this Section.

b. the owner or operator of an affected facility who elects to use a VOC emission reduction system with a control device that destroys VOC (e.g., incinerator), as described under Subsection E.6 and 7 of this Section, shall repeat the performance test when directed by the administrative authority or when the owner or operator elects to operate the capture system or control device at conditions different from the most recent determination of overall reduction efficiency. The performance test shall be conducted in accordance with the procedures described under Subsection E.6.b.i through iv of this Section.

c. the owner or operator of an affected facility who seeks to comply with the equipment design and performance specifications, as described under Subsection E.10 of this Section, shall repeat the performance test when directed by the administrative authority or when the owner or operator

elects to operate the capture system or control device at conditions different from the most recent determination of control device efficiency or measurement of capture system retention time or face velocity. The performance test shall be conducted in accordance with the procedures described under Subsection E.6.b.ii of this Section.

d. the owner or operator of each tread end cementing operation and each green tire spraying operation using only water-based sprays (inside and/or outside) containing less than 1.0 percent, by weight, of VOC is not required to conduct a monthly performance test as described in Subsection E.4 of this Section. In lieu of conducting a monthly performance test, the owner or operator of each tread end cementing operation and each green tire spraying operation shall submit formulation data or the results of Method 24 analysis (LAC 33:III.6083) annually to verify the VOC content of each tread end cement and each green tire spray material, provided the spraying formulation has not changed during the previous 12 months. If the spray material formulation changes, formulation data or Method 24 analysis (LAC 33:III.6083) of the new spray shall be conducted to determine the VOC content of the spray and shall be reported within 30 calendar days as required under Subsection H.10 of this Section.

3. For each undertread cementing operation, each sidewall cementing operation, each green tire spraying operation where organic solvent-based sprays are used, each Michelin-A operation, each Michelin-B operation, and each Michelin-C-automatic operation where the owner or operator seeks to comply with the uncontrolled monthly VOC use (kg/mo) limits, the owner or operator shall use the following procedure to determine compliance with the applicable (depending upon duration of compliance period) uncontrolled monthly VOC use limit specified under Subsection C.1.a.ii, b.ii, f.ii, g.iv, h.ii, i.ii, and j.ii of this Section. If both undertread cementing and sidewall cementing are performed at the same affected facility during a month, then the kg/mo limit specified under Subsection C.1.a.ii of this Section shall apply for that month.

a. determine the density and weight fraction VOC (including dilution VOC) of each cement or green tire spray from its formulation or by analysis of the cement or green tire spray using Method 24 (LAC 33:III.6083). If a dispute arises, the administrative authority may require an owner or operator who used formulation data to analyze the cement or green tire spray using Method 24 (LAC 33:III.6083).

b. calculate the total mass of VOC used at the affected facility for the month (M_o) by the following procedure:

i. for each affected facility for which cement or green tire spray is delivered in batch or via a distribution system that serves only the affected facility:

$$M_o = \sum_{i=1}^a L_{ci} D_{ci} W_{oi}$$

where: "a" equals the number of different cements or green tire sprays used during the month that are delivered in batch or via a distribution system that serves only a single affected facility.

ii. for each affected facility for which cement or green tire spray is delivered via a common distribution system that also serves other affected or existing facilities:

(a). calculate the total mass of VOC used for all of the facilities served by the common distribution system for the month (M):

$$M = \sum_{i=1}^b L_{ci} D_{ci} W_{oi}$$

where: "b" equals the number of different cements or green tire sprays used during the month that are delivered via a common distribution system that also serves other affected or existing facilities.

(b). determine the fraction (F_o) of M used at the affected facility by comparing the production records and process specifications for the material cemented or sprayed at the affected facility for the month to the production records and process specifications for the material cemented or sprayed at all other facilities served by the common distribution system for the month or by another procedure deemed acceptable in writing by the administrative authority*.

(c). calculate the total monthly mass of VOC used at the affected facility for the month (M_o):

$$M_o = MF_o$$

c. determine the time duration of the monthly compliance period (T_d).

4. For each tread end cementing operation and each green tire spraying operation where water-based cements or sprays containing 1.0 percent, by weight, of VOC or more are used (inside and/or outside) that do not use a VOC emission reduction system, the owner or operator shall use the following procedure to determine compliance with the g/tire limit specified under Subsection C.1.c, e.i, e.ii, g.i, and g.ii of this Section.

a. determine the density and weight fraction VOC as specified under Subsection E.3.a of this Section.

b. calculate the total mass of VOC used at the affected facility for the month (M_o) as specified under Subsection E.3.b of this Section.

c. determine the total number of tires cemented or sprayed at the affected facility for the month (T_o) by the following procedure:

i. for a tread end cementing operation, T_o equals the number of tread or combined tread/sidewall components that receive an application of tread end cement for the month.

ii. for a green tire spraying operation that uses water-based inside green tire sprays, T_o equals the number of green tires that receive an application of water-based inside green tire spray for the month.

iii. for a green tire spraying operation that uses water-based outside green tire sprays, T_o equals the number of green tires that receive an application of water-based outside green tire spray for the month.

d. calculate the mass of VOC used per tire cemented or sprayed at the affected facility for the month (G):

$$G = \frac{M_o}{T_o}$$

e. calculate the mass of VOC emitted per tire cemented

or sprayed at the affected facility for the month (N):

$$N = G$$

5. For each bead cementing operation that does not use a VOC emission reduction system, the owner or operator shall use the following procedure to determine compliance with the g/bead limit specified under Subsection C.1.d of this Section.

a. determine the density and weight fraction VOC as specified under Subsection E.3.a of this Section.

b. calculate the total mass of VOC used at the affected facility for the month (M_o) as specified under Subsection E.3.b of this Section.

c. determine the number of beads cemented at the affected facility during the month (B_o) using production records; B_o equals the number of beads that receive an application of cement for the month.

d. calculate the mass of VOC used per bead cemented at the affected facility for the month (G_b):

$$G_b = \frac{M_o}{B_o}$$

e. calculate the mass of VOC emitted per bead cemented at the affected facility for the month (N_b):

$$N_b = G_b$$

6. For each tread end cementing operation and each bead cementing operation that use a VOC emission reduction system with a control device that destroys VOC (e.g., incinerator), the owner or operator shall use the following procedure to determine compliance with the emission limit specified under Subsection C.1.c and d of this Section.

a. calculate the mass of VOC used per tire cemented at the affected facility for the month (G), as specified under Subsection E.4.a through d of this Section, or mass of VOC used per bead cemented at the affected facility for the month (G_b), as specified under Subsection E.5.a through d of this Section.

b. calculate the mass of VOC emitted per tire cemented at the affected facility for the month (N) or mass of VOC emitted per bead cemented for the affected facility for the month (N_b):

$$N = G (1-R)$$

$$N_b = G_b (1-R)$$

for the initial performance test, the overall reduction efficiency (R) shall be determined as prescribed under Subsection E.6.b.i through iv of this Section. After the initial performance test, the owner or operator may use the most recently determined overall reduction efficiency (R) for the performance test. No monthly performance tests are required. The performance test shall be repeated during conditions described under Subsection E.2.b of this Section.

i. the owner or operator of an affected facility shall construct a temporary enclosure around the application and drying areas during the performance test for the purpose of

capturing fugitive VOC emissions. The enclosure must be maintained at a negative pressure to ensure that all evaporated VOC are measurable. Determine the fraction (F_c) of total VOC used at the affected facility that enters the control device:

$$F_c = \frac{\sum_{i=1}^m C_{bi} Q_{bi}}{\sum_{i=1}^m C_{bi} Q_{bi} + \sum_{i=1}^n C_{fi} Q_{fi}}$$

where: "m" is the number of vents from the affected facility to the control device, and "n" is the number of vents from the affected facility to the atmosphere and from the temporary enclosure.

ii. determine the destruction efficiency of the control device (E) by using values of the volumetric flow rate of each of the gas streams and the VOC content (as carbon) of each of the gas streams in and out of the control device:

$$E = \frac{\sum_{i=1}^m C_{bi} Q_{bi} - \sum_{i=1}^p C_{ai} Q_{ai}}{\sum_{i=1}^m C_{bi} Q_{bi}}$$

where: "m" is the number of vents from the affected facility to the control device, and "p" is the number of vents after the control device.

iii. determine the overall reduction efficiency (R):

$$R = EF_c$$

iv. the owner or operator of an affected facility shall have the option of substituting the following procedure as an acceptable alternative to the requirements prescribed under Subsection E.6.b.i of this Section. This alternative procedure is acceptable only in cases where a single VOC is used and is present in the capture system. The average capture efficiency value derived from a minimum of three runs shall constitute a test.

(a). for each run, "i," measure the mass of the material containing a single VOC used. This measurement shall be made using a scale that has both a calibration and a readability to within one percent of the mass used during the run. This measurement may be made by filling the direct supply reservoir (e.g., trough, tray, or drum that is integral to the operation) and related application equipment (e.g., rollers, pumps, hoses) to a marked level at the start of the run and then refilling to the same mark from a more easily weighed container (e.g., separate supply drum) at the end of the run. The change in mass of the supply drum would equal the mass of material used from the direct supply reservoir. Alternatively, this measurement may be made by weighing the direct supply reservoir at the start and end of the run or by weighing the direct supply reservoir and related application equipment at the start and end of the run. The change in

mass would equal the mass of the material used in the run. If only the direct supply reservoir is weighed, the amount of material in or on the related application equipment must be the same at the start and end of the run. All additions of VOC containing material made to the direct supply reservoir during a run must be properly accounted for in determining the mass of material used during that run.

(b). for each run, "i," measure the mass of the material containing a single VOC which is present in the direct supply reservoir and related application equipment at the start of the run, unless the ending weight fraction VOC in the material is greater than or equal to 98.5 percent of the starting weight fraction VOC in the material, in which case, this measurement is not required. This measurement may be made directly by emptying the direct supply reservoir and related application equipment and then filling them to a marked level from an easily weighed container (e.g. separate supply drum). The change in mass of the supply drum would equal the mass of material in the filled direct supply reservoir and related application equipment. Alternatively, this measurement may be made by weighing the direct supply reservoir and related application equipment at the start of the run and subtracting the mass of the empty direct supply reservoir and related application equipment (tare weight).

(c). for each run, "i," the starting weight fraction VOC in the material shall be determined by Method 24 (LAC 33:III.6083) analysis of a sample taken from the direct supply reservoir at the beginning of the run.

(d). for each run, "i," the ending weight fraction VOC in the material shall be determined by Method 24 (LAC 33:III.6083) analysis of a sample taken from the direct supply reservoir at the end of the run.

(e). for each run, "i," in which the ending weight fraction VOC in the material is greater than or equal to 98.5 percent of the starting weight fraction VOC in the material, calculate the mass of the single VOC used (M_i) by multiplying the mass of the material used in the run by the starting weight fraction VOC of the material used in the run.

(f). for each run, "i," in which the ending weight fraction VOC in the material is less than 98.5 percent of the starting weight fraction VOC in the material, calculate the mass of the single VOC used (M_i) as follows:

(i). calculate the mass of VOC present in the direct supply reservoir and related application equipment at the start of the run by multiplying the mass of material in the direct supply reservoir and related application equipment at the start of the run by the starting weight fraction VOC in the material for that run.

(ii). calculate the mass of VOC present in the direct supply reservoir and related application equipment at the end of the run by multiplying the mass of material in the direct supply reservoir and related application equipment at the end of the run by the ending weight fraction VOC in the material for that run. The mass of material in the direct supply reservoir and related application equipment at the end of the run shall be calculated by subtracting the mass of material used in the run from the mass of material in the direct supply reservoir and related application equipment at the start of the run.

(iii). the mass of the single VOC used (M_i) equals the mass of VOC present in the direct supply reservoir and related application equipment at the start of the run minus the mass of VOC present in the direct supply reservoir and

related application equipment at the end of the run.

(g). if Method 25A (LAC 33:III.6086) is used to determine the concentration of the single VOC in the capture system, then calculate the capture efficiency (FC_i) for each run, "i," as follows:

$$FC_i = \frac{C_i \frac{W}{V} Q_i}{(M_i) (10^6)}$$

where:

C_i=average concentration of the single VOC in the capture system during run "i" (parts per million by volume) corrected for background VOC (see Subsection I.1.e of this Section)

W=molecular weight of the single VOC, expressed as mg per mg-mole

V=2.405 10⁻⁵m³/mg-mole. This is the volume occupied by one mg-mole of ideal gas at standard conditions (20°C, one atmosphere) on a wet basis

Q_i=volumetric flow in m³ in the capture system during run "i" adjusted to standard conditions (20°C, one atmosphere) on a wet basis (see Subsection I.1.e of this Section)

10⁶=ppm per unity

M_i=mass in mg of the single VOC used during run "i."

(h). if Method 25 (LAC 33:III.6085) is used to determine the concentration of the single VOC in the capture system, then calculate the capture efficiency (FC_i) for each run, "i," as follows, where:

$$FC_i = \frac{\frac{C_i}{(NC) (10^6)} \frac{(W)}{(V)} (Q_i)}{M_i}$$

where:

C_i=average concentration of the single VOC in the capture system during run "i" (parts per million, as carbon, by volume) corrected for background VOC (see Subsection I.1.e of this Section)

W=molecular weight of the single VOC, expressed as mg per mg-mole

V=2.405 10⁵ m³/mg-mole. This is the volume occupied by one mg-mole of ideal gas at standard conditions (20°C, one atmosphere) on a wet basis

Q_i=volumetric flow in m³ in the capture system during run "i" adjusted to standard conditions (20°C, 1 atmosphere) on a dry basis (see Subsection I.1.e of this Section)

10⁶=ppm per unity

M_i=mass in mg of the single VOC used during run "i"

NC=number of carbon atoms in one molecule of the single VOC

(i). calculate the average capture efficiency value, F_c as follows:

$$F_c = \frac{\sum_{i=1}^n FC_i}{n}$$

where: "n" equals the number of runs made in the test (n ≥ 3). In cases where an alternative procedure in this Subclause

is used, the requirements in Subsection E.6.b.ii and iii of this Section remain unchanged.

7. For each undertread cementing operation, each sidewall cementing operation, each green tire spraying operation where organic solvent-based sprays are used, each Michelin-A operation, each Michelin-B operation, and each Michelin-C-automatic operation that uses a VOC emission reduction system with a control device that destroys VOC (e.g., incinerator), the owner or operator shall use the following procedure to determine compliance with the percent emission reduction requirement specified under Subsection C.1.a.i, b.i, f.i, g.iii, h.i, i.i, and j.i of this Section.

a. for the initial performance test, the overall reduction efficiency (R) shall be determined as prescribed under Subsection E.6.b.i through iii of this Section. The performance test shall be repeated during conditions described under Subsection E.2.b of this Section. No monthly performance tests are required.

8. For each tread end cementing operation and each bead cementing operation that uses a VOC emission reduction system with a control device that recovers VOC (e.g., carbon adsorber), the owner or operator shall use the following procedure to determine compliance with the emission limit specified under Subsection C.1.c and d of this Section.

a. calculate the mass of VOC used per tire cemented at the affected facility for the month (G), as specified under Subsection E.7.a through d of this Section, or mass of VOC used per bead cemented at the affected facility for the month (G_b), as specified under Subsection E.5.a through d of this Section.

b. calculate the total mass of VOC recovered from the affected facility for the month (M_r):

$$M_r = L_r D_r$$

c. calculate the overall reduction efficiency for the VOC emission reduction system (R) for the month:

$$R = \frac{M_r}{M_o}$$

d. calculate the mass of VOC emitted per tire cemented at the affected facility for the month (N) or mass of VOC emitted per bead cemented at the affected facility for the month (N_b):

$$N = G (1-R)$$

$$N_b = G_b (1-R)$$

9. For each undertread cementing operation, each sidewall cementing operation, each green tire spraying operation where organic solvent-based sprays are used, each Michelin-A operation, each Michelin-B operation, and each Michelin-C-automatic operation that uses a VOC emission reduction system with a control device that recovers (VOC) (e.g., carbon adsorber), the owner or operator shall use the following procedure to determine compliance with the percent reduction requirement specified under Subsection C.1.a.i, b.i, f.i, g.iii, h.i, i.i, and j.i.

a. determine the density and weight fraction VOC as

specified under Subsection E.3.a of this Section.

b. calculate the total mass of VOC used at the affected facility for the month (M_o) as described under Subsection E.3.b of this Section.

c. calculate the total mass of VOC recovered from the affected facility for the month (M_r) as described under Subsection E.8.b of this Section.

d. calculate the overall reduction efficiency for the VOC emission reduction system (R) for the month as described under Subsection E.8.c of this Section.

10. Rather than seeking to demonstrate compliance with the provisions of Subsection C.1.a.i, b.i, f.i, g.iii, or i.i of this Section using the performance test procedures described under Subsection E.7 and 9 of this Section, an owner or operator of an undertread cementing operation, sidewall cementing operation, green tire spraying operation where organic solvent-based sprays are used, or Michelin-B operation that uses a VOC emission reduction system may seek to demonstrate compliance by meeting the equipment design and performance specifications listed under Subsection E.10.a, b, and d through f or under E.10.a and c through f of this Section, and by conducting a control device efficiency performance test to determine compliance as described under Subsection E.10.g of this Section. The owner or operator shall conduct this performance test of the control device efficiency no later than 180 days after initial start-up of the affected facility, as specified under LAC 33:III.3115.A. Meeting the capture system design and performance specifications, in conjunction with operating a 95 percent efficient control device, is an acceptable means of demonstrating compliance with the standard. Therefore, the requirement for the initial performance test on the enclosure, as specified under LAC 33:III.3115.A, is waived. No monthly performance tests are required.

a. For each undertread cementing operation, each sidewall cementing operation, and each Michelin-B operation, the cement application and drying area shall be contained in an enclosure that meets the criteria specified under Subsection E.10.b, d, and e of this Section; for each green tire spraying operation where organic solvent-based sprays are used, the spray application and drying area shall be contained in an enclosure that meets the criteria specified under Subsection E.10.c, d, and e of this Section.

b. The drying area shall be enclosed between the application area and the water bath or to the extent necessary to contain all tire components for at least 30 seconds after cement application, whichever distance is less.

c. Sprayed green tires shall remain in the enclosure for a minimum of 30 seconds after spray application.

d. A minimum face velocity of 100 feet per minute shall be maintained continuously through each permanent opening into the enclosure when all temporary enclosure openings are closed. The cross-sectional area of each permanent opening shall be divided into at least 12 equal areas, and a velocity measurement shall be performed at the centroid of each equal area with an anemometer or similar velocity monitoring device; the face velocity of each permanent opening is the average value of the velocity measurements taken. The monitoring device shall be calibrated and operated according to the manufacturer's instructions. Temporary enclosure openings shall remain closed at all times except when worker access is necessary.

e. The total area of all permanent openings into the

enclosure shall not exceed the area that would be necessary to maintain the VOC concentration of the exhaust gas stream at 25 percent of the lower explosive limit (LEL) under the following conditions:

i. the facility is operating at the maximum solvent use rate;

ii. the face velocity through each permanent opening is 100 feet per minute; and

iii. all temporary openings are closed.

f. All captured VOC are ducted to a VOC emission control device that is operated on a continuous basis and that achieves at least a 95 percent destruction or recovery efficiency.

g. The efficiency of the control device (E) for the initial performance test is determined by using values of the volumetric flow rate of each of the gas streams and the VOC content (as carbon) of each of the gas streams in and out of the control device as described under Subsection E.6.b.ii of this Section. The control device efficiency shall be redetermined during conditions specified under Subsection E.2.c of this Section.

11. Each owner or operator of an affected facility who initially elected to be subject to the applicable percent emission reduction requirement specified under Subsection C.1.a.i, b.i, f.i, g.iii, h.i, i.i, or j.i of this Section and who later seeks to comply with the applicable total (uncontrolled) monthly VOC use limit specified under Subsection C.1.a.ii, b.ii, f.ii, g.iv, h.ii, i.ii, or j.ii of this Section shall demonstrate, using the procedures described under Subsection E.3 of this Section, that the total VOC use at the affected facility has not exceeded the applicable total (uncontrolled) monthly VOC use limit during each of the last six months of operation. The owner or operator shall be subject to the applicable percent emission reduction requirement until the conditions of this Paragraph and Subsection H.8 of this Section are satisfied.

12. In determining compliance for each undertread cementing operation, each sidewall cementing operation, each green tire spraying operation, each Michelin-A operation, each Michelin-B operation, and each Michelin-C-automatic operation, the owner or operator shall include all the VOC used, recovered, or destroyed from cements and organic solvent-based green tire sprays including those cements or sprays used for tires other than those defined under Subsection B.1 of this Section.

13. In determining compliance for each tread end cementing operation, each bead cementing operation, and each green tire spraying operation, the owner or operator shall include only those tires defined under Subsection B.1 of this Section when determining T_o and B_o .

14. For each undertread cementing operation and each sidewall cementing operation that does not use a VOC emission reduction system, the owner or operator shall use the following procedure to determine compliance with the 25 g/tire limit specified in Subsection D of this Section:

a. calculate the total mass of VOC (M_o) used at the affected facility for the month by the following procedure.

i. for each affected facility for which cement is delivered in batch or via a distribution system which serves only that affected facility:

$$M_o = \sum_{i=1}^n L_d D_d W_d$$

where: "n" equals the number of different cements or sprays used during the month.

ii. for each affected facility for which cement is delivered via a common distribution system which also serves other affected or existing facilities.

(a). calculate the total mass (M) of VOC used for all of the facilities served by the common distribution system for the month:

$$M = \sum_{i=1}^n L_d D_d W_d$$

where: "n" equals the number of different cements or sprays used during the month.

(b). determine the fraction (F_o) of "M" used by the affected facility by comparing the production records and process specifications for the material cemented at the affected facility for the month to the production records and process specifications for the material cemented at all other facilities served by the common distribution system for the month or by another procedure deemed acceptable by the administrative authority in writing.

(c). calculate the total monthly mass of VOC (M_o) used at the affected facility:

$$M_o = MF_o$$

b. determine the total number of tires (T_o) processed at the affected facility for the month by the following procedure.

i. for undertread cementing, T_o equals the number of tread or combined tread/sidewall components which receive an application of undertread cement.

ii. for sidewall cementing, T_o equals the number of sidewall components which receive an application of sidewall cement, divided by two.

c. calculate the mass of VOC used per tire processed (G) by the affected facility for the month:

$$G = \frac{M_o}{T_o}$$

d. calculate the mass of VOC emitted per tire processed (N) for the affected facility for the month:

$$N = G$$

e. where the value of the mass of VOC emitted per tire processed (N) is less than or equal to the 25 g/tire limit specified under Subsection D of this Section, the affected facility is in compliance.

F. Monitoring of Operations

1. Each owner or operator subject to the provisions of this Section shall install, calibrate, maintain, and operate according to manufacturer's specifications the following equipment, unless alternative monitoring procedures or requirements are approved for that facility by the administrative authority in writing:

a. where a thermal incinerator is used for VOC emission reduction, a temperature monitoring device equipped with a continuous recorder for the temperature of the gas stream in the combustion zone of the incinerator. The temperature monitoring device shall have an accuracy of one percent of the temperature being measured in °C or ±0.5

°C, whichever is greater.

b. where a catalytic incinerator is used for VOC emission reduction, temperature monitoring devices, each equipped with a continuous recorder, for the temperature in the gas stream immediately before and after the catalyst bed of the incinerator. The temperature monitoring devices shall have an accuracy of one percent of the temperature being measured in °C or ±0.5 °C, whichever is greater.

c. for an undertread cementing operation, sidewall cementing operation, green tire spraying operation where organic solvent-based sprays are used, or Michelin-B operation where a carbon adsorber is used to meet the performance requirements specified under Subsection E.10.f of this Section, an organics monitoring device used to indicate the concentration level of organic compounds based on a detection principle such as infrared, photoionization, or thermal conductivity, equipped with a continuous recorder, for the outlet of the carbon bed.

2. An owner or operator of an undertread cementing operation, sidewall cementing operation, green tire spraying operation where organic solvent-based sprays are used, or Michelin-B operation where a VOC recovery device other than a carbon adsorber is used to meet the performance requirements specified under Subsection E.10.f of this Section, shall provide to the administrative authority information describing the operation of the control device and the process parameter(s) which would indicate proper operation and maintenance of the device. The administrative authority may request further information and will specify appropriate monitoring procedures or requirements.

G. Recordkeeping Requirements

1. Each owner or operator of an affected facility that uses a thermal incinerator shall maintain continuous records of the temperature of the gas stream in the combustion zone of the incinerator and records of all three-hour periods of operation for which the average temperature of the gas stream in the combustion zone was more than 28 °C (50 °F) below the combustion zone temperature measured during the most recent determination of the destruction efficiency of the thermal incinerator that demonstrated that the affected facility was in compliance.

2. Each owner or operator of an affected facility that uses a catalytic incinerator shall maintain continuous records of the temperature of the gas stream both upstream and downstream of the catalyst bed of the incinerator, records of all three-hour periods of operation for which the average temperature measured before the catalyst bed is more than 28 °C below the gas stream temperature measured before the catalyst bed during the most recent determination of destruction efficiency of the catalytic incinerator that demonstrated that the affected facility was in compliance, and records of all three-hour periods for which the average temperature difference across the catalyst bed is less than 80 percent of the temperature difference measured during the most recent determination of the destruction efficiency of the catalytic incinerator that demonstrated that the affected facility was in compliance.

3. Each owner or operator of an undertread cementing operation, sidewall cementing operation, green tire spraying operation where organic solvent-based sprays are used, or Michelin-B operation that uses a carbon adsorber to meet the requirements specified under Subsection E.10.f of this Section shall maintain continuous records of all three-hour

periods of operation during which the average VOC concentration level or reading of organics in the exhaust gases is more than 20 percent greater than the exhaust gas concentration level or reading measured by the organics monitoring device during the most recent determination of the recovery efficiency of the carbon adsorber that demonstrated that the affected facility was in compliance.

4. Each owner or operator of an undertread cementing operation, sidewall cementing operation, green tires spraying operation where organic solvent-based sprays are used, Michelin-A operation, Michelin-B operation, or Michelin-C-automatic operation who seeks to comply with a specified kg/mo uncontrolled VOC use limit shall maintain records of monthly VOC use and the number of days in each compliance period.

5. Each owner or operator that is required to conduct monthly performance tests, as specified under Subsection E.2.a of this Section, shall maintain records of the results of all monthly tests, for a period of three years.

6. Each owner or operator of a tread end cementing operation and green tire spraying operation using water-based cements or sprays containing less than 1.0 percent by weight of VOC, as specified under Subsection E.2.d of this Section, shall maintain records of formulation data or the results of Method 24 (LAC 33:III.6083) analysis conducted to verify the VOC content of the spray, for a period of three years.

H. Reporting Requirements

1. Each owner or operator subject to the provisions of this Section, at the time of notification of the anticipated initial start-up of an affected facility pursuant to LAC 33:III.3113.A.2, shall provide a written report to the administrative authority declaring for each undertread cementing operation, each sidewall cementing operation, each green tires spraying operation where organic solvent-based spray is used, each Michelin-A operation, each Michelin-B operation, and each Michelin-C automatic operation the emission limit the owner or operator intends to comply with and the compliance method (where Subsection E.10 of this Section is applicable) to be employed.

2. Each owner or operator subject to the provisions of this Section, at the time of notification of the anticipated initial start-up of an affected facility pursuant to LAC 33:III.3113.A.2, shall specify the monthly schedule (each calendar month or a 4-4-5-week schedule) to be used in making compliance determinations.

3. Each owner or operator subject to the provisions of this Section shall report the results of all initial performance tests, as required under LAC 33:III.3115.A, and the results of the performance tests required under Subsection E.2.b and c of this Section. The following data shall be included in the report for each of the above performance tests:

a. for each affected facility for which the owner or operator seeks to comply with a kg/mo uncontrolled VOC use limit specified under Subsection C.1 of this Section: The monthly mass of VOC used (M_o) and the number days in the compliance period (T_o).

b. for each affected facility that seeks to comply with a g/tire or g/bead limit specified under Subsection C.1 of this Section without the use of a VOC emission reduction system: the mass of VOC used (M_o), the number of tires cemented or sprayed (T_o), the mass of VOC emitted per tire cemented or sprayed (N), the number of beads cemented (B_o), and the mass of VOC emitted per bead cemented (N_b).

c. for each affected facility that uses a VOC emission reduction system with a control device that destroys VOC (e.g., incinerator) to comply with a g/tire or g/bead limit specified under Subsection C.1 of this Section: The mass of VOC used (M_o), the number of tires cemented or sprayed (T_o), the mass of VOC emitted per tire cemented or sprayed (N), the number of beads cemented (B_o), the mass of VOC emitted per bead cemented (N_b), the mass of VOC used per tire cemented or sprayed (G), the mass of VOC per bead cemented (G_b), the emission control device efficiency (E), the capture system efficiency (F_c), the face velocity through each permanent opening for the capture system with the temporary openings closed, and the overall system emission reduction (R).

d. for each affected facility that uses a VOC emission reduction system with a control device that destroys VOC (e.g., incinerator) to comply with a percent emission reduction requirement specified under Subsection C.1 of this Section: The emission control device efficiency (E), the capture system efficiency (F_c), the face velocity through each permanent opening in the capture system with the temporary openings closed, and the overall system emission reduction (R).

e. for each affected facility that uses a carbon adsorber to comply with a g/tire or g/bead limit specified under Subsection C.1 of this Section: The mass of VOC used (M_o), the number of tires cemented or sprayed (T_o), the mass of VOC used per tire cemented or sprayed (G), the number of beads cemented (B_o), the mass of VOC used per bead (G_b), the mass of VOC recovered (M_r), the overall system emission reduction (R), the mass of VOC emitted per tire cemented or sprayed (N), and the mass of VOC emitted per bead cemented (N_b).

f. for each affected facility that uses a VOC emission reduction system with a control device that recovers VOC (e.g., carbon adsorber) to comply with a percent emission reduction requirement specified under Subsection C.1 of this Section: The mass of VOC used (M_o), the mass of VOC recovered (M_r), and the overall system emission reduction (R).

g. for each affected facility that elects to comply with the alternate limit specified under Subsection D of this Section: The mass of VOC used (M_o), the number of tires processed (T_o), and the mass of VOC emitted per tire processed (N).

4. Each owner or operator of an undertread cementing operation, sidewall cementing operation, green tire spraying operation where organic solvent-based sprays are used, or Michelin-B operation who seeks to comply with the requirements described under Subsection E.10 of this Section shall include in the initial compliance report a statement specifying, in detail, how each of the equipment design and performance specifications has been met. The initial compliance report also shall include the following data: the emission control device efficiency (E), the face velocity through each permanent enclosure opening with all temporary enclosure openings closed, the total area of all permanent enclosure openings, the total area of all temporary enclosure openings, the maximum solvent use rate (kg/hr), the type(s) of VOC used, the lower explosive limit (LEL) for each VOC used, and the length of time each component is enclosed after application of cement or spray material.

5. Each owner or operator of an affected facility shall include the following data measured by the required

monitoring device(s), as applicable, in the report for each performance test specified under Subsection H.3 of this Section.

a. the average combustion temperature measured at least every 15 minutes and averaged over the performance test period of incinerator destruction efficiency for each thermal incinerator.

b. the average temperature before and after the catalyst bed measured at least every 15 minutes and averaged over the performance test period of incinerator destruction efficiency for each catalytic incinerator.

c. the concentration level or reading indicated by the organics monitoring device at the outlet of the adsorber, measured at least every 15 minutes and averaged over the performance test period of carbon adsorber recovery efficiency while the vent stream is normally routed and constituted.

d. the appropriate data to be specified by the administrative authority where a VOC recovery device other than a carbon adsorber is used.

6. Once every six months each owner or operator subject to the provisions of Subsection G of this Section shall report, as applicable:

a. each monthly average VOC emission rate that exceeds the g/tire or g/bead limit specified under Subsection C.1 of this Section, as applicable for the affected facility.

b. each monthly average VOC use rate that exceeds the kg/mo VOC use limit specified under Subsection C.1 of this Section, as applicable for the affected facility.

c. each monthly average VOC emission reduction efficiency for a VOC recovery device (e.g., carbon adsorber) less than the percent efficiency limit specified under Subsection C.1 of this Section, as applicable for the affected facility.

d. each three-hour period of operation for which the average temperature of the gas stream in the combustion zone of a thermal incinerator, as measured by the temperature monitoring device, is more than 28°C (50°F) below the combustion zone temperature measured during the most recent determination of the destruction efficiency of the thermal incinerator that demonstrated that the affected facility was in compliance.

e. each three-hour period of operation for which the average temperature of the gas stream immediately before the catalyst bed of a catalytic incinerator, as measured by the temperature monitoring device, is more than 28°C (50°F) below the gas stream temperature measured before the catalyst bed during the most recent determination of the destruction efficiency of the catalyst incinerator that demonstrated that the affected facility was in compliance, and any three-hour period for which the average temperature difference across the catalyst bed (i.e., the difference between the temperatures of the gas stream immediately before and after the catalyst bed), as measured by the temperature monitoring device, is less than 80 percent of the temperature difference measured during the most recent determination of the destruction efficiency of the catalytic incinerator that demonstrated that the affected facility was in compliance.

f. each three-hour period of operation during which the average concentration level or reading of VOCs in the exhaust gases from a carbon adsorber is more than 20 percent greater than the exhaust gas concentration level or reading measured

by the organics monitoring device during the most recent determination of the recovery efficiency of the carbon adsorber that demonstrated that the affected facility was in compliance.

7. [Reserved]

8. Each owner or operator of an affected facility who initially elected to be subject to the applicable percent emission reduction requirement specified under Subsection C.1 of this Section and who later seeks to comply with the applicable total (uncontrolled) monthly VOC use limit specified under Subsection C.1 of this Section and who has satisfied the provisions specified under Subsection E.11 of this Section shall furnish the administrative authority written notification no less than 30 calendar days in advance of the date when he intends to be subject to the applicable VOC use limit instead of the applicable percent emission reduction requirement.

9. The owner or operator of each undertread cementing operation and each sidewall cementing operation who qualifies for the alternate provisions as described in Subsection D of this Section, shall furnish the administrative authority written notification of the election no less than 60 calendar days after September 19, 1989.

10. The owner or operator of each tread end cementing operation and each green tire spraying (inside and/or outside) operation using water-based sprays containing less than 1.0 percent, by weight, of VOC as described in Subsection E.2.a of this Section shall furnish the administrative authority, within 60 calendar days initially and annually thereafter, formulation data or Method 24 (LAC 33:III.6083) results to verify the VOC content of the water-based sprays in use. If the spray formulation changes before the end of the 12-month period, formulation data or Method 24 (LAC 33:III.6083) results to verify the VOC content of the spray shall be reported within 30 calendar days.

I. Test Methods and Procedures

1. The test methods in the Division's Source Test Manual (Chapter 60), except as provided under LAC 33:III.3115.B, shall be used to determine compliance with Subsection C.1 of this Section as follows:

a. Method 24 (LAC 33:III.6083) or formulation data for the determination of the VOC content of cements or green tire spray materials. In the event of dispute, Method 24 (LAC 33:III.6083) shall be the reference method. For Method 24 (LAC 33:III.6083), the cement or green tire spray sample shall be a one-liter sample collected in a one-liter container at a point where the sample will be representative of the material as applied in the affected facility.

b. Method 25 (LAC 33:III.6085) as the reference method for the determination of the VOC concentrations in each stack, both entering and leaving an emission control device. The owner or operator shall notify the administrative authority 30 calendar days in advance of any test by Method 25 (LAC 33:III.6085). For Method 25 (LAC 33:III.6085), the sampling time for each of three runs shall be at least one hour. Method 1 (LAC 33:III.6001) shall be used to select the sampling site, and the sampling point shall be the centroid of the duct or at a point no closer to the walls than one meter. The minimum sample volume shall be 0.003 dry standard cubic meter (dscm) except that shorter sampling times or smaller volumes, when necessitated by process variables or other factors, may be approved by the administrative authority in writing.

c. Method 2 (LAC 33:III.6003), 2A (LAC 33:III.6005), 2C (40 CFR Part 60, Appendix A), or 2D (40 CFR Part 60, Appendix A), as appropriate, as the reference method for determination of the flow rate of the stack gas. The measurement site shall be the same as for the Method 25 (LAC 33:III.6085) sampling. A velocity traverse shall be made once per run within the hour that the Method 25 (LAC 33:III.6085) sample is taken.

d. Method 4 (LAC 33:III.6013) for determination of stack gas moisture.

e. Method 25 (LAC 33:III.6085) or Method 25A (LAC 33:III.6086) for determination of the VOC concentration in a capture system prior to a control device when only a single VOC is present (see Subsection E.6.b.iv.(g) and (h) of this Section). The owner or operator shall notify the administrative authority 30 calendar days in advance of any test by either Method 25 (LAC 33:III.6085) or Method 25A (LAC 33:III.6086). Method 1 (LAC 33:III.6001) shall be used to select the sampling site and the sampling point shall be the centroid of the duct or at a point no closer to the walls than one meter. Method 2 (LAC 33:III.6003), 2A (LAC 33:III.6005), 2C (40 CFR Part 60, Appendix A), or 2D (40 CFR Part 60, Appendix A), as appropriate, shall be used as the test method for the concurrent determination of gas flow rate in the capture system.

i. For Method 25 (LAC 33:III.6085), the sampling time for each run shall be at least one hour. For each run, a concurrent sample shall be taken immediately upwind of the application area to determine the background VOC concentration of air drawn into the capture system. Subtract this reading from the reading obtained in the capture system for that run. The minimum sample volume shall be 0.003 dry standard cubic meter (dscm) except that shorter sampling times or smaller volumes, when necessitated by process variable or other factors, may be approved by the administrative authority. Use Method 3 (LAC 33:III.6009) to determine the moisture content of the stack gas.

ii. For Method 25A (LAC 33:III.6086), the sampling time for each run shall be at least one hour. Instrument calibration shall be performed by the procedure given in Method 25A (LAC 33:III.6086) using the single VOC present in the capture system. A different calibration gas may be used if the results are corrected using an experimentally determined response factor comparing the alternative calibration gas to the single VOC used in the process. After the instrument has been calibrated, determine the background VOC concentration of the air drawn into the capture system immediately upwind of the application area for each run. The instrument does not need to be recalibrated for the background measurement. Subtract this reading from the reading obtained in the capture system for that run. The Method 25A (LAC 33:III.6086) results shall only be used in the alternative procedure for determination of capture efficiency described under Subsection E.6.b.iv.(g) of this Section.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 18: (May 1992).

James B. Thompson, III
Assistant Secretary

RULE

Department of Health and Hospitals Board of Examiners for Nursing Home Administrators

(Editor's Note: The following Chapter of a rule, which appeared on page 181 of the *Louisiana Register*, February 1992, is being published as it was inadvertently omitted.)

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS Part XLIX. Nursing Home Administrators

Chapter 17. Applicability, Legal Effect, Separability §1701. Applicability, Legal Effect, Separability

A. The rules and regulations of the Louisiana Board of Examiners for Nursing Home Administrators are in concert with the new rules and regulations of the *Louisiana Register*, pursuant to the Louisiana Administrative Procedure Act (R.S. 49:950 et seq.).

B. In addition to the above, the rules of parliamentary procedure as laid down in *Roberts Rules of Order, Newly Revised* shall govern all meetings of the board.

C. These revised rules and regulations shall take effect on January 1, 1991, and shall replace those rules and regulations previously effective April 1, 1970, and revised on January 20, 1971, July 1, 1972, March 7, 1973, July 1, 1974, July 1, 1975, April 1, 1976, July 1, 1977, July 1, 1978, July 1, 1979, July 1, 1980, July 1, 1981, July 1, 1982, July 1, 1983, July 1, 1985, July 1, 1987, July 1, 1989.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:2504.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Examiners for Nursing Home Administrators, April 1970, amended January 1971, July 1972, March 1973, July 1974, LR 11:864 (September 1985), repealed and repromulgated by the Department of Health and Hospitals, Board of Examiners for Nursing Home Administrators LR 18:181 (February 1992), repromulgated LR 18: (May 1992).

Winborn E. Davis
Executive Director

RULE

Department of Social Services Office of Family Support

The Department of Social Services, Office of Family Support, has amended the Louisiana Administrative Code, Title 67, Part III., Subpart 4, Support Enforcement Services.

This rule is mandated by R.S. 47:9026 in the 1991 Regular Session.

Title 67

DEPARTMENT OF SOCIAL SERVICES Part III. Office of Family Support Subpart 4. Support Enforcement Services Chapter 25. Support Enforcement

Subchapter J. State Lottery Offset Distribution §2535. Assignment of Lottery Winnings by Support Enforcement Services

A. Effective May, 1992, the Department of Social Serv-

ices, Office of Family Support, shall implement interception of lottery winnings from the Louisiana Lottery Corporation of a delinquent support payor.

B. Support Enforcement Services will send to the Louisiana Lottery Corporation a monthly list of child support payors who are delinquent in their child support payments. If a delinquent support payor wins a lottery prize of \$600 or more, the Lottery Corporation will deduct the amount of child support arrears reported by Support Enforcement Services from the lottery winnings and then submit the deducted amount to Support Enforcement Services.

C. Support Enforcement Services will apply the intercepted winnings amount first to any unpaid monthly obligation and then to any outstanding arrears as of the date the intercepted winnings are posted to the delinquent support payor's child support case(s).

D. A delinquent support payor with more than one case with outstanding arrears shall have his lottery winnings prorated to each case based on the unpaid monthly obligation plus arrearage due in each case as a percentage of the total unpaid monthly obligations plus arrearage due in all cases.

E. Any intercepted amounts which exceed the amount of unpaid monthly obligation plus arrearage in all cases on the date the intercepted winnings are posted will be refunded to the support payor in a prompt manner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:9026.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support in LR 18: (May 1992).

Gloria Bryant-Banks
Secretary

RULE

Department of Transportation and Development

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Department of Transportation and Development has adopted the following revisions to its rules on the subject of Escorts for Oversize Loads, in accordance with the provisions of R.S. 32:2 et seq.

Title 73

Department of Transportation and Development

Part I. Weights and Standards

Chapter 3. Oversize and Overweight Permit

§309. Permit Restrictions

B. Escorts

1. Private escorts are required for all vehicles and loads:

- a. over 12 feet wide and up to 16 feet wide;
- b. over 90 feet long and up to 125 feet long;

2. State police escorts are normally required for vehicles and loads:

- a. over 16 feet in width;
- b. over 125 feet in length;
- c. on any vehicle or load deemed necessary by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 5:38 (February 1979), amended LR 18: (May 1992).

Chapter 5. Oversize and Overweight Vehicles or Loads §561. Permit Restrictions

Permits are issued on the condition that all required restrictions must be complied with. Any additional cost in complying with these restrictions is to be borne by the permittee. The penalty for violating any permit restriction is \$100. Exception, if a vehicle has a permit, but the permit is not in the vehicle, the fine is \$25. At the present time, the following DOTD regulations are in effect:

A. Escorts

1. State Police Escorts

a. State police escorts are required for all vehicles and loads:

- i. over 16 feet in width;
- ii. over 125 feet in length;
- iii. on any vehicle or load deemed necessary by the department to be in the best interest of the state.

b. Escorts should be arranged at the troop nearest the movement.

c. State police escorts must be used for required escorted loads on all state highways outside of municipality limits.

2. City Police Escorts. City police escorts may be required within municipalities on highways other than the interstate system. The duty to verify this requirement is the responsibility of the permittee.

3. Private Escorts

a. Private escorts are required for all vehicles and loads:

- i. over 12 feet wide and up to 16 feet wide;
- ii. over 90 feet long and up to 125 feet long.

b. All private escort vehicles must have a *Louisiana Approved Escort Vehicle* permit. This permit may be obtained from any weights and standards police officer (mobile or stationary unit). Companies domiciled outside of the state of Louisiana must pay a \$10 fee for a *Louisiana Approved Escort Vehicle* permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 4:466 (November 1978), amended LR 18: (May 1992).

J.L. Wax
Deputy Undersecretary

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission adopts the amended rules and regulations pertaining to seismic operations and the use of airgun surveys on designated red lined oyster grounds belonging to the state.

Title 76
WILDLIFE AND FISHERIES
Part I. Wildlife and Fisheries Commission
and Agencies Thereunder

Chapter 3. Special Powers and Duties
Subchapter A. Seismic Exploration
§301. Regulation

* * *

AG. Seismic operators making application to work on any designated red lined oyster seed ground belonging to the state of Louisiana will be required to pay the following fees in addition to the supervisory fees: \$100 per drilled shot hole or \$1,000 per linear mile, whichever is greater, for reflective or refractive cable. For airguns only, the following fees apply: \$1,000 per linear mile in water depths less than or equal to five feet; \$400 per linear mile in water depths greater than five feet and less than or equal to 10 feet deep; \$200 per linear mile in water depths greater than 10 feet; or, for 3D airgun surveys: \$12,500 per square mile in water depths less than or equal to five feet; \$5,000 per square mile in water depths greater than five feet and less than or equal to 10 feet deep; \$2,500 per square mile in water depths greater than 10 feet.

All of these fees are to be paid in advance. All fees will be reviewed each January.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:214 and R.S. 36:609.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 4:300 (August 1978), amended LR 10:410 (May 1984), LR 13:115 (February 1987), amended LR 18: (May 1992).

James H. Jenkins, Jr.
Chairman

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 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 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 B. Cattle
§11733. Admittance of Louisiana Cattle to Fairs, Livestock Shows, Breeders's Association Sales and Rodeos Held in Louisiana

A. Brucellosis

* * *

3. Effective while Louisiana is officially classified as brucellosis Class B in the Federal Code of Regulations by the USDA Animal and Plant Health Inspection Service, Veterinary Services, all heifers and cows over 12 months of age must be official brucellosis vaccinates or be from a herd that has had a complete negative herd test within the past 12 months and be tested negative to a brucellosis test within 60 days prior to admission to fairs, livestock shows, and breeders' association sales. A copy of the herd test records, which includes the animal(s) on the health certificate, must accompany the health certificate. Exceptions to this Paragraph are:

a. individually identified, 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. The vaccination tattoo must be recorded on the health certificate;

b. individually identified cattle originating in and moving directly from a certified brucellosis free herd. The certified free herd number must be recorded on the health certificate.

4. Effective after Louisiana is officially classified as brucellosis Class A in the Federal Code of Regulations by the USDA Animal and Plant Health Inspection Service, Veterinary Services, all heifers and cows over 12 months of age must be tested negative for brucellosis within 60 days prior to admission to fairs, livestock shows, breeders' association sales, and rodeos. Exceptions to this Paragraph are:

a. individually identified, 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. The vaccination tattoo must be recorded on the health certificate;

b. individually identified cattle originating in and moving directly from a certified brucellosis free herd. The certified herd number must be recorded on the health certificate.

5. All bulls, 12 months of age and over must be tested negative for brucellosis within 60 days prior to admission to all fairs, livestock shows, breeder association sales, and rodeos.

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 11:615 (June 1985); amended LR 12:501 (August 1986); LR 13:556 (October 1987); LR 18:

Interested persons may comment on the proposed policy changes and/or additions, in writing, until 4:30 p.m., June 9, 1992, at the following address: Maxwell Lea, Jr., D.V.M., State Veterinarian, Department of Agriculture and Forestry, Livestock Sanitary Board, Box 1951, Baton Rouge, LA 70821.

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules**

**Rule Title: Admittance of Louisiana Cattle to Fair Live-
stock Shows, Breeders' Association Sales and Rodeos
Held in Louisiana**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no estimated costs or savings to state or local governmental units to implement the proposed change.
- 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 costs or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This regulation change will have no effect on competition and employment.

Richard Allen
Assistant Commissioner

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Agriculture and Forestry
Office of Animal Health Service
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 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 B. Cattle**

§11740. Governing the Testing of Cattle for Brucellosis

A. The testing of any cattle for brucellosis shall be done by:

- 1. a USDA accredited veterinarian;
- 2. an employee of the Louisiana Department of Agriculture and Forestry, Louisiana Livestock Sanitary Board; or
- 3. an employee of the USDA, Animal and Plant Health Inspection Service, Veterinary Services.

B. All cattle tested for brucellosis shall be individually identified by an official USDA eartag, individual brand, or individual tattoo. The identification shall be recorded on the official brucellosis test chart (Form VS 4-33).

C. All blood samples drawn for brucellosis testing shall be submitted to the state/federal laboratory. Each sam-

ple shall be identified and the identity recorded on the official brucellosis test chart. The test chart shall accompany the blood sample(s) to the state/federal laboratory.

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 18:

Interested persons may comment on the proposed policy changes in writing, until 4:30 p.m., June 9, 1992, at the following address: Maxwell Lea, Jr., D.V.M., State Veterinarian, Department of Agriculture and Forestry, Livestock Sanitary Board, Box 1951, Baton Rouge, LA 70821.

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules**

**Rule Title: Governing the Testing of Cattle for Brucellosis
(LAC 7:XXI.11740)**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no estimated costs or savings to the state or local governmental units to implement this regulation.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections for the 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 or benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
Implementation of this regulation will have no effect on competition and employment.

Richard Allen
Assistant Commissioner

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**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 Livestock Sanitary Board to deal with diseases of animals, notice is hereby given that the 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 B. Cattle

§11747. Establishing the Official Tests for Brucellosis in Cattle

* * *

B. Supplemental Tests

* * *

4. Particle Concentration Fluorescence Immunoassay Test (PCFIA)

This test may classify as negative, suspect, or reactor.

5. Concentration Immunoassay Technology Test (CITE®)

This test may classify as negative or reactor.

6. Any test officially approved by the USDA and recommended by the state veterinarian and the designated epidemiologist.

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 11:240 (March 1985); LR 11:615 (June 1985); LR 18:

Interested persons may comment on the proposed policy changes and/or additions, in writing, until 4:30 p.m., June 9, 1992, at the following address: Maxwell Lea, Jr., D.V.M., State Veterinarian, Department of Agriculture and Forestry, Livestock Sanitary Board, Box 1951, Baton Rouge, LA 70821.

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Section 11747, Establishing the Official Tests for Brucellosis in Cattle

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

There will be no estimated costs or savings to the state or local governmental units to implement this rule change.

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

There will be no effect on revenue collections for the 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 or benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Implementation of this change will have no effect on competition or employment.

Richard Allen
Asst. Commissioner

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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 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 B. Cattle

§11735. Livestock Auction Market Requirements

A. Brucellosis

* * *

3. All cattle over 12 months of age, that are offered for sale, are to be identified by an official metal ear tag and to be tested for brucellosis. Exceptions to LAC 7:XXI. 11735. A.3 are:

a. steers and spayed heifers;

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

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

d. individually identified cattle originating in and 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.

* * *

4.b. Until Louisiana is officially classified as brucellosis Class A in the Federal Code of Regulations by the USDA, Animal and Plant Health Inspection Service, Veterinary Services, all heifers and cows over 12 months of age must be brucellosis tested and be official brucellosis vaccinates (calfhooood 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 animal(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 calfhooood 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.

* * *

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, Livestock Sanitary Board, LR 11:237 (March 1985); amended LR 11:615 (June 1985); LR 12:501 (August 1986); LR 12:598 (September 1986); LR 13:556 (October 1987); LR 14:220 (April 1988); LR 15:695 (October 1988); LR 15:813 (October 1989); LR 18:

Interested persons may comment on the proposed policy changes and/or additions, in writing, until 4:30 p.m., June 9, 1992, at the following address: Maxwell Lea, Jr., D.V.M., State Veterinarian, Department of Agriculture and Forestry, Livestock Sanitary Board, Box 1951, Baton Rouge, LA 70821.

Bob Odom
Commissioner

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Livestock Auction Market Requirement

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

There will be no estimated costs or savings to the state or local governmental units to implement the proposed change.

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

There will be no estimated effect on revenue collections for the state or local governmental units.

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

There may be, in some incidences, a higher price paid to a cattle producer for a cow or cows sold through a Louisiana auction market.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This regulation change will have no effect on competition and employment.

Richard Allen
Asst. Commissioner

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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, rel-

ative 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 B. Cattle

§11739. Governing the Sale and Purchases, Within Louisiana, of all Livestock not Governed by Other Regulations (Brucellosis Requirements)

B. Effective while Louisiana is officially classified as brucellosis Class B in the Federal Code of Regulations by the USDA Animal and Plant Health Inspection Service, Veterinary Services, all heifers and cows over 12 months of age must originate from a herd not quarantined for brucellosis and must be official brucellosis vaccinates (calthood or adult) or part of a herd that has had a complete negative brucellosis test, conducted within the previous 12 months and be tested negative for brucellosis 30 days prior to, or at the time of, being sold or purchased. Exceptions to this paragraph are:

1. Individually identified official brucellosis calthood vaccinated heifers, under 20 months of age for dairy breeds and under 24 months of age for beef breeds, that are not pre-parturient (springers) or post-parturient.

2. Individually identified heifers and cows, originating in and moving directly from a certified brucellosis free herd.

C. Effective after Louisiana is officially classified as brucellosis Class A in the Federal Code of Regulations by the USDA Animal and Plant Health Inspection Service, Veterinary Services, all heifers and cows over 12 months of age must originate from a herd not quarantined for brucellosis and be tested negative for brucellosis 30 days prior to, or at the time of being sold or purchased. Exceptions to this paragraph are:

1. Individually identified official brucellosis calthood vaccinated heifers, under 20 months of age for dairy breeds and under 24 months of age for beef breeds, that are not pre-parturient (springers) or post-parturient.

2. Individually identified heifers and cows, originating in and moving directly from a certified brucellosis free herd.

D. Bulls over 12 months of age must be brucellosis test negative 30 days prior to, or at the time of sale or purchase. Exception to this Subsection is:

1. Individually identified bulls originating in and moving directly from a certified brucellosis free herd.

E. Steers and spayed heifers may move unrestricted.

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, Livestock Sanitary Board, LR 11:238 (March 1985) LR 11:615 (June 1985); amended LR 12:502 (August 1986); LR 13:559 (October 1987); LR 18:

Interested persons may comment on the proposed policy changes and/or additions, in writing, until 4:30 p.m., June 9, 1992, at the following address: Maxwell Lea, Jr., D.V.M., State Veterinarian, Department of Agriculture and Forestry, Livestock Sanitary Board, Box 1951, Baton Rouge, LA 70821.

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules**

**Rule Title: Section 11739, Governing the Sale and
Purchases, Within LA Livestock not Governed by Other
Regulations (Brucellosis Requirements)**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no estimated costs or savings to the state or local governmental units to implement the proposed change.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections for the state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Louisiana cattle producers may receive a better price for some cattle since they can be sold for "stocker" prices rather than just "slaughter" prices.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This regulation change will have no effect on competition and employment.

Richard Allen
Asst. Commissioner

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**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 Livestock Sanitary Board to deal with diseases of animals, notice is hereby given that the 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 B. Cattle**

§11741. Governing the Sale and Use of Brucella Abortus Antigen

A. The sale of brucella antigen, manufactured for the purpose of detecting brucellosis in food producing animals, shall be restricted, in Louisiana, to either the Louisiana Department of Agriculture and Forestry, Louisiana Livestock Sanitary Board or the USDA Animal and Plant Health Inspection Service, Veterinary Services.

B.1. The use of brucella antigen manufactured for the purpose of detecting brucellosis in food producing animals is restricted, in Louisiana, to authorized accredited veterinarians; authorized employees of the Louisiana Department of Agriculture and Forestry, Louisiana Livestock Sanitary Board; authorized employees of the USDA, Animal and Plant Health

Inspection Service, Veterinary Services, and research projects approved by the state veterinarian.

2. It is a violation of the regulation for anyone other than authorized individuals to use and/or possess brucella antigen. Accredited veterinarians; employees of the Louisiana Department of Agriculture and Forestry, Louisiana Livestock Sanitary Board; and employees of USDA Animal and Plant Health Inspection Service, Veterinary Services, are considered authorized to use brucella abortus antigen to conduct a brucellosis test only when proper documentation of the test (VS Form 4-33) and all blood samples are submitted to the state/federal laboratory.

3. Use and/or possession of brucella antigen shall include any person that is present at the time an unauthorized test for brucellosis is conducted.

C.1. All cattle tested for brucellosis shall be individually identified by official eartag, individual brand number or individual tattoo (identification such as chain numbers is not acceptable.)

2. The individual identification shall be recorded on the official test chart (Form VS 4-33) and be submitted to the state/federal laboratory with the blood samples taken from each of the individually identified animal(s).

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 11:239 (March 1985), LR 11:615 (June 1985), LR 13:559 (October 1987), LR 18:

Interested persons may comment on the proposed policy changes and/or additions, in writing, until 4:30 p.m., June 9, 1992, at the following address: Maxwell Lea, Jr., D.V.M., State Veterinarian, Department of Agriculture and Forestry, Livestock Sanitary Board, Box 1951, Baton Rouge, LA 70821.

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Section 11741, Governing the Sale and Use
of Brucella Abortus Antigen**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no estimated costs or savings to the state or local governmental units to implement this regulation.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections for the 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 or benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
Implementation of this change will have no effect on competition or employment.

Richard Allen
Asst. Commissioner

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**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 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 B. Cattle

§11737. Governing the Sale of Cattle in Louisiana by Livestock Dealers

A. Brucellosis

2.a. All cattle over 12 months of age are to be brucellosis test negative 30 days prior to sale.

3.b. Until Louisiana is officially classified as brucellosis Class A in the Federal Code of Regulations by the USDA Animal and Plant Health Inspection Service, Veterinary Services, all heifers and cows over 12 months of age, must be official brucellosis vaccinates, (calfhood or adult), or be from a producer's herd, (not a herd owned by the dealer), that has had a complete negative brucellosis herd test conducted in the past 12 months, be negative to a brucellosis test within 30 days prior to, or at the time of purchase by the dealer and the animals do not come in contact with animals other than those from the herd of origin. The dealer must keep a copy of the complete negative brucellosis herd test with his records, to show that the animals have met the above requirements.

4. Cattle over six months of age originating in brucellosis quarantined areas must originate from a qualified herd (known not to be infected), and must be brucellosis test negative not less than 30 days from the date of herd qualification and within 30 days of the date of sale. The date and results of the test and individual identification of each animal must be recorded on the official health certificate.

5. All cattle over 12 months of age must be brucellosis test negative within 30 days prior to purchase from herds not under quarantine for brucellosis. The official test chart, health certificate, or a certificate of veterinary inspection, or an individual brucellosis test record, must be kept for a period of 24 months following the purchase of any brucellosis tested cattle. Exceptions to this paragraph are:

- a. steers and spayed heifers;
- b. individually identified official brucellosis calfhood vaccinated heifers under 20 months of age for dairy breeds and under 24 months of age for beef breeds;
- c. individually identified cattle originating in and moving directly from a certified brucellosis free herd;
- d. test eligible cattle may be moved from a producer's premises to a dealer's premises enroute to an approved stockyard or approved slaughter establishment without being tested for brucellosis, provided the test is completed within 72 hours of movement from the producer's premises and re-

cords are maintained to identify the animals and identify the herd of origin. Contact with other cattle is not permitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:562, R.S. 3:2221, and R.S. 3:2228.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 11:237 (March 1985); LR 11:651 (June 1985); amended LR 12:502 (August 1986); LR 13:558 (October 1987); LR 14:221 (April 1988); LR 18:

Interested persons may comment on the proposed policy changes and/or additions, in writing, until 4:30 p.m., June 9, 1992, at the following address: Maxwell Lea, Jr., D.V.M., State Veterinarian, Department of Agriculture and Forestry, Livestock Sanitary Board, Box 1951, Baton Rouge, LA 70821.

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Section 11737, Governing the Sale of Cattle in Louisiana by Livestock Dealers

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no estimated costs or savings to the state or local governmental units to implement the proposed change.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections for the state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Louisiana cattle producers may receive a better price for some cattle since they can be sold for "stocker" prices rather than just "slaughter" prices.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This regulation change will have no effect on competition and employment.

Richard Allen
Assistant Commissioner

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**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 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

§11777. Governing the Operation of Livestock Auction Markets

A. Pseudorabies/Brucellosis Requirements

* * *

2. All swine over six months of age, being sold at Louisiana livestock auction markets, must be identified by an official swine backtag, placed on the animal's forehead and an official metal eartag.

3. The market shall furnish the Livestock Sanitary Board's official representative a copy of each check-in slip, showing the name of the auction market, the date, the name and complete address of each consignor, and the official backtag numbers applied to the consignor's livestock. 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.

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 11:245 (March 1985); amended LR 11:615 (June 1985); LR 16:392 (May 1990); LR 18:

Interested persons may comment on the proposed policy changes and/or additions, in writing, until 4:30 p.m., June 9, 1992, at the following address: Maxwell Lea, Jr., D.V.M., State Veterinarian, Department of Agriculture and Forestry, Livestock Sanitary Board, Box 1951, Baton Rouge, LA 70821.

Bob Odom
Commissioner

Fiscal and Economic Impact Statement
For Administrative Rules

Rule Title: Section 11777, Governing the Operation of Livestock Auction Markets

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

There would be no estimated costs or savings to local governmental units to implement the proposed amendment.

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

There would 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)

Initially, this rule will cost some Louisiana auction market owners up to \$500 to build facilities to restrain swine being sold over six months of age while a metal identification tag is clipped in the hog's ear. Moving forward in the Pseudorabies and Brucellosis Programs will benefit them in the future because the swine will sell at a higher price as less restrictions are placed on the movement of swine.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule change would have no effect on competition and employment.

Richard Allen
Asst. Commissioner

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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 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. Quarantining, Vaccinating and Testing of Swine for Pseudorabies/Brucellosis

* * *

A.4. Herds of swine including feedlots, within a 1.5 mile radius of the quarantined herd, will be monitored in accordance with the recommendation of the state veterinarian and/or epidemiologist by either a test of all breeding swine or by an official random sample test.

5. A herd plan and epidemiology report must be completed within 30 days from the date an animal that originated from the herd was found to be a reactor at slaughter. A herd test must be completed within 45 days from the date an animal that originated from the herd was found to be a reactor at slaughter.

B. To be eligible for release from quarantine, a swine herd must meet the following requirements.

1. All swine positive to an official pseudorabies test must be tagged with an official reactor tag in the left ear and permitted on Form VS 1-27 to a recognized slaughter establishment or an approved slaughter market for resale to a recognized slaughter establishment within 15 days; all swine, over six months of age and a random sampling of any growing/finishing swine which remain in the herd, must be test negative 30 days or more after removal of reactors. No livestock on the premises shall have shown signs of pseudorabies after removal of reactors.

2. Whole herd depopulation--all swine on the premises must be tagged with an official reactor tag in the left ear and permitted on a Form VS 1-27 to a recognized slaughter establishment or an approved slaughter market for resale to a recognized slaughter establishment. The premises must remain depopulated for 30 days and the herd premises must be cleaned and disinfected with an approved disinfectant prior to putting swine back on the premises.

C. A herd of swine quarantined because of brucellosis

must meet one of the following requirements.

1. All swine positive to an official brucellosis test must be tagged with an official reactor tag in the left ear and permitted on Form VS 1-27 to a recognized slaughter establishment or an approved slaughter market for resale to a recognized slaughter establishment within 15 days. All swine over six months of age which remain in the herd, must be tested according to an approved herd plan. A herd may be released from quarantine upon completion of three negative complete herd tests (CHT). The first test must be completed at least 30 days after removal of the last reactor. A second CHT must be conducted 60-90 days following the first CHT. A third CHT is required 60-90 days following the second CHT.

2. Whole Herd Depopulation. All swine on the premises must be tagged with an official reactor tag in the left ear and permitted on a Form VS 1-27 to a recognized slaughter establishment or an approved slaughter market for resale to a recognized slaughter market. The premises must remain depopulated for 30 days and the herd premises must be cleaned and disinfected with an approved disinfectant prior to putting swine back on the premises.

* * *

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 16:392 (May 1990), amended LR 18:

Interested persons may comment on the proposed policy changes and/or additions, in writing, until 4:30 p.m., June 9, 1992, at the following address: Maxwell Lea, Jr., D.V.M., State Veterinarian, Department of Agriculture and Forestry, Livestock Sanitary Board, Box 1951, Baton Rouge, LA 70821.

Bob Odom
Commissioner

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Section 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 estimated costs or savings to local governmental units to implement the proposed amendments.

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

There would 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)

This rule would cost owners of swine herds within a 1.5 mile radius of a swine herd, that is found to be infected with brucellosis or pseudorabies, time and possibly extra labor, to restrain some or all of their swine to allow state/federal personnel to obtain a blood sample. These owners, as well as the swine industry as a whole, would be economically benefited as Louisiana makes

progress in these two programs because less restrictions will be placed on the movement of their swine.

IV. ESTIMATED EFFECT ON COMPETITION AND EM- PLOYMENT (Summary)

This rule change would have no effect on competition and employment.

Richard Allen
Asst. Commissioner

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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 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 A. General Provisions

§11701. Definitions

Official Random Sample Test: A sample test of swine in a herd which provides a 95 percent probability of detecting infection in a herd. Each segregated group of swine on an individual premises is considered a separate herd and sampled as follows:

Less than 100 head	Test 25
100 - 200 head	Test 27
201 - 999 head	Test 28
1000 - and over	Test 29

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

HISTORICAL NOTE: Promulgated by the Louisiana Department of Agriculture and Forestry, Livestock Sanitary Board, LR 11:615 (June 1985); amended LR 12:289 (May 1986); LR 12:498 (August 1986); LR 14:129 (April 1988); LR 15:812 (October 1989) LR 16:391 (May 1990); LR 17:29 (January 1991); LR 18:

Interested persons may comment on the proposed policy changes and/or additions, in writing, until 4:30 p.m., June 9, 1992, at the following address: Maxwell Lea, Jr., D.V.M., State Veterinarian, Department of Agriculture and Forestry, Livestock Sanitary Board, Box 1951, Baton Rouge, LA 70821.

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Definitions**

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

There would be no estimated costs or savings to local governmental units to implement the proposed amendment.

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

There would 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 would be no estimated costs or economic benefits associated with this proposed rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect projected on competition and employment.

Richard Allen
Assistant Commissioner

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

As mandated by Act 1052 of the 1991 Louisiana Legislature under the authority R.S. 47:6005, 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 adopt the Solid Waste Regulations, LAC 33:VII.Subpart 2.Chapter 104 (OS11).

These proposed regulations will establish technical specifications and certification requirements for the qualification of recycling equipment for an income/franchise tax credit established pursuant to Act 1052 of the 1991 Legislative Session.

**Title 33
ENVIRONMENTAL QUALITY
Part VII. Solid Waste
Subpart 2. Recycling**

Chapter 104. Credit for Recycling Equipment

§10401. Authority

These regulations are hereby established by the Department of Environmental Quality (DEQ) in consultation with the Department of Revenue and Taxation (DRT) as mandated by Act 1052 of the 1991 Louisiana Legislative Session. These regulations are to establish technical specifications and certification requirements for the qualification of recycling equipment for the credit against income and corporate franchise taxes provided by R.S. 47:6005 relative to the purchase of qualified recycling equipment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6005.

HISTORICAL NOTE: Promulgated by the Department

of Environmental Quality, Office of the Secretary, LR 18:

§10403. Applicability

These regulations apply to taxpayers who purchase qualified recycling equipment, as defined in LAC 33:VII.10405, on or after September 1, 1991, and on or before December 31, 1996, and who apply for tax credit pursuant to R.S. 47:6005.

§10405. Definitions

For the purpose of this Chapter the terms below shall have the meaning specified herein as follows:

Qualified Recycling Equipment—new machinery or new apparatus used exclusively to process post-consumer waste material, recovered material, or both and manufacturing machinery used exclusively to produce finished products, the composition of which is at least 50 percent post-consumer waste material, recovered material, or both. For the purposes of this Chapter "qualified recycling equipment" does not include vehicles, and does not include structures, equipment, or devices used to store or incinerate waste material.

Post-Consumer Waste Material—an product generated by a business or consumer which has served its intended end use, and which has been separated from solid waste for the purposes of collection, marketing and disposition and which does not include secondary waste material, hazardous waste, or demolition waste.

Secondary Waste Material—waste material generated after the completion of a manufacturing process.

Recovered Material—material which has known recycling potential, can be feasibly recycled, and has been diverted or removed from the solid waste stream for sale, use, or reuse, by separation, collection or processing, as defined in R.S. 30:2412(7) and which would otherwise be processed or disposed of as nonhazardous solid waste.

Recycling—any process by which nonhazardous solid waste, or material which would otherwise become solid waste, is collected, separated, or processed and reused or returned to use in the form of raw material or products.

Solid Waste—any garbage, refuse, sludge and other discarded material including those in a solid, liquid or semi-solid state, resulting from residential, community, or commercial activities. As used in this Chapter the term "solid waste" shall not include mining, agricultural, special and industrial wastes, or hazardous and infectious wastes. It also does not include or mean solid or dissolved material in domestic sewage or solid or dissolved material in irrigation return flows or industrial discharges which are point sources subject to permits under R.S. 30:2074, or source, special nuclear or by-product material as defined in the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), as amended, or hazardous waste subject to permits under R.S. 30:2171 et seq. The definition of solid waste shall not include recovered materials or uncontaminated scrap metal materials which are purchased for resale to be recycled or reused and are not destined for disposal, R.S. 30:2412(13).

Vehicle—an automobile; motorcycle; truck; trailer; semitrailer; truck, tractor, and semitrailer combination; or any other vehicle used to transport persons or property and propelled by power.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6005.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 18:

§10407. Technical Specifications for Qualified Recycling Equipment

A. In order to qualify for certification as qualified recycling equipment, the equipment must meet the following requirements:

1. be new machinery or new apparatus used exclusively to process post-consumer waste material, recovered material, or both; or
 2. be manufacturing equipment used exclusively to produce finished products, the composition of which is at least 50 percent post-consumer waste material; and
 3. be used exclusively in Louisiana.
- B. The following categories of equipment will be excluded from certification as qualified recycling equipment:
1. any equipment, including structures, which is neither machinery nor an apparatus;
 2. vehicles as defined in LAC:33.VII.10405;
 3. in-kind replacement of parts for machinery or apparatus;
 4. machinery, equipment or devices used to store or incinerate waste material; and
 5. used equipment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6005.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 18:

§10409. Application Requirements

A. Application Form

1. In order to qualify for the tax credit provided for in R.S. 47:6005, the applicant must first complete an application form provided by the Department of Environmental Quality for certification from the secretary of the DEQ that the equipment purchased is qualified recycling equipment as defined in LAC 33:VII.10405 and will be used exclusively in Louisiana.

2. In addition to information provided on the application form, the DEQ may require and the applicant shall provide cost estimates, engineering drawings, specifications sheets and any other documentation as may be necessary to establish with sufficient specificity the equipment qualifying for the tax credit.

3. In addition to information provided on the application form, the DEQ may require and the applicant shall provide documentation as may be necessary to establish with sufficient specificity that the post-consumer waste material or recovered material proposed to be recycled is a nonhazardous solid waste under applicable state and federal law and regulations.

B. The applicant must report final cost of recycling equipment purchases to the Department of Revenue and Taxation and the Department of Environmental Quality. Audits will be performed by the Department of Revenue and Taxation and the Department of Environmental Quality as necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6005.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 18:

§10411. Applicant Certification

A. Included with the application for certification shall be a statement acknowledging that the applicant shall make a good faith effort to utilize post-consumer waste material or recovered material generated within the state of Louisiana, or

destined to be land-filled within the state; and the post-consumer waste material or recovered material proposed to be recycled is a nonhazardous solid waste under applicable state and federal law and regulations.

B. The applicant shall certify to the accuracy of the information contained in the application regarding the equipment description, date of purchase and cost. The certification shall also state that the equipment is used exclusively in Louisiana and has not previously qualified for an income and corporation franchise tax credit pursuant to R.S. 47:6005 either for the owner or for a previous owner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6005.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 18:

§10413. Department of Environmental Quality Certification

A. Prior to certification, the secretary of the Department of Environmental Quality shall determine that any post-consumer waste material or recovered material proposed to be recycled by the applicant is a nonhazardous solid waste under applicable state and federal law and regulations.

B. The secretary of the Department of Environmental Quality shall examine the application and, if qualified, shall certify that the equipment described therein is qualified recycling equipment used exclusively in Louisiana and is eligible for credit against state income and corporation franchise taxes pursuant to R.S. 47:6005.

C. Upon certification, the secretary of the Department of Environmental Quality shall submit a copy of the signed, certified application to the applicant and to the secretary of the Department of Revenue and Taxation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6005.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 18:

§10415. Amount of Credit

A. The maximum total credit related to a purchase of qualified recycling equipment which may be allowable for all taxable periods is 20 percent of the cost of the qualified recycling equipment, less the amount of any other Louisiana tax credits for purchase of the equipment. Example:

Cost of equipment	\$ 1,000,000
	x .20
	\$ 200,000
Less other Louisiana credit on purchase	\$ 100,000
Maximum credit for all taxable periods	\$ 100,000

B. One-fifth (20 percent) of the maximum total credit related to a purchase of qualified recycling equipment is earned each taxable period in which the equipment continues to be in use exclusively in Louisiana to a maximum of five periods. Example:

Maximum credit for all taxable periods	\$ 100,000
	x .20
Credit earned for this taxable period	\$ 20,000

C. The maximum credit which may be claimed for all

purchases of qualified recycling equipment, including carry-over of previously earned but unused credits, in any taxable period shall not exceed 50 percent of the tax which would be otherwise due. Example:

Tax otherwise due: Income tax	\$	12,000
Franchise tax	\$	18,000
Total	\$	30,000
	x	.50

Maximum credit to be claimed on return \$ 15,000

D. Any unused credit for a taxable period in which a credit is earned may be carried forward to subsequent years until the credit is exhausted.

E. If the qualified recycling equipment is sold or exchanged before the entire credit is claimed, any unearned portion of the credit shall be canceled for all periods following the period of sale.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6005.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 18:

These proposed regulations are to become effective on August 20, 1992, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be held on June 26, 1992, at 1:30 p.m. in the Maynard Ketcham Building, Room 341 (Recital Room), 7290 Bluebonnet Blvd., 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 Monday, June 29, 1992, at 4:30 p.m., to David Hughes, Enforcement and Regulatory Compliance Division, Box 82282, Baton Rouge, LA, 70884-2282 or to 7290 Bluebonnet Blvd., Fourth Floor, Baton Rouge, LA 70810. Commentors should reference this proposed regulation by the Log OS11.

James B. Thompson, III
Assistant Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Recycling Equipment Tax Credit which adopts LAC.VII.Subpart 2.Chapter 104 (Log #OS11)

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

There are no anticipated implementation costs to state or local governments. The division anticipates that it will be able to manage this program without any additional staff.

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

Taxpayers who purchase qualified recycling equipment as defined in this act and certified by DEQ are entitled to a credit against any income and corporation franchise taxes imposed by the state in an amount equal to 20 percent of the cost of the recycling equipment less the amount of any other tax credits received for the purchase of such equipment. Furthermore, in no case shall

the credit claimed exceed 50 percent of the tax liability which would be otherwise due for that taxable period. Any unused credit for a taxable year in which a credit is allowed may be carried forward to subsequent years until the credit is exhausted.

As is apparent from the preceding requirements, in order to determine the effect on revenue collections it is necessary to predict not only which firms will apply for the exemption and what they will purchase but also what other tax credits they will have and how profitable they will be.

A tax credit has no value when there is no tax liability. Because it is not possible to predict the future profitability of companies that might buy recycling equipment it is not possible to estimate the effect on revenue collections.

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

Companies that purchase qualified recycling equipment will benefit to the extent that their Louisiana income and corporation franchise tax liability is large enough to permit them to apply this tax credit. However, this tax credit is also reduced by the amount of any other tax credit.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition is anticipated since all companies are covered by the same rules. However, employment will be stimulated since this is a generous tax credit.

William A. Kucharski
Deputy Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Office of Human Services**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the Office of Human Services, Division of Alcohol and Drug Abuse is hereby giving notice of its intent to amend the guidelines for administering the revolving fund account for establishing group homes for recovering substance abusers. The Anti-Drug Abuse Act of 1988, (Public Law 100-690) required the state to create a revolving fund of at least \$100,000 for the purpose of making low-cost, short term loans to groups or entities for the start-up of recovery residences for homeless recovering substance abusers. This amendment is to further clarify the existing regulations of the recovery home loan program by including the definition for organizational loan.

**Title 48
PUBLIC HEALTH**

Part VII. Alcohol and Drug Abuse Services

Chapter 7. Group Home for Recovering Substance Abusers

§703. Definitions

A. - F. ...

G. *Organizational loan*—a loan to chartered or unchartered non-profit entity (as described in §709. A.1 and 2

hereinafter) for the purpose of enabling a group of not less than four individuals to establish a Group Recovery Home.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Human Services, Division of Alcohol and Drug Abuse, LR 15:1081 (December 1989), amended LR 17:603 (June 1991), amended LR 18:

§712. Organizational Loan

A. Organizational loans are those made to non-profit entities or groups of four or more individuals for the purpose of enabling recovering persons to establish a Group Recovery Home.

B. Restrictions on Organizational Loans.

1. must provide for housing for four or more residents in recovery;

2. limited to not less than \$500 nor more than \$4,000 per group;

3. must be repaid within 24 months of issuance;

4. each loan subject to five percent simple interest rate;

5. may not be used for purchases of property of a personal nature, nor for personal expenses other than as approved by the department and/or the applicant group; uniforms and travel expense to attend work, excepted;

6. any personal property purchased (such as home furnishings) becomes the property of the group recovery home;

7. must be used to defray rental costs, security, utility and other required deposits, and basic furnishings required for occupancy;

8. a portion of the proceeds from an organizational loan may be used to liquidate a prior "bridge loan" made to a sponsoring organization on behalf of the resident group;

9. applicant group must meet eligibility requirements established in §709;

10. chartered organizations applying on behalf of a group of four or more individuals must provide assurance of compliance with §703.C, and §705 above, and may impose no other regulation on the group recovery home or its residents.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Human Services, Division of Alcohol and Drug Abuse, LR 15:1081 (December 1989), amended LR 17:603 (June 1991), amended LR 18:

Interested persons may submit written comments on the proposed changes to the following address: Joseph Williams, Jr., Assistant Secretary, Bin No. 9, Box 3868, Baton Rouge, LA 70821-3868. He is the person responsible for responding to inquiries regarding this proposed rule.

J. Christopher Pilley
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)

There are not costs to implement this rule.

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. The amendments provide clarification of existing regulations by including the definition of organizational loan.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition and employment.

Joseph Williams, Jr.
Assistant Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Health and Hospitals Office of Management and Finance

HIV Program Office

The Department of Health and Hospitals, Office of Management and Finance, HIV Program Office proposes to adopt the following rule regarding the implementation of a program to provide persons with HIV infection with Home Based Care.

Definitions—When used in this subpart, unless expressly stated otherwise or unless the context of subject matter requires a different interpretation:

A. *Program* — the home health care program for HIV infected persons.

B. *Home Based Care* — refers to medical, hospice, and support services provided in the client's home by a licensed Home Health Care of Hospice agency.

C. *Poverty Guideline* — the federal income official poverty line applicable to a family of the same size as the applicant's as published annually in the *Federal Register*.

D. *Service Agency or Agency* — refers to the licensed home health agency which has a contract to provide services.

E. *Department* — Louisiana Department of Health and Hospitals.

Services Covered by this Program—All services provided under this program are to be performed in the home for HIV infected clients at a physician's order. Visits are limited to a maximum of twice a day unless otherwise indicated.

A. Skilled nursing including but not limited to:

1. medication preparation, administration, and monitoring;

2. care of peripheral and central access devices;

3. insertion, irrigation and maintenance of foley catheters;

4. complex wound care and dressing changes;

5. oxygen therapy and monitoring and other respiratory therapy;

6. venipuncture for laboratory studies;

- 7. client/significant other education:
 - i. medications and adverse effects;
 - ii. diet;
 - iii. self care;
 - iv. disease process;
 - v. treatments;
 - vi. custodial care;
 - vii. infection control procedures;
- 8. aerosolized Pentamidine treatments (IM pentamidine is not covered by this program);
- 9. palliative care focusing on pain relief and symptom control.

B. Home health aides (maximum of 2-hour visits and 5 visits per week) to assist with activities of daily living.

C. Personal care attendants to provide services including light housework, grocery shopping, and cooking (maximum of 5 visits per week).

D. Supplies, durable medical equipment rental.

E. Medications at a maximum of 30 percent above cost. IV therapy needed more than once a day up to three times a day can be covered up to eight weeks. Daily IV therapy can continue for the duration of the home based care. Medications covered are those provided under the Level 1 and 2 State formularies or a formulary approved by the department.

F. Physical therapy.

G. Social worker services (maximum of two visits a week).

H. Routine diagnostic tests.

I. Nutritional therapy following the Louisiana Medicaid Guidelines including supplements at a maximum of 30 percent above cost. (Physician order need not specify enteral via tube for this program).

J. Pastoral care.

K. Bereavement follow-up.

L. Trained volunteers to provide support to the client and family through tasks such as shopping, sitting, running errands, preparing meals, and listening.

Client Eligibility

A. Client must be HIV infected.

B. Client desires home care as determined and documented by the social worker/case manager.

C. Service is not covered by any other third party coverage. This program should be used when all other sources of payment for home based care have been exhausted. This program will supplement gaps in existing third party coverage for services listed including covering beyond the amount and frequency covered by Medicaid.

D. Client must have a family income less than 200 percent of the federal poverty guidelines updated annually and available resources less than \$4000 based on Medicaid guidelines.

E. Client must have a physician who will provide orders in writing or verbally to the agency prior to discharge, act as that client's physician after discharge, maintain a consistent plan, and communicate changes from the initial plan directly to the agency or the physician must be willing to transfer the client to the care of the agency physician. If verbal orders are given to the agency, written orders must follow within 48 hours.

F. Client is certified by the agency and the client's physician as not being in need of acute care.

G. Client's physician or physician's associates are

available 24 hours a day by phone or beeper or agrees that the home care agency may refer the client to an emergency room for problems.

Agency Requirements

A. Agency is licensed Home Health Care or Hospice provider.

B. Agency will confirm client's eligibility for the program as stated above.

C. The home care nurse must obtain a clinical status report and home care orders from the physician for the referred client prior to beginning care, will conduct a first visit with the client and will develop a written plan of care. Progress notes will be kept and the client will be recertified for Home Based Care and the plan of care updated at least every 60 days. The home care nurse will maintain ongoing communication with the physician and case manager in compliance with Medicaid and Medicare Guidelines.

D. Home care will begin within 24 hours of discharge or order.

E. Nurse will be available for consultation on a twenty-four hour, seven day a week basis.

F. Agency will participate in the Ryan White Consortium for the region to which they provide care and have a representative present at a minimum of 50 percent of the monthly consortium meetings.

Application Guidelines—A client can be recommended for home care by the physician, nurse, social worker, or case manager involved with the client's care. Client's eligibility must be verified by the service agency and verification provided to the department. Written orders for home based care services must be provided by the client's physician.

Termination—Eligibility for services under this program will be terminated if the client:

A. subsequently is determined to have a family income of greater than 200 percent of the federal poverty line;

B. subsequently is determined to have assets of greater than \$4000;

C. is not stable enough to be cared for outside of the acute care setting as determined by the agency or the client's physician;

D. moves from Louisiana;

E. no longer has a stable home environment appropriate for the provision of home care as determined by the agency or the case manager;

F. no longer desires home based care;

G. no longer medically requires home based care as determined by the agency or the physician.

Reporting Requirements—Agencies will submit invoices for services provided as required. Agencies will provide individual client service utilization reports as required under the Ryan White Uniform Reporting System.

Fair Hearing—Persons requesting and denied services under this program are entitled to request a conference and/or fair hearing to review the decisions of the service agency.

Payment for Services—Payment for home based services delivered under this program will be made directly to the service agency.

Confidentiality—The confidentiality of HIV and AIDS related information is required in accordance with R.S. 40:38:5. Each disclosure of confidential HIV-related information must be accompanied by the appropriate release.

Forms—The Department of Health and Hospitals, Office of Management and Finance, HIV Program Office has devel-

oped example forms that can be used in this program. These include client eligibility checklist and release of medical information form. In addition, a client service utilization report will be developed. While the specific forms do not need to be used, the information contained on the forms must be collected and provided to the department.

Interested persons may submit written comments by

June 20, 1992 on the proposed rules to the following address: Donna L. Williams, M.S., M.P.H., Quality Assurance Manager, HIV Program Office, 1542 Tulane Avenue, New Orleans, LA 70112. A public hearing will be held at 1 p.m. on June 26, 1992 in Room 8 at 1901 Perdido Street in New Orleans. All interested persons are invited to attend and present data, views and comments orally or in writing.

APPLICATION

ASSURANCE OF CONFIDENTIALITY

All information that you provide on this data collection form or for the eligibility criteria will be kept strictly confidential to the fullest extent allowable by law. The data collected and the report of this project will be in aggregate form only and the identity of any applicants and/or participants will not be revealed under any circumstances.

Your Name: _____
(First, Middle, Last)

Your Social Security Number: _____

Your Date of Birth: _____ Age: _____
(Month, Day, Year)

Your Sex: (Circle One) Male Female

Ethnicity: (Circle One) White Black Hispanic Other

Your Home Address: _____
(Street, Apartment Number)

(City, State, Zip)

Your Mailing Address: _____
If different from above

Your Phone Number: () _____

Someone we could contact if we are unable to locate you:

Name: _____

Address: _____
(Street, Apartment or PO Box Number)

What was your last date of employment? _____
(Month, Day, Year)

Employer's Name: _____

Employer's Address: _____

Are you covered by a group health policy that allows you to continue coverage after your employment ended, (also known as COBRA coverage)? YES NO

Termination from your last job was due to: (Circle One)

A. A diagnosis of AIDS/disabling HIV infection

B. Other: (Please Specify) _____

HEALTH INSURANCE INFORMATION:

Insured's Name: _____

Insured's Social Security Number: _____

Name of Insurance Company: _____

Address of Insurance Company: _____
(Street or PO Box Number)

(City, State, Zip)

Phone number for claims department: () _____

Phone number for benefits department: () _____

Your insurance policy number: _____

Your insurance is: (Circle One) Individual COBRA

IF your insurance is COBRA:

Group Name: _____
(Usually your employer's name)

Group Policy Number: _____

Employer's Address: _____
(Street, Suite or PO Box Number)

(City, State, Zip)

Employer's Phone Number: () _____

My COBRA premium in the amount of \$ _____ needs to be paid by ____/____/____.

My health insurance premium will to be paid every: (Circle One)

MONTH 3 MONTHS 6 MONTHS

Where do you send your premium payment?:

Name: _____

Address: _____
(Street, Suite or PO Box Number)

(City, State, Zip)

FINANCIAL INFORMATION

27. List your income per month: (Current/Anticipated Date)

1. SSI/Social Security \$ _____

2. Pension and/or Private Disability \$ _____

3. Interest or dividend income \$ _____

4. Alimony or Child Support \$ _____

5. Rental Income \$ _____

TOTAL INCOME (PER MONTH) \$ _____

28. List Cash Assets:

Savings Account \$ _____

Checking Account \$ _____

IRA Account \$ _____

Money Market Account \$ _____

Certificate of Deposit \$ _____

Other Cash Assets: (Specify) \$ _____

TOTAL CASH ASSETS \$ _____

MEDICAL INFORMATION

Date of AIDS/Disabling HIV Infection _____
(Month, Year)

I declare that all statements made on this data collection form are true and complete to the best of my knowledge and I realize that willful falsification of this information by me will subject me to immediate disqualification for participation in the AIDS INSURANCE PROJECT. I also understand that if I qualify for participation, the AIDP may stop paying my insurance premiums if funding for this project runs out, is discontinued or my insurance policy expires.

I understand that it is MY responsibility to supply the Community Based Organization with the premium notices I receive from my insurance company thus ensuring that they are aware of my premium due date. Furthermore, it is MY responsibility to report any changes in my income and/or cash assets.

Applicant's Signature

Date

INSURANCE ASSISTANCE PROJECT

RELEASE OF INFORMATION

All information will be kept confidential!

Instructions: Read release of information. DO NOT check any boxes or complete any other information. Applicant and witness are only to sign and date this form.

I authorize any physician, hospital, pharmacy, insurance company, employer or other person or organization processing medical information, claims information or information concerning employment of me or any dependent including my spouse (if applicable) to permit Louisiana HIV/AIDS Program office to be furnished with copies and be given details of all such medical information concerning care, treatment, services and charges. I acknowledge that this authorization is effective for two (2) years from the date of my signature and that a facsimile of it is as effective as this original. This authorization shall be your authorization to release and to furnish Louisiana HIV/AIDS Program Office such information as is requested in the following sections:

- A: [] Explanation of Benefits
- [] Claims Experience Report
- [] Other: _____

Including:

- B: [] Amount charged for each service;
- [] Amount paid by insurance company for each service;
- [] Diagnosis for each condition;
- [] Other: _____

- C: [] During the time period from ____ / ____ / ____ through ____ / ____ / ____.

Louisiana HIV/AIDS Program Office is requesting information from: _____

Regarding (Patient's name printed): _____

Insured's Name (Print): _____

Insured's Social Security #: _____

Policy #: _____

Group #, (If applicable): _____

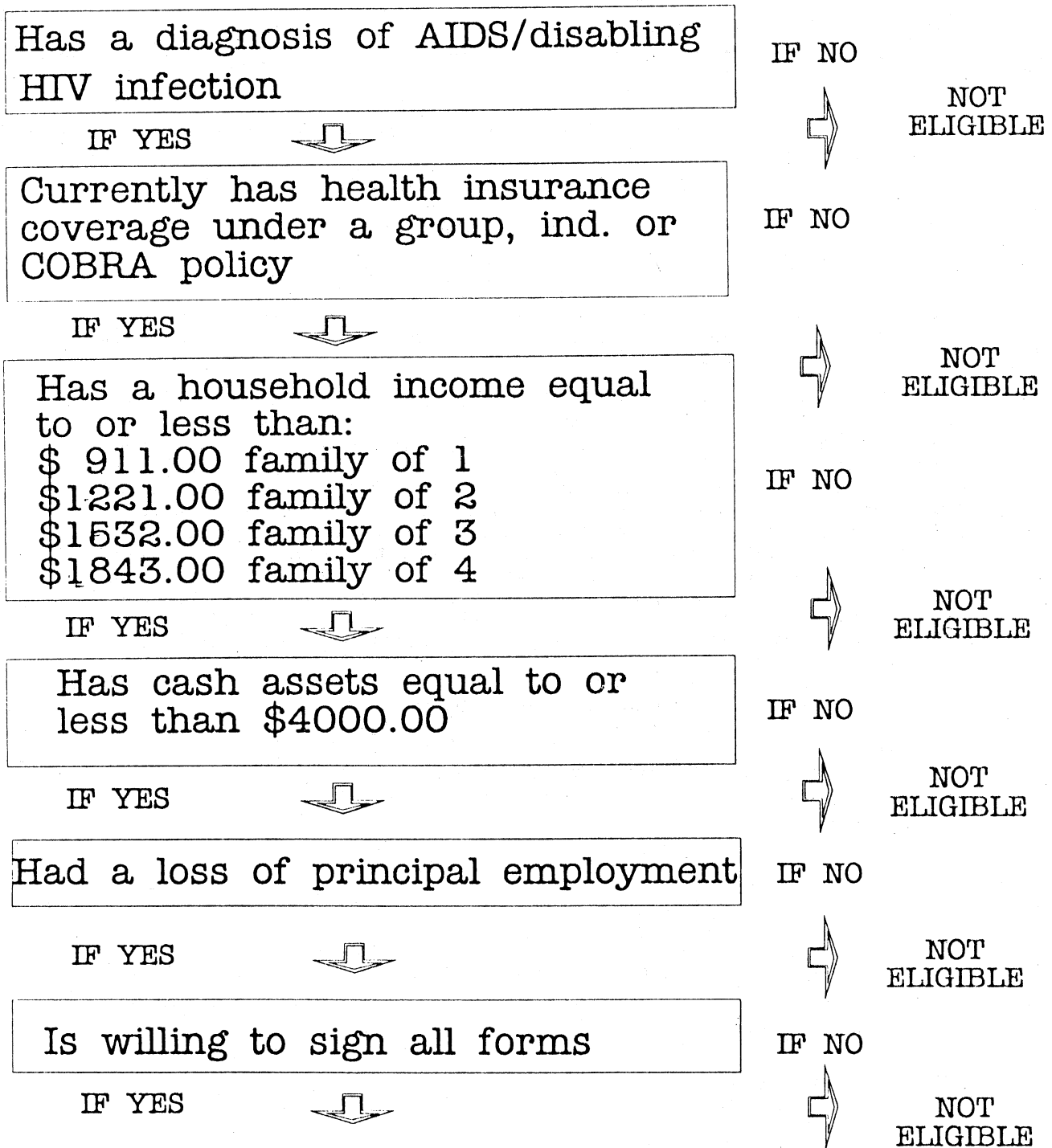
X _____
Insured's signature

X _____
Date

X _____
Witness' signature

X _____
Date

AIDS INSURANCE PROJECT ELIGIBILITY SCREENING DECISION PATH



This person is **ELIGIBLE** to apply for participation in the AIDS insurance project.

AIDS INSURANCE PROJECT PHYSICIAN'S STATEMENT

Client's name: _____

Social Security #: _____

I certify that the above named individual has a diagnosis of AIDS/Disabling HIV infection.

Date of Diagnosis: _____

It is my judgement that this individual is too ill because of HIV-related disease to continue working full time in his/her current job.

Physician's signature

Date

Physician's name (Please print) _____

Address _____

Telephone () _____

I HEREBY AUTHORIZE YOU TO RELEASE THE REQUESTED INFORMATION AS NEEDED TO THE AIDS INSURANCE PROJECT.

Client Signature

Date

AIDS INSURANCE PROJECT

FINAL ELIGIBILITY CHECKLIST

Applicant: _____

The following checklist should be used by the community based organization representative to monitor the applicant's file for completeness, ensuring that all required documentation is collected for eligibility determination.

- _____ Has a diagnosis of AIDS/Disabling HIV infection
- _____ Has submitted the completed Physician's Statement of diagnosis signed by M.D. and client
- _____ Has health insurance coverage under an individual or COBRA policy.
- _____ Has submitted a copy of BOTH sides of insurance card
- _____ Has submitted documentation of proof of insurance coverage with one of the following:
 - _____ cancelled check from most recent premium payment
 - _____ receipt issued by insurance company or agent
 - _____ letter from the insurance company indicating that premiums are paid and the policy is current and active
 - _____ letter from former employer indicating that premiums are paid and the policy is current and active
- _____ Has a household income equal to or less than:
 - \$ 911.00 for a family of 1
 - \$ 1221.00 for a family of 2
 - \$ 1532.00 for a family of 3
 - \$ 1843.00 for a family of 4
- _____ Has no sources of income or has submitted proof of sources of income with:
 - _____ copy of Social Security checks/Award letter
 - _____ copy of VA benefit statement
 - _____ copy of disability income checks
 - _____ copy of Workman's Compensation income statement
- _____ Has cash assets equal to or less than \$4000.00

_____ Has submitted copies of bank statements for last two (2) months, (checking and savings) or does not have a checking or savings account

_____ Has completed and signed application

I have reviewed this applicant's entire application which includes all information and documentation needed for enrollment into the AIDS Insurance Project (AIP). I understand that when all of the items above are checked off, this applicant is eligible for participation in AIP.

Signature of person completing application

Date

Please print name

Agency

J. Christopher Pilley
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Home Based Care for HIV Infected Persons

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

The implementation of this federally funded program (Ryan White C.A.R.E. Act) will result in a savings to the state of at least \$250,000. Eligible HIV infected clients will receive covered health care and related services in the home funded by this program. This care would otherwise in most cases be provided in a LHCA hospital at the state's expense.

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

The LHCA hospitals in most cases would not be able to bill/collect for these services if they are provided in the hospital as most participants will not be covered by insurance or Medicaid.

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

\$250,000 in Home Based Care services will be provided to persons who would otherwise not be able to afford this type of care. This inability to pay for these services would result in the client having to choose between remaining in the hospital or not receiving care at all.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that there will be no effect on competition and employment.

J. Christopher Pilley
Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Office of Management and Finance
HIV Program Office**

The Department of Health and Hospitals, Office of Management and Finance, HIV Program Office, proposes to adopt the following rule regarding the implementation of a program of financial assistance for eligible, low-income individuals disabled by AIDS or HIV related illness in the payment of individual or group health care insurance premiums. Definitions—When used in this subpart, unless expressly stated otherwise or unless the context of subject matter required a different interpretation:

A. *Program*—the health insurance continuation program for persons disabled by AIDS or HIV related illness.

B. *Health Insurance*—insurance or an employee benefit plan which reimburses all or part of costs incurred as a result of sickness, ailment or bodily injury.

C. *Health Insurance Cost*—the premiums paid by or on behalf of a person disabled by AIDS or HIV related illness for health insurance.

D. *Disabled by AIDS or HIV Related Illness*—persons who are diagnosed by a physician as being disabled by acquired immune deficiency syndrome (AIDS) or human immune deficiency virus (HIV).

E. *Poverty Guideline*—the official federal income poverty guideline applicable to a family of the same size as the applicant's as published annually in the *Federal Register*.

F. *Service Agency*—a non-profit agency receiving funding from the Louisiana Department of Health and Hospitals for HIV related services.

G. *Department*—the Louisiana Department of Health and Hospitals.

H. *Income*—as defined in the official federal income poverty guideline applicable to a family of the same size as the applicant's as published annually in the *Federal Register*.

Eligibility Requirements—Persons eligible for assistance under this program must:

1. be a person disabled as a result of AIDS or HIV-related illness;
2. be a Louisiana resident and reside in Louisiana;
3. reside in a family whose income is less than or equal to one hundred sixty-five percent of the annual federal poverty guideline;
4. have available resources less than \$4,000, based on Medicaid guidelines;
5. be eligible to continue an existing health insurance policy.

Application Guidelines.

A. Persons apply for benefits under this program must:

1. complete and submit an application for assistance to their local department funded service agency in order that the agency may determine whether the person is eligible for this program;
2. provide documentation of disability as a result of AIDS or HIV related illness completed by a physician at the time of application;
3. provide information as may be necessary for the payment of health insurance costs by the department including but not limited to the name and address of the employer and/or health insurance company, the last day of employment, the type of policy, the amount of the premium and the date by which the premium must be paid.

B. The application must be completed and submitted to the service agency by the person applying for benefits under this program, or by an authorized representative of such individual.

Authorization Period—Authorization for benefits under this program may be granted for a period of up to one year. Continued eligibility may be reauthorized for additional periods of six months or less, as determined by the program.

Termination—Eligibility for benefits under the health insurance continuation program may be terminated if the beneficiary:

- A. subsequently is determined to reside in a family whose income is greater than one hundred sixty-five percent of the federal poverty guideline;
- B. subsequently is determined to have assets of greater than \$4,000;
- C. no longer maintains a permanent residence in Louisiana;

- D. does not abide by the guidelines of the program; or
- E. is deceased.

Reporting Requirements—Service agencies will submit reports to the department as required under the department and Ryan White Uniform Reporting System.

Fair Hearing—Persons apply for and denied benefits under this program are entitled to request 1) an informal conference or 2) a fair hearing to review the decision of the service agency.

Payment of Health Insurance Costs

A. Payment of the health insurance costs for persons eligible under this program will be made directly to the employer or insurance company.

B. Payments under this program are limited to a maximum of \$500 per month. Payment of premium amounts in excess of \$500 will be the responsibility of the individual. Payments will not include further payments for co-payments, deductibles, or any other costs incurred by the person with AIDS.

Confidentiality—The confidentiality of HIV and AIDS related information is required in accordance with R.S. 40:38.5. Each disclosure of confidential HIV-related information must be accompanied by the appropriate release.

Forms—The Department of Health and Hospitals, Office of Management and Finance, HIV Program Office has developed forms for use in determining individual eligibility. These include an application form, a final eligibility checklist, an eligibility screening decision path, a release of information form, a physician's statement form, and any additional forms deemed necessary.

Interested persons may submit written comments by June 20, 1992 on the proposed rules to the following address: Maura Shea, Coordinator, HIV Program Office, 1542 Tulane Avenue, New Orleans, LA 70112. A public hearing will be held on this proposed rule on June 26, 1992 at 1901 Perdido Street, Room 8, New Orleans, LA at 10 a.m. All interested parties will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

J. Christopher Pilley
Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Health Insurance Continuation Program

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

The implementation of this federally funded program (Ryan White C.A.R.E. Act) will result in many of the health care costs associated with this disease remaining with the private sector rather than being assumed by the state. At a minimum it is anticipated that the costs savings to the state will be equal to the level at which the program is funded (\$200,700). This cost savings will be experienced because the state will not be responsible for payment of program participant's health care costs. Instead, these medical expenses will be borne by the insurance carrier.

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

It is anticipated that 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)

Eligible persons disabled as a result of AIDS or HIV related illness will receive the direct benefit of having at least a portion of their health insurance premium paid for them. This will enable them to continue receiving health insurance coverage under their private insurer.

While local service agencies will experience some increase in reporting and recordkeeping requirements because they will determine an individual's eligibility for the program, this increase is expected to be minimal. The short application form coupled with the relatively small number of individuals to be served under this program will not increase paperwork dramatically.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that there will be no effect on competition and employment.

J. Christopher Pilley
Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT
Department of Health and Hospitals
Office of the Secretary

The Department of Health and Hospitals (DHH) intends to apply for Block Grant Federal Funding for FY 1992-93 in accordance with Public Law 97-35, the Omnibus Budget Reconciliation Act of 1981, and with federal regulations as set forth in the *Federal Register* Vol. 47, No. 129, Tuesday, July 6, 1982, pages 29472-29493. DHH will continue to administer programs funded under the Block Grants in accordance with provisions set forth in Public Law 97-35 and the federal regulations.

The Block Grants and the Offices responsible for program administration are as follows:

1. Alcohol Drug Abuse and Mental Health Services - Office of Human Services, Division of Mental Health and Division of Alcohol and Drug Abuse. Inquiries and comments may be addressed to Joseph Williams, Jr., Assistant Secretary, Office of Human Services, Box 2790, Bin #18, Baton Rouge, LA 70821-2790. The application is available for review at any mental health facility.

2. Maternal and Child Health Services - Office of Public Health. Inquiries and comments may be addressed to Larry Hebert, M.D., Assistant Secretary, Office of Public Health, Box 60630, New Orleans, LA 70160. The application is available for review at any regional OPH facility.

3. Preventive Health and Health Services - Office of Public Health. Inquiries and comments may be addressed to Larry Hebert, M.D., Assistant Secretary, Office of Public Health, Box 60630 New Orleans, LA 70160. The application is available for review at any regional OPH facility.

A public hearing on the Block Grant applications for FY 1992-93 is scheduled for June 25, 1992 at 1 p.m. in the Department of Health and Hospitals Third Floor Conference Room ET-1, 1201 Capital Access Road, Baton Rouge, LA. At the public hearing all interested persons will have the oppor-

tunity to provide recommendations on the proposed Block Grant applications orally or in writing. Written comments will be accepted through June 25, 1992.

J. Christopher Pilley
Secretary

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: ADMS Block Grant Application 1992-93

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

There is no projected increase to the state or local governmental units for the implementation of the FY 1992-93 Block Grant.

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

This grant increased in FY 1992 to \$18,768,000 which is \$146,000 over the FY 1991 level, due to various changes in the federal formula. The change in the funding for 1993 is unknown. The total grant will be used to implement current Block Grant commitments and to fund additional positions/programs.

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

An increase in funds over the prior year will result in an increase in prevention/treatment services to alcohol and drug abuse clients.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Direct employment resulting from an increase in these funds will enhance the number of contract positions throughout the state. Due to the manpower shortage in this field, there will be increased competition for trained counselors. This demand could result in an increase of the number of people trained by colleges and universities in the state.

Joseph Williams, Jr.
Asst. Secretary, OHS

David W. Hood
Senior Fiscal Analyst

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Maternal and Child Health Block Grant

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

This block was implemented in FY '82. Neither an increase nor a decrease in implementation costs is expected, as DHH will continue to administer these programs in accordance with existing federal and state laws and regulations. No workload change is anticipated, as the same amounts and kinds of services are expected to be delivered.

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

No effect on revenue collections is anticipated. Naturally, if the federal allotment to Louisiana for this block decreases, the state will be required to subsequently decrease the allotment to all programs covered under the

block, but this is a factor beyond our control.

The amount of the allocation for Louisiana for FY 92-93 is expected to be \$13,599,089, which is the same amount budgeted in the current fiscal year.

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

No direct effect is anticipated on patients, groups, units of local government or state agencies other than DHH.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect is anticipated on competition and employment, as the same kinds and amounts of services are to be offered. Should the amount of federal funds eventually appropriated be at such a decreased level as to warrant reductions in staff, unemployment will result.

Larry Hebert, M.D.
Assistant Secretary

David W. Hood
Senior Fiscal Analyst

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Preventive Health Block Grant**

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

There are no known implementation costs to state or local governmental units.

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

There are no anticipated changes in the 92-93 funding amount foreseen in the next three-year period. It is possible, however, that Congress would increase this amount.

The amount for the allocation for Louisiana for FY 92-93 is expected to be \$3.9 million, which is the same amount budgeted in the current fiscal year.

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

The benefits of this grant are directed toward improved health, not economic benefits.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

We anticipate that local communities may use contractual funds to hire local staff. Effect on OPH is status quo.

Larry Hebert, M.D.
Assistant Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**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, notice is hereby given that the commission proposes to adopt rules

and regulations, the text of which can be viewed in its entirety in the emergency rule section of this register.

A public hearing will be held by the commission on June 25, 1992 at 8:30 a.m., 265 South Foster Dr., Baton Rouge, LA. All interested persons will be afforded an opportunity to present their views orally at the hearing. Written comments will be accepted through June 19, 1992 and should be addressed to: G.L. "Mike" Manuel, Jr., Box 66209, Baton Rouge, LA 70896.

G. L. "Mike" Manuel, Jr.
Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: L.P. Gas Systems in School Bus and Mass Transit Vehicles**

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

There will be no implementation costs to state or local governmental units. This is due to the fact we presently have the manpower to provide the additional inspection of the school/mass transit vehicles. We also presently have the inspection decals which will be used.

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

We anticipate receiving \$2000 revenue (self-generated) collection for state government from the bus and mass transit vehicle owners for the inspection. This figure is based on the fact that April 1, 1992, 200 units are currently in service in Louisiana schools.

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

The benefit will be the assurance to parents, public and school administrators that the L. P. Gas system is safe and according to rules.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Proposed rule changes will have no impact on the competition in the private sector.

Linda M. Dawkins
Undersecretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Revenue and Taxation
Sales Tax Division**

The Department of Revenue and Taxation advertises its intent to adopt a rule to be cited as LAC 61.1.4302. The proposed rule, promulgated pursuant to Act 1019 of the 1991 Legislative Session of the Louisiana Legislature, sets forth the qualification criteria and application procedures for the state sales tax relief provided under R.S. 47:301(10)(1), which excludes pollution control devices and systems from the definition of "sale at retail."

Title 61

REVENUE AND TAXATION

**Part I. Taxes Collected and Administered
by the Secretary of Revenue and Taxation**

Chapter 43. Sales and Use Tax

**§4302. Pollution Control Devices and Systems Excluded
from the Definition of "Sales at Retail"**

A. This Section describes the conditions under which certain sale or lease transactions involving tangible personal property used for pollution control purposes may be excluded from the definition of "sale at retail" for purposes of the three percent tax levied by this Chapter and the Louisiana Tourism Promotion District. It contains the qualifications which must be met by the property under consideration, the requirements which are imposed upon the applicant for the tax relief granted under this act, and the procedures to be followed in applying for the relief.

B. Definitions. For purposes of this Section, the following terms shall have the meaning ascribed herein.

1. *Pollution Control Device or System* means any one or more pieces of tangible personal property which is intended and installed for the purpose of eliminating, preventing, treating, or reducing the volume or toxicity of potential hazards of industrial pollution of air, water, groundwater, noise, solid waste, or hazardous waste in the state of Louisiana and which has been approved by the Department of Environmental Quality and the Department of Revenue and Taxation for the tax relief granted by this act.

2. *Pollution* means the introduction of any substance into the environment of the state by any means that would tend to degrade the chemical, physical, biological, or radiological integrity of such environment. Pollution includes solid waste, hazardous waste, sludge, chemical waste, radiological wastes, noise, and any other pollutants resulting from industrial emissions, discharges, or releases into air, water or land.

3. *Act or this act* means Act 1019 of the 1991 Regular Session of the Louisiana Legislature.

C. Qualifications. To qualify for the tax relief provided under this Act, a pollution control device or system must comply with the following requirements.

1. It must demonstrate to the Department of Environmental Quality its efficacy to a particular process or application. The equipment must be approved by both the Department of Environmental Quality and the Department of Revenue and Taxation in order to be excluded from the definition of "sale at retail" for state sales and use tax purposes.

2. It (or the applicant) must demonstrate either:

a. a net decrease in the volume or toxicity or potential hazards of pollution as a result of the installation of the device or system; or,

b. that installation is necessary to comply with federal or state environmental laws or regulations.

3. It must be intended for use in an industrial application. Use in residential, commercial, recreational, or other applications do not qualify. Businesses engaged in the off-site treatment or disposal of waste do not qualify.

D. Restrictions

This exclusion and the tax relief provided under this Act does not apply to:

1. modifications to processes carried out primarily for reasons other than the reduction of pollution;

2. installation or replacement of existing process units

carried out primarily for reasons other than the reduction of pollution;

3. equipment that is used for spill prevention or containment, although use of the device may reduce emissions;

4. vehicles used to assist in operations.

E. Application and Documentation

1. Applicants seeking relief under this act must submit an application to the Department of Revenue and Taxation for a certification of the pollution control device or system.

2. The respective departments may require the applicant to provide cost estimates, engineering drawings, equipment specification sheets, and any other documentation necessary to establish the identity and value of the property qualifying for the exclusion. The documentation must be sufficient to enable the Department of Environmental Quality to establish the efficacy of the pollution control device or system, and to allow the Department of Revenue and Taxation to ascertain the allowable tax relief.

3. After receiving certification from the Department of Environmental Quality, a certificate of tax exemption and/or refund of taxes paid on approved pollution control equipment will be issued by the Department of Revenue and Taxation. Applicants must assemble and consolidate all invoices on purchases made by themselves and their subcontractors. Refunds will not be issued to subcontractors.

a. Owners and/or operators of industrial facilities may apply for certification and refund of taxes paid on or after September 6, 1991, and prior to the date of certification.

b. In order for a pollution control device or system to qualify as tax free at the time of purchase, applicants must have received a certification of approval from the Department of Environmental Quality and the Department of Revenue and Taxation prior to the purchase or lease of the equipment. The applicant, or contractors who are duly authorized to act as an agent of the applicant, may present an approved certification in lieu of the tax at the time of purchase.

c. If the application for the tax exemption on the pollution control device or system cannot be processed and approved before purchases are made or property is imported into the state for the project, the state sales or use tax shall be paid at the time of purchase or importation. Tax refunds will be issued upon approval of the project and the filing of proper claims. Applicants filing for refunds will have purchased and installed, or intend to install, the pollution control device or system.

4. The owner and/or operator must report the final cost of the pollution control devices or systems to the Department of Revenue and Taxation. Audits and inspections may be performed by the respective departments to ascertain the efficacy of the equipment. The tax refund will be forfeited if the pollution control device or system does not meet the requirements of this act.

5. Approval of the equipment for a sales tax refund does not relieve the applicant from obtaining any other permits otherwise required for the pollution control device or system, including permits to install or construct prior to start of construction.

6. Each application for tax relief must be signed by an officer, principal, or other person authorized to act in the behalf of the applicant, and must be accompanied by a certification affidavit executed by the owner and/or operator and a certification affidavit executed by a professional engineer. Both certification affidavits will be prepared on the applica-

tion form supplied by the Department of Revenue and Taxation.

F. Confidentiality. Applications and all documentation and cost information which are submitted to the Department of Revenue and Taxation under this act are considered confidential taxpayer information under the provisions of R.S. 47:1508. Information which pertains to pollution control devices or systems costs will be maintained only at the office of the Department of Revenue and Taxation.

Interested persons may submit their written comments on the proposed rule to: Raymond E. Tangney, Director, Sales Tax Division, Department of Revenue and Taxation, Box 3863, Baton Rouge, LA 70821. A public hearing for the purpose of hearing objections to and comments on this proposed rule will be held on June 24, 1992, at 10 a.m., in the second floor conference room of the Department of Revenue and Taxation building, which is located at 330 N. Ardenwood Drive, Baton Rouge, LA.

Ralph Slaughter, CPA
Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Pollution Control Devices and Systems excluded from the definition of "Sale at Retail"

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

Department of Environmental Quality Costs.

It is estimated that two engineers, one environmental quality specialist and a secretary will be required to handle the paperwork associated with this program. The first year personnel cost, including overhead, is estimated to be \$84,604 (assuming personnel are in place for only six months), the second year cost is \$158,897 and the third year cost is \$164,802. The second and third year figures are for a full year. These figures assume a narrow interpretation of "industrial" and "pollution control device or system". If these items are interpreted broadly the implementation costs could be much higher. These costs will be borne by state government.

Department of Revenue and Taxation Costs

It is estimated that one additional Revenue Accounts Auditor will be required to process the certifications and refund claims submitted by taxpayers. The cost for the current fiscal year is \$13,520, and the cost for each of the next two fiscal years is \$28,057 and \$29,117 respectively.

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

There are several ways to estimate the effect on state government revenues with each method producing a different result. The original methodology using *Census of Manufacturers Census of Mineral Industries* data projected an annual cost of \$2.7 million. The methodology used here projects an annual revenue loss to state government of \$6 million when considering only emissions reduction projects associated with the Environmental

Scorecard and emissions reductions plans submitted as a result of the DEQ corporate challenge. However, if this analysis is expanded to include the mining sector (oil and gas) and the potential impact of just one proposed regulation is included (restricting produced waters discharges), additional costs could escalate program cost by as much as \$9 million to a new annual cost of \$15 million (assuming all capital expenditures related to the produced waters regulations occurred in one year).

However, it must be noted that because at this time there is no precise definition for "industrial" or "pollution control device or system" it is difficult to produce a precise estimate of the cost to the General Fund of the state sales tax exemption. No matter which methodology is used the final result will be only an educated guess and the actual results could vary greatly from the projected figure.

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

There will be a small cost to firms that purchase qualifying devices or systems. This will be the cost to complete paperwork required to be submitted to the Department of Environmental Quality. The paperwork will document that the equipment purchased actually meets the pollution reduction standards as defined in these rules. The cost will be nominal for small purchases. For large systems the cost is expected to be small in relation to the tax benefit received.

All firms purchasing or importing qualifying equipment in Louisiana will benefit in that they will be exempted from the three percent state sales and use tax.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There should be little effect on competition since the exemption applies to any company that purchases industrial pollution control equipment in Louisiana or imports such equipment into the state.

There might be a slight stimulus to private sector employment. However, the value of the exemption is only three percent and some of the equipment to be purchased would have been bought in any case since it was already required by other environmental legislation such as the Clean Air Act.

Employment in the public sector will increase by a minimum of five state government positions.

Raymond E. Tangney
Director, Sales Tax Division

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Social Services Office of Community Services

The Department of Social Services, Office of Community Services, shall adopt the following rule in the Vendor Day Care Program. Emergency rulemaking was done in the April 20, 1992, issue of the *Louisiana Register*. The rule published in the *Louisiana Register*, Vol. 11, No. 7, July 20, 1985, page 689 is hereby amended.

PROPOSED RULE

Effective, March 1, 1992, the Department of Social Services, Office of Community Services, will primarily provide day care services only to children who are at risk of abuse and/or neglect. Children currently receiving services due to employment and training will be transitioned to the Child Care Assistance Program, provided eligibility for that program is established.

Any children currently receiving day care services due to employment and training who are ineligible for the Child Care Assistance Program, but who continue to be eligible for the OCS day care program will continue to receive services as long as eligibility is maintained. A co-payment for services will be charged based on the family income shown on the sliding fee scale below.

NUMBER IN HOUSEHOLD	2	3	4	5	6	RECIPIENT'S SHARE OF CHILD CARE FEE
ANNUAL FAMILY INCOME	0 - 8,879	0 - 11,139	0 - 13,399	0 - 15,659	0 - 17,919	5%
	8,880 - 10,795	11,140 - 13,055	13,400 - 15,705	15,660 - 18,355	17,920 - 21,003	10%
	10,768 - 12,380	13,056 - 14,972	15,706 - 18,011	18,356 - 21,050	21,004 - 24,067	30%
	12,381 - 13,966	14,973 - 16,889	18,012 - 20,317	21,051 - 23,745	24,068 - 27,171	50%
	13,967 - 15,551	16,890 - 18,806	20,318 - 22,623	23,746 - 26,440	27,172 - 30,255	70%
	15,552 - 16,341	18,807 - 19,762	22,624 - 23,773	26,441 - 27,784	30,256 - 31,793	90%
	16,342 & ABOVE	19,763 & ABOVE	23,774 & ABOVE	27,785 & ABOVE	31,794 & ABOVE	100%

NUMBER IN HOUSEHOLD	7	8	9	10	11	RECIPIENT'S SHARE OF CHILD CARE FEE
ANNUAL FAMILY INCOME	0 - 20,179	0 - 22,439	0 - 24,699	0 - 26,959	0 - 28,219	5%
	20,180 - 23,852	22,440 - 26,301	24,700 - 28,950	26,960 - 31,599	29,220 - 34,247	10%
	23,853 - 27,125	26,302 - 30,163	28,951 - 33,200	31,600 - 36,238	34,248 - 39,275	30%
	27,126 - 30,598	30,164 - 34,025	33,201 - 37,451	36,239 - 40,878	39,276 - 44,303	50%
	30,599 - 34,070	34,026 - 37,886	37,452 - 41,702	40,879 - 45,517	44,304 - 49,332	70%
	34,071 - 35,902	37,887 - 39,812	41,703 - 43,821	45,518 - 47,831	49,333 - 51,839	90%
	35,903 & ABOVE	39,813 & ABOVE	43,822 & ABOVE	47,832 & ABOVE	51,840 & ABOVE	100%

Day care centers will be reimbursed for services based on the standard rate schedule shown on the following chart:

	Child Under Age 2			Age 2 and Older		
		full-time	part-time		full-time	part-time
Class A Centers	monthly	\$238.30	\$119.15	monthly	\$216.50	\$108.25
	weekly	\$ 55.00	\$ 27.50	weekly	\$ 50.00	\$ 25.00
	daily	\$ 11.00	\$ 5.50	daily	\$ 10.00	\$ 5.00
	hourly	\$ 1.38	\$ 1.38	hourly	\$ 1.25	\$ 1.25
All other providers	monthly	\$216.50	\$108.25	monthly	\$216.50	\$108.25
	weekly	\$ 50.00	\$ 25.00	weekly	\$ 50.00	\$ 25.00
	daily	\$ 10.00	\$ 5.00	daily	\$ 10.00	\$ 5.00
	hourly	\$ 1.25	\$ 1.25	hourly	\$ 1.25	\$ 1.25

Any newly authorized day care placement by the Office of Community Services shall be for the protection of children at risk of abuse and/or neglect, the condition of the parent, the condition of the child, and foster care reasons only. There is no co-payment for these services.

Interested persons may submit written comments within 20 days of the publication of this notice to the following address: Brenda L. Kelley, Assistant Secretary, Box 44367, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries.

Gloria Bryant-Banks
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Vendor Day Care**

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

Implementation costs to the Office of Community Services will be \$1000 for printing.

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

There will be no effect on revenue collection of state or local government units.

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

Clients who were receiving day care for employment and training will be affected as they will be required by the Child Care Program and OCS to make co-payments based on a sliding fee scale. Payment rates to Day Care Centers will increase. Payment rates to day care centers will increase from \$177.10 to \$216.50 per child per month. Because of the limited budget available, this will decrease the number of children which can be served from 3,100 to 2,069 per month.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition and employment is estimated as a direct result of this change.

Robert J. Hand
Fiscal Officer

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Social Services
Office of Family Support**

The Department of Social Services, Office of Family Support, proposes to amend the Louisiana Administrative Code, Title 67, Part III, Subpart 2, Aid to Families with Dependent Children.

This rule is mandated by federal regulations at 45 CFR 255.

**Title 67
DEPARTMENT OF SOCIAL SERVICES**

Part III. Office of Family Support

Subpart 2. Aid to Families with Dependent Children

Chapter 11. Application, Eligibility, and Furnishing Assistance

Subchapter C. Need and Amount of Assistance

§1149. Earned Income Deductions

Each individual in the assistance unit who has earned income is entitled to a standard deduction and to the earned income exemption. The deductions from earned income shall be applied in the following order: (1) Standard deduction; (2) earned income deduction. No other deductions are allowed.

1. Standard Deduction. Effective October 1, 1989, the standard deduction will be \$90.

2. Earned Income Exemption. The earned income tax credit will no longer be considered earned income and will be totally disregarded for AFDC purposes.

AUTHORITY NOTE: Promulgated in accordance with P.L. 97-35, P.L. 100-485 (Section 402) and 45 CFR 205-206, 233-234, P.L. 98-369, FR 49:35586-35606 and PL 100-485. Amended in accordance with 45 CFR 255.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security LR 8:8 (January 1982), amended LR 10:1030 (December 1984), amended by the Department of Social Services, Office of Eligibility Determinations LR 15:629 (August 1989). Amended by the Department of Social Services, Office of Family Support LR 18:

Subpart H. Child Care Assistance in the AFDC Program

§1195. Eligibility Requirements

Child care assistance will be provided to assist those AFDC recipients who are employed or enrolled in an approved education or training program. See LAC 67:III.1181.A.2, C, D, E, F and G, and LAC 67:III.2903.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 255.

HISTORICAL NOTE: Promulgated by the Department of Social Services Office of Family Support in LR 18:

Interested persons may submit written comments within 30 days to the following address: Howard L. Prejean, Assistant Secretary, Office of Family Support, Box 94065, Baton Rouge, LA 70804-4065. He is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on the proposed rule will be held on June 29, 1992 in the second floor auditorium, 755 Riverside, Baton Rouge, LA beginning at 11 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments orally or in writing, at said hearing.

Gloria Bryant-Banks
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: AFDC Program Child Care Assistance in the AFDC Program

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

The estimated net cost to state government will be approximately \$1,065,526 in the first year, \$1,176,922 in the second year and \$1,191,634 in the third year. This is the sum of child care cost, for AFDC recipients in approved education or training, or, with earned income who will remain eligible for AFDC and the total of Transitional Child Care cost for AFDC recipients with earned income who will not remain eligible for AFDC minus the AFDC savings.

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

The state will receive the federal share of increased expenditures from Title IV-A of the Social Security Act. These are \$789,981 in 1993, \$867,509 in 1994, and \$878,353 in 1995.

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

Those persons directly affected by this proposed rule will be those AFDC recipients in approved education or training, or with earned income who remain eligible and those AFDC recipients with earned income who will not remain eligible for AFDC benefits but will be eligible for Transitional Child Care Assistance. Based on assumptions used, the average AFDC payment per case to those AFDC recipients remaining eligible for AFDC benefits will be reduced from \$153 to \$84 and the average AFDC payment of \$88 to cases with earned income that will be ineligible for AFDC will be eliminated as those cases will be eligible for TCC. The average AFDC child care payment will be \$106 for employed persons and \$138 for those in education or training activities. The average TCC payment to these cases will be \$138.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated impact on competition and employment.

Howard L. Prejean
Assistant Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Social Services
Office of Family Support**

The Department of Social Services, Office of Family Support, proposes to amend the Louisiana Administrative Code, Title 67, Part III, Subpart 5, Job Opportunities and Basic Skills Training Program, or Project Independence, the name for Louisiana's program.

This rule is necessary to prevent abuse of the conciliation process for Project Independence found at 45 CFR 250.36.

**Title 67
DEPARTMENT OF SOCIAL SERVICES
Part III. Office of Family Support
Subpart 5. Job Opportunities and Basic Skills Training Program**

* * *

**Chapter 29. Organization
Subchapter A. Designation and Authority of State Agency
§2901. Implementation**

A. ... * * *

5. Conciliation * * *

e. Participant requested conciliation is limited to one time per component.

AUTHORITY NOTE: Promulgated in accordance with F.R. 54:42146 et seq., 45 CFR 250.36.

HISTORICAL NOTE: Promulgated by the Department of Social Service, Office of Eligibility Determinations in LR 16:626 (July 1990), LR 16:1064 (December 1990), LR 17:1227 (December 1991) and LR 18:80 (January 1992). Amended LR 17:973 (October 1991), amended LR 18:

Interested persons may submit written comments within 30 days to the following address: Howard L. Prejean, Assistant Secretary, Office of Family Support, Box 94065, Baton Rouge, LA 70804-4065. He is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on the proposed rule will be held on June 29, 1992 in the second floor auditorium, 755 Riverside, Baton Rouge, La beginning at 10:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments orally or in writing.

Gloria Bryant-Banks
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Project Independence Conciliation**

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

The estimated implementation costs to state government associated with this rule will be the cost of printing the executive bulletin announcing the change and the cost of printing approximately two pages of the Project Independence Manual to incorporate the change into existing policy. The projected estimated cost of the printing is \$128.

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

This rule will have no effect on revenue collection.

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

There are no costs or economic benefits associated with this rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect projected on competition or employment.

Howard L. Prejean
Assistant Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Social Services
Office of Family Support**

The Department of Social Services, Office of Family Support, proposes to amend the Louisiana Administrative Code, Title 67, Part III, Subpart 4, Support Enforcement Services.

This rule is mandated by Action Transmittal OCSE-AT-91-02 which affects paternity 45 CFR 303.5.

Title 67

DEPARTMENT OF SOCIAL SERVICES

Part III. Office of Family Support

Subpart 4. Support Enforcement Services

* * *

Chapter 27. General Program Administration

Subchapter A. Establishment of Paternity

§2701. Blood Tests

A. Effective August, 1992, if paternity is established and paternity blood tests were performed, the Department of Social Services, Office of Family Support, Support Enforcement Services, must attempt to obtain a judgment of the costs of the blood tests from the party who denied paternity, so long as the amount requested does not exceed the actual costs of the blood tests.

* * *

AUTHORITY NOTE: Promulgated in accordance with F.R. 56:22335, 45 CFR 303.5.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 18:

Interested persons may submit written comments within 30 days to the following address: Howard L. Prejean, Assistant Secretary, Office of Family Support, Box 94065, Baton Rouge, LA 70804-4065. He is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on the proposed rule will be held on June 29, 1992 in the Second Floor Auditorium, 755 Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at said hearing.

Gloria Bryant-Banks
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Support Enforcement Reimbursement for the cost of Paternity Blood Tests

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

This rule will allow the agency to recover costs of some paternity blood tests. These tests are currently funded by state funds (10 percent) and federal funds (90 percent). Therefore, these funds will be replaced by the Self-Generated Funds received due to this rule. In addition, in fiscal year 92-93, printing costs of \$94 will be incurred.

FY	FEDERAL	STATE	SELF GENERATED	TOTAL
92/93	{\$156,970}	{\$17,416}	\$174,480	\$94
93/94	{\$219,672}	{\$24,408}	\$244,080	-0-
94/95	{\$241,704}	{\$26,856}	\$268,560	-0-

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

During fiscal year 90/91, Support Enforcement obtained blood tests on 4,757 cases. It is assumed that 10 percent more cases will have blood tests ordered each subsequent year. Therefore, the cases having blood tests will be 5,284 for FY 92/93, 5,812 for FY 93/94, and 6,393 for FY 94/95.

Assuming that 50 percent of the cases will have a party denying paternity, the total cases for which attempts will be made to obtain a judgment for the costs of blood test will be: 2,642 for FY 92/93, 2,906 for FY 93/94 and 3,197 for FY 94/95. However, for FY 92/93 only 11 months will be affected by this rule. Therefore, the number of cases drops to 2,422 for FY 92/93. Assuming that of the judgments obtained, the agency will collect the cost of the blood tests in 35 percent of the cases at an average of \$240 each.

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

The approximate costs to directly affected persons would be the cost of blood tests which are approximately \$240 per person per case.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect projected on competition or employment.

Howard L. Prejean
Assistant Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Social Services
Office of the Secretary**

The Department of Social Services, Office of the Secretary, Bureau of Licensing, proposes to amend the Louisiana Administrative Code, Title 48, Part 1, Subpart 3, Licensing.

This rule is mandated by Louisiana Revised Statute 46:1401-1424.

Title 48

**PUBLIC HEALTH-GENERAL
Part I. General Administration**

Subpart 3. Licensing

Chapter 53. Day Care Centers

§5355. Purpose

A. 1. The Louisiana Committee on Private Child Care shall meet to develop minimum standards for licensure of Class B facilities and consult with the department on matters pertaining to decisions to revoke or refuse to grant Class B license. The licensing authority of this committee is established by Chapter 14 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:1401 through 1424, relative to the licensing and regulations of child care facilities and child placing agencies.

B. Waivers

The secretary of the Department of Social Services, in specific instances, may waive compliance with a minimum standard if it is determined that the economic impact is sufficiently great to make compliance impractical, as long as the health and well-being of the staff and/or children is not imperiled. If it is determined that the facility or agency is meeting or exceeding the intent of a standard or regulation, the standard or regulation may be deemed to be met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:

§5357. Relicensing

B. The relicensing process is similar to the original application.

1. Renewal applications will be mailed to centers approximately 60 days prior to the expiration for execution. The application shall indicate any changes the center needs to make. (Example: hours of operation, ages of children.)

2. Relicensing surveys will be made by the Department of Social Services, Licensing, Office of the State Fire Marshal, the Office of Public Health, and others as City Fire Marshal, Zoning (if applicable). Approvals of each must be received by the Department of Social Services, Licensing before a new license will be issued. The director will review with the surveyors the findings and will be furnished a copy for any necessary action. It is the responsibility of the center owner/director to obtain the approvals before the current license's expiration date.

3. The Department of Social Services and the Office of State Fire Marshal must approved proposed structural changes, ratio adjustments, and variance of space used before changes are made which may affect the center's license.

4. If a survey reveals that a center is not substantially meeting minimum requirements, a recommendation will be made that a new license not be issued.

C. Appeal Procedure

1. the department shall have the power to deny, revoke or refuse to renew a license for a child care facility or child placing agency if an applicant has failed to comply with the provisions of this chapter or any applicable published rule or regulation of the department related to child care facilities and child placing agencies. If a license is denied, revoked, or withdrawn, the action shall be effective when made and the department shall notify the applicant of such action in writing immediately and of the reason for the denial, revocation, or withdrawal of the license. The department shall take such action with the advise and consent of the Child Care Committee, in the case of Class A facilities, and of the Private Child Care Committee, in the case of Class B facilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary,

Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:

§5359. Definitions

A. 1. *Owner* - is the individual or organization that owns the center, but who may employ a person to be full-time director responsible for the operation of the center or who may retain the responsibility as director.

2. *Director* - is an individual employed by the owner of the center or by a board of a church or other organization to be responsible for the operation of the day care center.

3. *Child Care Staff* - is an individual directly involved in the care and supervision of the children in the center.

4. *Substitute Employee* - is an individual hired to take the place of any staff member.

5. *Temporary Employee* - is an individual who, on an occasional basis, works under the supervision of a regular staff member.

6. *Voluntary Worker* - is an individual who volunteers services or supplements the regular staff, on occasional basis.

7. *Department* - is the Louisiana Department of Social Services.

8. *The Louisiana Advisory Committee on Child Care Facilities and Child Placing Agencies* - is the committee that will review and revise licensing standards for Class A licensed centers.

9. *The Louisiana Committee on Private Child Care* - writes and oversees the implementation of the Class B standards.

10. *Child Information Form* - (Example Attached) - is an information form that gives identifying and pertinent information on each child.

11. *Class A License* - is issued to centers that meet Class A minimum standards.

12. *Class B License* - is issued to centers that meet Class B minimum standards.

13. *Child's Physician Report Form* (Example Attached) - gives medical and immunization information on each child.

14. *Personnel Health Record* - gives medical information of employees indicating a current check of communicable disease.

15. *Medication Permission Slip* - gives the day care center parents' permission (and dosage instructions regarding administering medication to their child).

16. *Transportation Authorization Slip* - authorized certain parents and other parties to pick up children from day care center on a regular basis.

17. *Temporary Transportation Authorization Form* - gives parents' permission for parties other than those already on record at center to pick up their child on temporary basis.

18. *Discipline Form* - form to be distributed to each parent and outlines the discipline (corporal or noncorporal punishments plan to be administered by the center.

19. *Employee Application Form* - form for day care center employees providing the name, age, address, telephone number, education background regarding felony record and psychiatric disorder, if any.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department

of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:

§5361. Required Records

A. Personnel Records

1. There shall be an employment application for each regularly employed and substitute member of the staff. This application shall include the actual date of hire, all pertinent personal information, past work experience, educational background, and personal references.

2. Complete I-9 form (U. S. Immigration and Naturalization Service Employment Eligibility form, required after November, 1986).

3. Documentation of criminal records check and fingerprinting application as required by R.S. 15:587.1 after September, 1986.

B. Children's Records

1. b. All medical information required by the Office of Public Health (showing health inoculation records). See Child's Physician Report Form. (Example Attached).

C. Center Records

1. Current written report from the Office of Fire Marshal;

2. current written report from the Office of Public Health;

3. occupational license (when applicable);

4. certificate of Occupancy (Zoning requirement).

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:

§5363. Personnel

A. Qualifications

1. Director

c. ii. A Child Development Associate Credential which includes practicum and one year experience in a licensed center.

d. Licenses issued after June 20, 1990 must meet one of the requirements i-v. All directors employed prior to June 20, 1990 will be exempt from meeting director qualifications. These directors, however, are encouraged to work toward one of these requirements.

3. All Center Staff

a. All center staff include the director, teachers, child care staff, and any other employees of the center such as the cook, housekeeper, chauffeur.

b. i. All center staff shall be required to obtain within two weeks before beginning work and at least every three years thereafter a written statement from a physician certifying that individual is in good health and is physically able to care for children and is free from infectious and contagious diseases.

e. Substitute or temporary employees shall meet the same medical requirements as regularly employed personnel. Refer to substitute and temporary employees as defined.

f. Director and center staff employed after June 20 1990 must come into compliance with the qualifications.

g. Staff hired prior to June 20, 1990 must come into compliance with these regulations within 90 days.

C. 4. If day and night care are offered, there must be separate staff.

D. 1. a. Provisions for a one-day orientation to center policies and practices, health and safety, and emergency procedures followed by four days of supervised working with children.

4. CPR training for infant and child is required of one-half the current staff on premises, in direct supervision of the children at all times.

a. Documentation will be a copy of the certification card on file at the center.

b. This training may satisfy the requirement for those staff quarterly training session. (See §5363.D.2).

c. Certification will qualify for four "clock hours" training credit toward a new director's requirements. (See §5363.a.1.c.iv).

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:

§5365. Plant and Equipment

A. Indoor/Outdoor Space Required

1. There shall be outdoor space adjoining the center which provides a minimum of 75 square feet for each child in the group. The minimum outdoor play space shall be available for at least one-half of the number of children in care.

3. A soft surface shall be provided under climbing apparatus with potential fall of four feet or more to the ground. Soft surface samples are grass, pea gravel, loosely-packed soil, sand, wood chips, sawdust, or mats.

a. Climbing apparatus installed prior to the date of these regulations must come into compliance within 90 days of the regulations.

B. 2. Play equipment of sufficient quantity and variety for indoor and outdoor use, shall be provided which is appropriate to the needs of the children.

D. Fire Safety

2. Fire drills shall be conducted at least every 30 days.

a. These shall be documented as follows:

i. date and time of day;

ii. number of children and staff present;

iii. lapse time of drill.

E. Safety Regulations

1. Drugs, poisons, harmful chemicals, equipment and tools shall be locked away from children.

a. Whether a cabinet or an entire room, the storage area must be locked.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:

§5367. Admission of Children

B. Parents or guardians must be provided with a written description of the centers

1. Program, policies, fee (if any), annual and daily schedule.

C. Discrimination by child day care centers on the basis of race, color, creed, sex, national origin, handicapping condition or ancestry is prohibited.

1. A policy shall include this written statement.

D. DELETE

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:

§5369. Care of Children

A. Nutrition

1. Well-balanced and nourishing meals and snacks shall be made available to children in care for more than four hours using the four basic food groups (breads, fruits and vegetables, dairy products, protein products) but, not requiring all components of the food groups be served at one meal or snack.

a. Milk shall be offered to the children at least once a day.

4. a. iv. Parents should be encouraged to prepare meals which are well-balanced and nutritious but, with the understanding that what the parent provides is acceptable.

5. Infants to be fed and supervised individually.

a. Infants shall be held while feeding.

b. A bottle shall not be propped at any time.

c. Parents should supply center with a schedule of feedings for each infant.

6. Drinking water shall be readily available to the children in single service cups or cups that can be sanitized.

a. Drinking fountains are permissible.

b. Infants and toddlers should be offered water at intervals.

B. Health Service to the Child.

3. b. A physician's written certification that the child is free from contagious disease should be required before a child can return to center.

7. An incident/accident report should be maintained detailing accident of a child and the action taken by the facility/director.

C. Daily Program

5. While awake, infants up to the age of one year, shall not remain in a crib, a baby bed, or a playpen for more than 30 minutes continuous.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:

§5373. Discipline

A. Each center shall establish a written policy in regard to methods of discipline stating what actions will and will not occur.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:

§5375. Abuse and Neglect

A. 1. This statement shall be included in your written discipline policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:

§5377. Supervision

A. 3. At naptime, children may be grouped together with one worker supervising the children sleeping while others workers rotate various duties and lunch time. All children sleeping must be in the sight of the naptime worker. However, appropriate staffing must be present within the center to satisfy child/staff ratios.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:

Gloria Bryant-Banks
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Rule 48-Day Care Centers**

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

The estimated implementation costs to state government associated with this rule will be the cost of printing of the changes to the licensing standards announcing the

change and the cost of printing approximately 1500 copies of the Class B Licensing Manual to incorporate the change into existing policy. The projected estimated cost of the printing is \$904 plus \$900 for postage to mail all copies to all Class B providers.

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

This rule will not effect on revenue collections.

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

There will be negligible impact for boths costs and benefits as the changes to licensing standards are not cost related.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is not effect projected on competition or employment.

W. E. Ludwig
Deputy Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Department of Wildlife and Fisheries and Wildlife and Fisheries Commission does hereby give notice of its intent to adopt a rule governing hunting preserves.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 3. Wild Birds

§317. Hunting Preserve Regulations

As provided by R.S. 56:651, the department may issue a license to operate hunting preserves. Hunting preserves are to be operated under the following regulations.

A. Application Requirements

1. Application shall be made in writing on forms provided by the department.

2. Applicant must provide proof of ownership or verification of exclusive hunting rights from the landowner upon the property the hunting preserve is to be operated. This is to be returned with the application.

3. The department may revoke any hunting preserve license for failure to comply with any fish or wildlife laws; for reasons relating to disease or public health or for failure to abide by the rules and regulations established for this hunting preserve program.

B. Suitability of Area for Use as a Hunting Preserve

1. No license for a hunting preserve shall be issued until an on-site investigation has been completed by the department and the department has determined that the property is suitable for the purpose of the proposed hunting preserve. The department shall base its determination on whether or not the proposed shooting area will cause conflicts with wild migratory game bird hunting, or be in violation of state and federal regulations concerning the feeding of

migratory waterfowl or the use of live decoys, that the establishment of the shooting area will be in the public interest, and that the operation of a hunting preserve at the location specified in the application will not have a detrimental effect upon wild migratory or resident game birds.

2. No license shall be issued for any hunting preserve situated on a marsh, lake, river or any other place where there are concentrations of wild waterfowl or if its operations are likely to result in attracting such concentrations of wild waterfowl.

3. No hunting preserve using mallards shall be located within five miles of any wildlife area with significant waterfowl concentration owned or leased by the state or federal government or by non-profit conservation organizations.

4. Licenses for hunting preserves using mallards will not be issued in the coastal zone, defined as that area south of I-10 from the Texas state line to Baton Rouge, south of I-12 from Baton Rouge to Slidell and south of I-10 from Slidell to the Mississippi state line.

5. No license shall be issued for the use of pheasants on any hunting preserve situated within areas with medium to high turkey populations. In areas with low turkey populations and low potential for expansion pheasants may be used. This determination will be made at the local level by a department biologist in consultation with the turkey study leader. Agricultural areas contiguous to occupied turkey habitat may use pheasants if the preserve boundaries are at least 1/2 mile from the nearest woodland.

C. Types of Releases Allowed

1. The use of mallards on hunting preserves is limited to those operations whereby domestic mallards are released in a controlled fashion to proceed over positioned shooters in their flight path. No direct releases of any species of domesticated waterfowl into the wild for any sporting purposes or for any reasons are permitted within the state.

2. Quail may be released after September 1 on hunting preserves for the purpose of providing coveys for hunting. Pheasants and chukars may not be released on hunting preserves more than one day prior to a scheduled hunt. No direct releases of domesticated game birds, including but not limited to quail, pheasants and chukars, into the wild for purpose of population establishment are permitted within the state.

D. Inspection of Permitted Areas and Domesticated Game Birds

1. Applicant must provide proof that the birds to be released originated from a source flock participating in the National Poultry Improvement Plan (NPIP) within 365 days prior to release and have not been in contact with birds from non-NPIP sources.

2. The premises of game bird production facilities and/or holding pens may be inspected by the department or by a designated agent for assessment of health of birds and sanitation of facilities. General pen requirements must conform to those adopted by the Louisiana Wildlife and Fisheries Commission for game breeders.

3. Accurate records of animal husbandry and mortality must be maintained at production/holding facilities and will be subject to periodic inspection by the department.

4. Every person who brings or causes to be brought into this state live domestically reared game birds for shooting purposes must comply with Livestock Sanitary Board regulations on livestock, poultry, and wild animals (R.S.

7:11705 and 11789). A copy of the health certificate must also be forwarded to the Department of Wildlife and Fisheries for each shipment of birds. Any shipment of birds not accompanied by a health certificate shall be destroyed or returned to the place of origin by the importer at his sole cost and responsibility.

E. Hunting Licenses Requirements

1. A basic hunting license or hunting preserve license is required of all persons hunting on hunting preserves. In addition, a state duck stamp is required as provided by law of all persons taking mallards on any hunting preserves.

F. Season Dates

1. The season during which shooting will be permitted shall be set by the Louisiana Wildlife and Fisheries Commission. The current season is fixed for the period of October 1 through April 30.

G. Shooting Hours

1. Shooting hours for hunting preserves shall be set by the Louisiana Wildlife and Fisheries Commission. The current hours are one-half hour before sunrise to sunset.

H. Methods of Take

1. Shotguns 10 gauge or smaller using steel or lead shot incapable of holding more than three shells in the magazine and chamber combined;

2. muzzle-loading shotguns;

3. falconry;

4. archery equipment.

1. Existing state laws R.S. 56:651-659 and federal law 50 CFR 21:13 address bird banding, bird identification, bird transportation, reports and records and other issues. Compliance with these state and federal laws are mandatory.

J. Changes in Rules. The Louisiana Wildlife and Fisheries Commission and the U.S. Fish and Wildlife Service may from time to time make changes in these rules and it is the responsibility of the licensee to apprise himself of any changes and to abide by them.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:651-659.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18:

Interested persons may submit written comments of the proposed rule to Robert Helm, Waterfowl Biologist, Game Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., Wednesday, July 15, 1992.

James H. Jenkins, Jr.
Chairman

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Hunting Preserves**

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

The proposed rule will have no implementation cost to state government.

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

The Louisiana Department of Wildlife and Fisheries presently licenses approximately 20 hunting preserves annually. This proposed rule establishes regulations gov-

erning hunting preserves. With the exception of a portion of the section entitled "Inspection of Permitted Areas and Domesticated Game Birds" proposed regulations are existing department policy. There are no additional costs associated with this rule.

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

There will be no cost or economic benefits to non-government persons. This proposed rule is a reinstatement of long-standing Louisiana Department of Wildlife and Fisheries' policy. For example, the use of mallards has always been prohibited on hunting preserves in areas where contact between the game farm mallards and wild waterfowl was likely. Disease transmission potential as well as other potential violations of federal waterfowl hunting regulations are the reasons for this prohibition. Similarly, game farm pheasants are not approved on hunting preserves located in areas which have good wild turkey populations. Again, the rationale for the restriction is disease transmission concerns.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

We believe that the proposed rule should have little impact on competition and employment. However, methods to measure an impact are not available to the Louisiana Department of Wildlife and Fisheries.

Joe L. Herring
Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Wildlife and Fisheries
Office of Fisheries**

The Secretary of the Department of Wildlife and Fisheries does hereby give notice of its intent to amend the rule governing the prohibition on the taking and possession of paddlefish.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sports and Commercial Fishing

§137. Paddlefish

The prohibition on the taking and possession of paddlefish, *Polyodon spathula*, commonly called spoonbill catfish, or paddlefish body parts, including eggs (roe) is to continue indefinitely. This rule will take effect on November 1, 1992.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:318.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 15:868 (October 1989); amended by the Office of Fisheries, LR 18:

Interested persons may submit written comments of the proposed rule to Bennie Fontenot, Administrator, Inland Fish Division, Department of Wildlife and Fisheries, Box

Joe L. Herring
Secretary

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Prohibit Taking and Possession of Paddlefish

POTPOURRI

**Department of Natural Resources
Office of the Secretary
Fishermen's Gear Compensation Fund**

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

In accordance with the provisions of R.S. 56:700.1 et seq., notice is given that 22 claims in the amount of \$57,963.14 were received in the month of April 1992, one claim in the amount of \$4,323.57 was paid and one claim was denied.

The proposed rule will have no implementation costs. Enforcement of the proposed rule will be carried out by existing enforcement personnel through routine patrol activities.

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

Loran C coordinates of reported underwater obstructions are:

There will be no effect on revenue collections to state or local governments.

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

26496	46975	Cameron
28190	46821	Terrebonne
27899	46866	Terrebonne
28292	46826	Lafourche
27232	46941	Vermilion
27212	46934	Vermilion
26793	46976	Cameron
27581	46921	Iberia
28581	46845	Jefferson
28759	46853	Plaquemines
27896	46862	Terrebonne

Except for a brief exploitation period before the closure of February 1, 1986 when non-resident netters over-harvested paddlefish for their roe, this fish was only of minor interest as an incidental commercial species. It is not expected that to continue the closure will have any significant impact related to economic benefits.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will have a negligible impact on competition and employment.

A list of claimants, and amounts paid, may be obtained from the Fishermen's Gear Compensation Fund, Box 94396, Baton Rouge, LA 70804, or by telephone (504) 342-0122.

Joe L. Herring
Secretary

David W. Hood
Senior Fiscal Analyst

Jack McClanahan
Secretary

Potpourri

POTPOURRI

POTPOURRI

**Department of Agriculture and Forestry
Horticulture Commission**

**Department of Transportation and Development
Sabine River Compact Administration**

The next retail floristry examinations will be given at 9:30 a.m. daily at the 4-H Mini Farm Building, LSU Campus, Baton Rouge, LA. The exam will be given in Baton Rouge permanently. The deadline for getting in application and fee is June 23, 1992. All applications and fees must be in the Horticulture Commission office no later than 4:30 p.m. on the deadline date. The test dates will be July 21-24, 1992.

The Spring meeting of the Sabine River Compact Administration will be held at the Maison Dupuy Hotel, 1001 Toulouse St., New Orleans, LA 70112 on Friday, June 12, 1992; the meeting will begin at 9:30 a.m.

The purpose of the meeting will be to conduct business as programmed in Article IV(8) of the bylaws to the Sabine River Compact.

The fall meeting will be held in Texas, probably in November 1992.

The contact person in Louisiana concerning the meeting is: Max J. Forbes, Jr., Secretary, Sabine River Compact Administration, 1064 Highland Park Dr., Baton Rouge, LA 70808, (B) 504-765-0558 (H) 504-766-1698.

Further information concerning examinations may be obtained from Mr. Craig M. Roussel, Director, Horticulture

Max J. Forbes Jr.
Secretary

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