

## CONTENTS

### I. EXECUTIVE ORDERS

BR 90-16—Rescinds BR 89-28, Louisiana Gaming Commission .....	1032
BR 90-17—Establishes new Louisiana Indian Gaming Commission .....	1032
BR 90-18—Establishes Martin Luther King, Jr. Holiday Commission .....	1032
BR 90-19—Amends BR 90-7 to expand membership of Aviation Advisory Committee .....	1033
BR 90-20—Assigns responsibility for implementation and execution of the Governor's Corrections Plan .....	1033
BR 90-21—Creates the Governor's Commission of Pan American Affairs .....	1034
BR 90-22—Designates a state clearinghouse for submission of Economic Development Plans .....	1034
BR 90-23—Amends BR 89-11 and BR 89-39 to expand membership of Governor's Task Force on Shrimp Management ..	1034

### II. EMERGENCY RULES

Agriculture and Forestry Department:	
Office of Animal Health Services—Pet turtles (LAC 7:XXI.Chapter 123) .....	1035
Employment and Training Department:	
Office of Labor, Office of Employment Security and Board of Barber Examiners—Repromulgates existing rules and regulations .....	1038
Plumbing Board—Operative definitions, licensing, examination (LAC 46:LV.Chapters 1-9) .....	1039
Environmental Quality Department:	
Office of Water Resources, Water Pollution Control Division—Fish contamination due to dioxin (LAC IX.Chapter 11) ..	1039
Health and Hospitals Department:	
Office of the Secretary, Bureau of Health Services Financing—MAP: Disabled children Medicaid eligibility .....	1041
MAP: Federally qualified health center Medicaid payments .....	1042
MAP: Pregnancy prenatal/risk assessment services .....	1042
MAP: Stepparents Medicaid eligibility criteria .....	1044
Insurance Department:	
Commissioner of Insurance—Louisiana Health Care Associates fees, collections and reports .....	1044
Social Services Department:	
Office of Family Support—JOBS: Project Independence-child care standards .....	1046
State Department:	
Office of Uniform Commercial Code—Central Registry of Farm Products filings (LAC 10:V.Chapter 3) .....	1046
Filing forms; fees .....	1050
Wildlife and Fisheries:	
Wildlife and Fisheries Commission—Finfish season closure .....	1051

### III. RULES

Culture, Recreation and Tourism Department:	
Office of State Parks—Fees (LAC 25:IX. Chapters 3, 5 and 7) .....	1051
Economic Development Department:	
Certified Real Estate Appraisal Subcommittee—Education certification (LAC 46:LXVII.10307) .....	1055
Education Department:	
Board of Elementary and Secondary Education—Bulletin 741—High school Equivalency diplomas .....	1055
Bulletin 741—School librarian employment scale .....	1055
Bulletin 1213—School bus standards .....	1055
Bulletin 1868—Drug testing policy .....	1055
Bulletin 1868—Vo-tech salary schedule .....	1056
Hiring noncertified school personnel (LAC 28:I.903) .....	1056
Nonpublic school waiver requests (LAC 28:I.313) .....	1056
Environmental Quality Department:	
Office of Air Quality and Radiation Protection, Air Quality Division—Asbestos material in schools and public buildings, AQ15 (LAC 33:III.2701, Appendix A) .....	1056
Office of Solid and Hazardous Waste, Hazardous Waste Division—Fees, HW24 (LAC 33:V.Chapter 5) .....	1057
State land ban regulations, HW22 (LAC 33:V.Chapters 11, 22-23, 25, 27, 29, 43-45, 49) .....	1057
Health and Hospitals Department:	
Board of Nursing—Continuing education/nursing practice (LAC 46:XLVII.3356) .....	1058
Reinstatement of license (LAC 46:XLVII.3337) .....	1060
Renewal of license/reinstatement of lapsed license (LAC 46:XLVII.3347) .....	1060

This public document was published at a total cost of \$6,300.00. 1,100 copies of this public document were published in this monthly printing at a cost of \$4,300.00. The total cost of all printings of this document including reprints is \$6,300.00. This document was published by Bourque Printing, Inc., 13112 South Choctaw Drive, Baton Rouge, LA 70815, as a service to the state agencies in keeping them cognizant of the new rules and regulations under the authority of R.S. 49:950-970. This material was printed in accordance with standards for printing by state agencies established pursuant to R.S. 43:31. Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

Office of the Secretary, Bureau of Health Services Financing—Licensing for day care providers-adult day health care . . .	1061
Nursing home reform . . . . .	1061
Natural Resources Department:	
Office of Mineral Resources—Fees (LAC 43:V.103) . . . . .	1062
Public Safety and Corrections Department:	
Board of Pardons—Applications (LAC 22:V.Chapter 1) . . . . .	1062
Liquefied Petroleum Gas Commission—Amends certain rules (LAC 55:IX.Chapters 1-13) . . . . .	1063
Revenue and Taxation Department:	
Tax Commission—Real/personal property (LAC 61:V.Chapter 1-35) . . . . .	1063
Social Services Department:	
Office of Family Support—Job Opportunities and Basic Skills (JOBS) Training Program. . . . .	1064
Transportation and Development Department:	
Board of Registration for Professional Engineers and Land Surveyors—Property boundaries standards (LAC 46:LXI.Chapter 25) . . . . .	1064
Utility and Permit Section—Utilities right-of-way acquisition (LAC 70:XIII.1901) . . . . .	1069
Treasury Department:	
Board of Trustees of the State Employees Group Benefits Program—Post doctoral fellows. . . . .	1069
Wildlife and Fisheries:	
Wildlife and Fisheries Commission—Alligator regulations (LAC 76:V.701) . . . . .	1070
Jewfish prohibitions (LAC 76:VII.337) . . . . .	1070

**IV. NOTICES OF INTENT**

Agriculture and Forestry Department:	
Office of Agricultural and Environmental Sciences, Structural Pest Control Commission—Fumigation: definitions; technician requirements (LAC 7:XXV.Chapter 141) . . . . .	1070
State Market Commission—Tax on strawberries. . . . .	1072
Economic Development Department:	
Office of Commerce and Industry, Finance Division—Louisiana labor (Rule One) . . . . .	1073
Enterprise Zone Program . . . . .	1073
Racing Commission—Apprentice jockey certificate (LAC 35:XLI.707) . . . . .	1074
Cellular telephones (LAC 35:III.5742) . . . . .	1074
Definitions (LAC 35:XV.12701) . . . . .	1075
Issuance of NSF checks (LAC 35:I.1742) . . . . .	1077
License renewal (LAC 35:XLI.1904) . . . . .	1077
Matters not covered (LAC 35:XV.12365) . . . . .	1078
Maximum overweight (LAC 35:IX.9502) . . . . .	1078
Paddock inspection (LAC 35:V.7704) . . . . .	1079
Pari-mutuel tickets (LAC 35:XV.12341) . . . . .	1079
Penalty for failure to comply (LAC 35:III.5702) . . . . .	1080
Preservation of filmed/videtaped races (LAC 35:III.5717) . . . . .	1080
Program statistics (LAC 35:III.5716) . . . . .	1081
Publication of past performances (LAC 35:V.6319) . . . . .	1082
Totalization; cameras (LAC 35:III.5731) . . . . .	1082
Education Department:	
Proprietary School Commission—Student complaint procedure (LAC 28:V.Chapter 1) . . . . .	1083
Environmental Quality Department:	
Office of Air Quality and Radiation Protection, Air Quality Division—Standards for liquid storage tanks, AQ20 (LAC 33:III.3301) . . . . .	1084
Method 22, visual determination of visible emissions, AQ29 (LAC 33:III.6079) . . . . .	1085
Office of Water Resources—Oil and gas exploration and production, WP05 (LAC 33:IX.708) . . . . .	1088
Surface water quality standards, WP04 (LAC 33:IX.Chapter 11) . . . . .	1089
Firefighters' Pension and Relief Fund, City of New Orleans:	
Board of Trustees—Payment of death benefits . . . . .	1089
Governor's Office:	
Division of Administration, Office of Contractual Review—Procurement of professional, personal, consulting and social services (LAC 34:V.Chapter 1) . . . . .	1090
Health and Hospitals Department:	
Board of Board Certified Social Work Examiners—Fees (LAC 46:XXV.119) . . . . .	1093
Board of Medical Examiners—Private radiologic technologists: certificates (LAC 46:XLV.2911) . . . . .	1094
Respiratory therapy licensure (LAC 46:XLV.Chapter 25) . . . . .	1095
Rules of procedure (LAC 46:XLV.9903) . . . . .	1096
Office of the Secretary, Bureau of Health Services Financing—MAP: AFDC-related medically needy certificate. . . . .	1097
MAP: mandatory participation in dispensing fee survey . . . . .	1098
MAP: providers billing for all covered services . . . . .	1098
MAP: SSI Interim Disability Standards for Children under 18 . . . . .	1099

Office of Public Health—Surface water treatment . . . . .	1100
Insurance Department:	
Commissioner of Insurance—Continuing education requirements . . . . .	1101
Natural Resources Department:	
Office of Conservation—Hazardous liquids pipeline enforcement . . . . .	1102
Office of the Secretary, Fishermen’s Gear Compensation Fund—Labeling tools and equipment (LAC 43:I.1517) . . . . .	1102
Public Safety and Corrections Department:	
Office of State Fire Marshal—Fire protection administrative rule (LAC 55:V.3001) . . . . .	1103
Social Services Department:	
Rehabilitation Services—Independent living rehabilitation services . . . . .	1103
Transportation and Development Department:	
Board of Registration for Professional Engineers and Land Surveyors—Engineering branches added (LAC 46:LXI.902) . . . . .	1104
Seal rules, registrants (LAC 46:LXI.Chapters 17 and 21) . . . . .	1104
Flood Control and Water Management Division—Port Construction and Development Priority Program . . . . .	1105
Treasury Department:	
Board of Trustees of the State Employees Group Benefits Program—Medical fee schedule . . . . .	1109
Wildlife and Fisheries Department:	
Wildlife and Fisheries Commission—Free freshwater fishing days (LAC 76:VII.151) . . . . .	1109
Free saltwater fishing days (LAC 76:VII.339) . . . . .	1110

**V. POTPOURRI**

Economic Development Department:	
Office of Financial Institutions—1991 Judicial interest rate . . . . .	1110
Natural Resources Department:	
Office of the Secretary, Fishermen’s Gear Compensation Fund—Claims . . . . .	1110

# Executive Orders

## EXECUTIVE ORDER BR 90 - 16

Executive Order No. BR 89-28 establishing the Louisiana Indian Gaming Commission signed August 25, 1990, is hereby rescinded in its entirety.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 31st day of October, 1990.

Buddy Roemer  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

## EXECUTIVE ORDER 90 - 17

WHEREAS, the Congress of the United States of America enacted public law 100-497 approved October 17, 1988, otherwise known as the Indian Gaming Regulatory Act, whose purpose is to provide statutory basis for the operation of gaming by Indian tribes as a means of promoting tribal economic development, self sufficiency, and strong tribal governments; and

WHEREAS, the Indian Gaming Regulatory Act provides a statutory basis for the regulation of gaming by Indian tribes to shield the tribe and its gaming activities from organized crime and other corrupting influences, to ensure that the Indian tribe is the primary beneficiary of the gaming operation, and to assure that gaming is conducted fairly and honestly by both the operator and players; and

WHEREAS, the Indian Gaming Regulatory Act requires that any federally recognized Indian tribe having jurisdiction over Indian lands upon which a gaming activity is being conducted, shall request the state in which such lands are located to enter into negotiations with the state for the purpose of entering into a tribal-state compact governing the conduct of the Indian gaming activities; and

WHEREAS, upon receiving such a request from an Indian tribe the Indian Gaming Regulatory Act requires the state to negotiate in good faith with the Indian tribe to enter into such a compact; and

WHEREAS, the provisions of any negotiated compact, as well as any activity connected with Indian Gaming should be monitored by the state as a party to the compact; and

WHEREAS, Act 888 authorizes the governor to have the authority, on behalf of the state, to enter into and sign Indian gaming compacts which authorize federally recognized Indian tribes to conduct the specific gaming activities

authorized in the compact within and upon the lands of their Indian reservation as its exists on the effective date of this Act.

WHEREAS, Act 888 of the 1990 Regular Session of the Louisiana Legislature authorizes the governor to appoint an Indian Gaming Commission in the Office of the Governor, to serve as the formal negotiating agent of the state upon which federally recognized tribes in the state of Louisiana may serve notice of any request to negotiate Indian gaming compacts as provided by the Indian Gaming Regulatory Act 25 U.S.C. 2701 et seq;

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

SECTION 1: Said commission shall be comprised of the following persons appointed by the governor: the executive director of the Governor's Commission on Indian Affairs; superintendent of the Louisiana State Police; a state representative; a state senator and two representatives of the governor's office, or any of their designees.

SECTION 2: Members will serve at the pleasure of the governor.

SECTION 3: Members will receive no compensation except as otherwise provided by law.

SECTION 4: The commission shall represent the state of Louisiana in any negotiation pertaining to the Indian Gaming Regulatory Act. The commission shall monitor Indian Gaming and report to the governor regarding any and all developments in Indian gaming, as defined in the federal act. The commission may agree to proposed compacts and submit them to the governor for his approval and 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 31st day of October, 1990.

Buddy Roemer  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

## EXECUTIVE ORDER BR 90 - 18

WHEREAS, Martin Luther King, Jr. made significant contributions to the fabric of society in these United States of America; and

WHEREAS, It is continuously necessary for Americans to reflect on the principles of racial equality and nonviolent social change espoused by Martin Luther King, Jr., and

WHEREAS, The United States Congress has enacted legislation authorizing a Martin Luther King, Jr. Federal Holiday Commission which is charged with encouraging appropriate ceremonies and activities relating to the federal holiday honoring Martin Luther King, Jr. which occurs on the third Monday of each January; and

WHEREAS, The Federal Holiday Commission is requesting each state to establish a state Martin Luther King, Jr. Holiday Commission.

NOW THEREFORE I, BUDDY ROEMER, Governor of the State of Louisiana, do hereby order and direct the establishment of the Louisiana Martin Luther King, Jr. Holiday Commission.

SECTION 1: The commission shall be comprised of 12 people from varying backgrounds in our state, including religious, educational, business, and volunteer sectors. The commission members shall be appointed by the governor.

SECTION 2: The commission shall be charged with:

- a. Establishing standards for the observance of the Holiday in Louisiana.
- b. Serving as a clearinghouse for information and suggest appropriate ceremonies, events and programs to be used by various entities.
- c. Sponsoring planning and educational informational conferences, workshops, seminars and special events.
- d. Developing and maintaining a speaker's bureau.
- e. Providing technical assistance to local entities in planning and celebrating the Holiday.

SECTION 3: The commission members shall serve at the pleasure of the governor and the chairman and vice-chairman shall be appointed by 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 7th day of November, 1990.

Buddy Roemer  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

#### EXECUTIVE ORDER BR 90 - 19

WHEREAS, Executive Order No. BR 90-7 was signed June 4, 1990, establishing an Aviation Advisory Committee; and

WHEREAS, it is necessary to expand the membership of said committee;

NOW THEREFORE I, BUDDY ROEMER, Governor of the State of Louisiana, do hereby order and direct that Section 3 of Executive Order No. BR 90-7 be amended to read as follows:

- a. Two members of the Joint Legislative Committee on Transportation.
- b. Four members of Police Jury Association of Louisiana.
- c. One member of Department of Economic Development.
- d. Two members of Louisiana Municipal Association.
- e. Two members of Louisiana Association of Business and Industry.
- f. One member of Aviation Association of Louisiana.
- g. Two members of Louisiana Airport Managers Association.
- h. One member of Southeast Regional Planning Commission.
- i. One member of Louisiana Division of Aviation.
- j. One member of Louisiana Transportation Research Center.

k. One member of Louisiana Office of Budget and Planning.

l. One member representing the Fixed Based Operators.

m. One representative of the Louisiana Travel Promotion Association.

n. One representative of the tourism industry.

o. Two members at large.

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 15th day of November, 1990.

Buddy Roemer  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

#### EXECUTIVE ORDER BR 90 - 20

WHEREAS, the state is currently under a consent decree in the matter of Hayes Williams, et al. v. John J. McKeithen, et al., in the United States District Court for the Middle District of Louisiana, and;

WHEREAS, pursuant to that consent decree the governor has submitted a plan entitled "The Governor's Corrections Plan" to the federal judge presiding over the consent decree, and;

WHEREAS, in order to be properly implemented, the Governor's Plan requires the close cooperation of all state entities and agencies;

NOW THEREFORE I, BUDDY ROEMER, Governor of the State of Louisiana do hereby order and establish that:

SECTION 1: The Secretary of the Department of Corrections, Mr. Bruce Lynn, and Mr. Dennis Stine, Commissioner, Division of Administration, are hereby nominated to assume responsibility for the execution of The Governor's Corrections Plan.

SECTION 2: That all state agencies and entities in the executive branch are mandated to cooperate and coordinate closely with the secretary of the Department of Corrections and the commissioner of the Division of Administration.

SECTION 3: That all state agencies and entities in the executive branch are mandated to file any and all reports, papers, documents, and provide any personnel requested by the secretary of the Department of Corrections and the commissioner of the Division of Administration.

SECTION 4: All state agencies and entities shall cooperate in preparing reports for the court in connection with this plan as well as providing evidence and witnesses as needed.

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 28th day of November, 1990.

Buddy Roemer  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

## EXECUTIVE ORDER BR 90 - 21

WHEREAS, on June 27, 1990, President George Bush assured Latin American ambassadors that the United States "will not lose sight of the tremendous challenges and opportunities in our own hemisphere" and proposed the creation of a hemispheric free trade zone to eliminate all tariffs and other trade barriers to reduce the cost of exports, increase investments and create a new flow of capital to the region; and,

WHEREAS, Louisiana is strategically located to develop and capitalize on economic, cultural, educational, and medical opportunities with Central and South American countries; and

WHEREAS, the State of Louisiana is committed to identifying and securing expanded markets for its agricultural and manufacturing products; and

WHEREAS, our ports, airports, and trading associations encourage the state to take the appropriate steps to re-establish Louisiana as the "Gateway to the Americas"; and,

WHEREAS, our public and private institutions of higher learning have long maintained close ties with Latin America through the study of their nations and the education of some of their most recognized and influential citizens; and

WHEREAS, our state's medical facilities, particularly Ochsner Hospital, Our Lady of the Lake, and Tulane Medical Center's tropical disease department have specialized in medical research and the treatment of ailments and diseases indigenous to Central and South American nations; and

WHEREAS, the environment and ecological conservation is a mutually compelling concern to both Louisiana and Latin America.

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

SECTION 1: There shall be and is hereby created the Governor's Commission of Pan American Affairs in the State of Louisiana.

SECTION 2: The purpose of the commission shall be 1) to develop strategies for the establishment of Louisiana as the Pan American Center for finance, education, trade, medical care, and ecological, conservation and other purposes as deemed appropriate; 2) to study and formulate recommendations for specific actions to be implemented in furtherance of Louisiana improving its relationship with South and Central American communities; and 3) to identify and focus on strategic South and Central American nations which will provide the state its greatest opportunities for success in becoming the Pan American Center.

SECTION 3: The commission shall be appointed by the governor and comprised of individuals from the public and private sectors who have demonstrated a knowledge and commitment to enhancing Louisiana's relationship with Latin America.

SECTION 4: The governor shall designate a chairman of the commission.

SECTION 5: The commission may establish subcommittees as deemed appropriate to study and formulate recommendations regarding specific subject areas.

SECTION 6: The commission shall meet at the call of the chairman and shall report its finding and recommendations to the governor bi-annually.

SECTION 7: Each department within the executive branch of the state of Louisiana and each agency and political subdivision of the state shall cooperate fully with the com-

mission and shall provide the commission with such data, information, and statistics as are requested by the commission.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 30th day of November, 1990.

Buddy Roemer  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

## EXECUTIVE ORDER BR 90 - 22

WHEREAS, the Cooperative Economic Development Law (R.S. 33:9021 through 9032, inclusive) and particularly R.S. 33:9023(F) requires that any application submitted to the Legislature or to any local governing authority seeking permission to create an Economic Development Corporation, the proposed corporation must submit the Economic Development Plan to the designated state and regional clearinghouses for review and comment as to the conformity of said application and economic development plan to the state and region's overall economic development goals; and

WHEREAS, the State Clearinghouse for such purposes must be designated;

NOW THEREFORE I, BUDDY ROEMER, Governor of the State of Louisiana do hereby order that the Louisiana Department of Economic Development be designated as the State Clearinghouse for purposes of R.S. 33:9023(F), to be represented by the secretary thereof.

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 6th day of December, 1990.

Buddy Roemer  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

## EXECUTIVE ORDER BR 90 - 23

WHEREAS, Executive Order Number BR 89-11 issued on March 30, 1989, established the Governor's Task Force on Shrimp Management and Executive Order Number 89-39 issued on December 21, 1989 expanded the membership of said task force; and

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

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

That said Executive Order BR 89-39 is hereby amended and the Governor's Task Force on Shrimp Manage-

ment is expanded to include two additional shrimp fishermen from the coastal area of Louisiana and that the composition of the said Task Force shall be as follows:

1. one shrimp broker;
2. two members of the Louisiana Shrimp Association;
3. two Louisiana members from the American Shrimp Processors Association;
4. twelve shrimp fishermen from throughout coastal Louisiana;
5. one shrimp buyer; and
6. one staff member from the Department of Wildlife and Fisheries to serve as a non-voting chairman.

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 6th day of December, 1990.

Buddy Roemer  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

# Emergency Rules

## DECLARATION OF EMERGENCY

### Department of Agriculture and Forestry Office of Animal Health Services

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), amends LAC Title 7, Part XXI, Chapter 123.

On September 7, 1990, Act 770 of the regular session of the 1990 Louisiana Legislature became law, enacting R.S. 3:2358.1 through 2358.14. These provisions repealed R.S. 56:638.1 through 638.4, effectively repealing LAC Title 7, Part XXI, Chapter 123. Additionally, Act 770 provided that certified turtle farmers renew their licenses no later than the last day of January.

This emergency adoption is necessary in order to protect the health and safety of Louisiana citizens by preventing the introduction into and dissemination within this state of contagious and infectious diseases of pet turtles and that the provisions of R.S. 3:2358.4 relating to licensure of pet turtle farmers may be implemented in a timely manner.

This declaration of emergency is effective January 1, 1991 until these regulations take effect through the normal promulgation process.

## Title 7

### AGRICULTURE AND ANIMALS

#### Part XXI. Diseases of Animals

##### Chapter 123. Pet Turtles

###### §12301. Definitions

In addition to the definitions listed below, the definitions in R.S. 3:2358.3 shall apply to these regulations.

*Agent* means an authorized representative of the State Department of Agriculture and Forestry.

*Approved antibiotic* means an antibiotic approved by the Louisiana Department of Agriculture and Forestry for use in the Egg Immersion Method.

*Approved antibiotic solution* means a dissolved antibiotic at a concentration approved by the Department of Agriculture and Forestry for use in the Egg Immersion Method.

*Certified turtle farmer* means an individual, partnership, corporation or entity engaged in the collection, hatching, sale or distribution of turtles using the Egg Immersion Method and which have been inspected by the Department of Agriculture and Forestry.

*Chlorine solution* means a solution of chlorine at a concentration approved by the Department of Agriculture and Forestry.

*Department* means the Department of Agriculture and Forestry.

*Department issued guidelines* means a document provided periodically by the Department of Agriculture and Forestry setting forth detailed procedures designed to implement these regulations.

*Dip solution* means an approved antibiotic solution as defined above.

*Document* means any form or document deemed necessary by the department for the operation of a Louisiana Certified Turtle Farm.

*Egg Immersion Method* means a sanitization process derived from the Siebeling Method developed by Dr. Ronald J. Siebeling and set forth in these regulations whereby pet turtle eggs are cleaned, disinfected and treated with an approved antibiotic solution in order to render the hatchling free from Salmonella or other bacteria harmful to humans or other pet turtles.

*Egg washing machine* means a machine intended for the washing of turtle eggs, or modified from a machine intended for the washing of eggs of commercial poultry.

*Garasol* is an antibiotic (Gentamicin sulfate) dissolved in water to give a concentration of 1,000 ppm or a concentration as approved by the Department of Agriculture and Forestry.

*Laboratory* means a certified laboratory as defined in R.S. 3:2358.3 and which employs at least one microbiologist.

*Pet turtles* means turtles with a carapace length of less than four inches.

*Quarantined area* means any designated area or premises where pet turtle eggs or hatchlings are stored, processed or hatched which has been designated as quarantined by a Louisiana-licensed, accredited and department-approved veterinarian due to a finding of contamination in a group or lot by Salmonella, Arizona or other bacteria harmful to other turtles or humans.

*Turtle lot* means any amount of pet turtles or eggs up to 20,000 in number, and may be used interchangeably with the term turtle group.

*Turtles* means any animals commonly known as tur-

tles, tortoises, terrapins and all other animals of the order *Testudinata*, class *Reptilia* except marine species (Families *Dermochelidae* and *Cheloniidae*).

#### §12302. Monitoring of Turtle Farms for Safety and Sanitization

A. State-employed veterinarians shall inspect the premises of certified turtle farmers, including those areas involved in the washing, incubation and hatching of turtles, or other operations. At least one inspection shall be performed prior to the start of each egg laying season. Recommendations shall be made to farmers to ensure compliance with these regulations. At the time of inspection, state-employed veterinarians or their designees may randomly select eggs or turtles for submission to a laboratory for microbiological examination. The inspections shall be made to insure the following:

1. The Egg Immersion Method of egg collection and sanitization is being conducted properly and is in accordance with procedures issued by the department.

2. All equipment used in the Egg Immersion Method shall be clean and in working order.

3. Vacuum tanks used for the Egg Immersion Method shall be airtight and constructed of smooth-finished material to facilitate decontamination.

4. The Egg Immersion Method shall be performed in a designated building. Due care shall be applied to maintaining isolation of this area. Operators shall prevent spillage or transfer of the antibiotic solution used in the Egg Immersion Method to any other area or the environment outside of the building designated for the Egg Immersion Method.

5. Persons implementing the Egg Immersion Method shall wash their hands in disinfectant and remove the garments recommended in department-issued guidelines prior to leaving the isolated area where the method is being performed.

B. State-employed veterinarians shall inspect the premises of turtle farmers to insure that no turtles which have been treated by the Egg Immersion Method or any other method utilizing antibiotics shall be introduced into the environment.

C. State-employed veterinarians or their designees shall inspect the premises of turtle farmers to insure that no turtles or eggs which have been treated by the Egg Immersion Method or any other method utilizing antibiotics are used to stock or restock the ponds of a certified turtle farmer or non-certified turtle farmers.

D. State-employed veterinarians or their designees shall inspect the premises of turtle farmers to insure that no turtles or eggs belonging to different groups are commingled without first receiving health certificates.

E. State-employed veterinarians or their designees shall inspect the premises of turtle farmers to insure that each turtle group is clearly identified and is not improperly commingled with saleable or hatchable eggs of other groups.

F. State-employed veterinarians or their designees shall inspect the records of certified turtle farmers to verify that all documentation required by the department shall be kept current.

G. Samples of water from ponds may be taken by state-employed veterinarians or their designees and shall be transmitted to a laboratory for chemical and microbiological analysis, including, but not limited to pH, antibiotic and pesticide contaminants, and potentially pathogenic bacteria.

#### §12303. Collection of Egg and Turtle Samples

In order to ensure a representative sample from the turtle group and to prevent cross-contamination the following procedures shall be followed:

A. Certified turtle farmers shall inform the department in a timely manner of their intention to ship turtle hatchlings or eggs to arrange certification procedures.

B. Upon notification by the farmer, a department-employed veterinarian or designee shall inspect the group of turtles or turtle eggs bound for shipment and randomly select turtles or eggs for submission to a certified laboratory for microbiological examination.

C. The department-employed veterinarian shall inspect the premises and turtle group or eggs and shall issue a certificate of inspection subject to compliance with the requirements of these regulations. The certificate of inspection shall verify the species, number of turtles or eggs, destination, turtle group number and compliance with the Egg Immersion Method.

D. All specimens shall be collected using approved methods to prevent contamination.

E. The transportation to department-approved laboratories for microbiological examination and handling of the samples of turtles and eggs shall be performed in such a manner as to maintain identity and integrity.

F. Certified turtle farmers shall have the option of (1) collecting samples under the on-site supervision of the department-employed veterinarian or designee; or (2) allowing the department veterinarian or designee to collect the samples.

#### §12304. Movement of Pet Turtle Eggs and Pet Turtles

The department shall regulate the movement of turtles or turtle eggs by certified pet turtle farmers and procedures shall include, but not be limited to, shipment into local and international commerce, as well as shipment to certified laboratories.

A. All turtles or eggs leaving a certified turtle farm bound for a certified laboratory shall be accompanied by a certificate of inspection. A health certificate from a Louisiana licensed veterinarian stating that the turtles and/or eggs originated from a Louisiana-certified turtle farm shall accompany all shipments into international commerce. Each health certificate shall identify the final destination of the turtles or eggs they accompany.

B. A health certificate or a laboratory report pursuant to a microbiological examination shall be required for any intrastate movement of pet turtles or pet turtle eggs except for submission to a Louisiana-certified laboratory for microbiological examination.

C. Turtles shipped to certified laboratories for microbiological examination shall be accompanied by appropriate documentation.

D. No pet turtles or their eggs originating outside of Louisiana shall be sold, held for sale, or offered for any other type of commercial or public distribution in Louisiana.

E. No dead turtles or non-viable eggs shall be shipped, transported or distributed.

F. Turtles or turtle eggs shall be shipped, transported or distributed only in packaging approved by the department.

G. Turtles or eggs intended for international commerce shall be conspicuously marked "For Export Only" on the outside of the shipping package and shall be accompanied by a health certificate and a certified laboratory report.



H. Official health certificates and appropriate affidavits shall accompany movement of all pet turtles and eggs shipped, transported or distributed for non-commercial purposes.

#### **§12305. Identification of Groups of Turtles and Turtle Eggs**

A. All groups of turtles or turtle eggs produced by certified turtle farmers in Louisiana shall be assigned an identification number in a department-approved manner.

B. No turtle group shall exceed 20,000 viable hatchlings or eggs.

#### **§12306. Microbiological Test Procedures**

A. Samples of turtles or turtle eggs shall be subjected to microbiological examination using approved procedures and techniques based upon procedures set forth in *Official Methods of Analysis of the Association of Official Analytical Chemists*.

B. Turtle groups identified as contaminated with bacteria of the genus *Salmonella* or *Arizona* or any other microorganisms pathogenic to humans, domestic animals or aquatic species shall be subject to the notification provisions of R.S. 3:2358.11 and this Part.

#### **§12307. Issuance of Health Certificates**

A. Accredited Louisiana licensed and department-approved veterinarians will issue official health certificates.

B. Health certificates shall not be issued on groups of turtles or eggs until they have been inspected by a department-approved veterinarian and shall state that the veterinarian has found them to be free of visible signs of infectious, contagious or communicable diseases, and a certified laboratory has found them to be free of bacteria pathogenic to humans, domestic animals and aquatic species.

C. Official Louisiana health certificates shall be issued only on turtles or turtle eggs produced by Louisiana-certified turtle farmers.

#### **§12308. Quarantine**

In addition to the procedures set forth in R.S. 3:2358.11, upon the identification by laboratory examinations of *Salmonella* or any other species of bacteria harmful to humans or other pet turtles in a group of turtles or turtle eggs, the following procedures for quarantine shall apply:

A. Notification of the test results and quarantine shall be made in person or by telephone, followed by written notification as set forth in R.S. 3:2358.11, by agents of the department, including at least one department veterinarian.

B. The quarantine and its related restrictions shall remain in effect until the farmer is otherwise notified by the department.

C. Immediately upon receipt of the personal notification, the certified turtle farmer producing the quarantined eggs shall identify to the agents of the department all turtle or eggs belonging to the same group as the one which tested positive for the presence of *Salmonella* or other harmful bacteria.

D. Certified turtle farmers wishing to submit a quarantined turtle group for a second laboratory microbiological examination must do so prior to the end of the 21-day period specified in R.S. 3:2358.12, and must follow the same procedure established for an initial collection and submission of samples. Failure to timely obtain a second examination shall result in the implementation of the disposal procedures set forth in R.S. 3:2358.12.

E. Quarantined eggs or turtles shall be subject to in-

ventory and verification by agents of the department. Records, physical examination and photographs may be used to verify the inventory of quarantined eggs or turtles.

F. Quarantined turtles and eggs shall be sealed under supervision of agents of the department to prevent the spread of pathogenic bacteria until the certified turtle farmer receives notice of either (1) the lifting of the quarantine; or (2) instructions dealing with the disposal of the contaminated turtle or egg group.

G. All turtles and/or eggs belonging to a group which has either received a second notice of contamination with harmful bacteria or otherwise ordered disposed of by the department shall be disposed of in a humane manner approved by the department within 21 days of the receipt of the second notice.

H. Areas where quarantined turtles or eggs have been kept shall be disinfected in a manner approved by the department.

#### **§12309. Form and Content of Records**

In addition to those records required under R.S. 3:2358.7, certified turtle farmers, exporters of pet turtles or eggs, certified laboratories and department-approved veterinarians shall be responsible for maintaining and submitting as requested proper records. Records shall include, but not be limited to, purchase and disposal of antibiotics, application of the Egg Immersion Method, volume of eggs treated, laboratory reports and disposition of groups of eggs and turtles. These records must be current.

#### **§12310. Pet Turtle Farmers; Licensing**

In addition to the provisions below, the requirements for licensure set forth in R.S. 2358.5 shall apply.

A. Licenses for pet turtle farming shall be issued only by the Office of Animal Health Services of the Department of Agriculture and Forestry.

B. Upon issuance of an initial license by the department, certified turtle farmers shall be assigned a permanent certified farmer identification code for use on all documents related to pet turtle farming.

C. Prior to the issuance or renewal of a certified turtle farmer license, an inspection of the farm premises shall be made by an accredited, Louisiana-licensed and department-approved veterinarian to ensure that all equipment required for sanitization and other procedures is present and in working order.

d. A map or schematic showing the location of ponds or other breeding habitats, storage, treatment and incubation buildings and facilities shall be included with all applications for a certified turtle farmer license. Each pond or breeding habitat shall be designated by a letter, beginning with "A", and shall be designated in sequential order and properly labeled on the map or schematic.

E. Licenses for turtle farming shall be issued upon the satisfactory completion and acceptance by the department of the application form to be a certified turtle farmer, accompanied by an application fee of \$250 by the person seeking such a license. The application form should specify the following, along with any other information required by the commissioner of agriculture and forestry:

1. name of applicant;
2. date of application;
3. address of applicant;
4. telephone number of applicant;
5. whether the applicant is an individual, corporation,

Subchapter "S" corporation, cooperative or partnership;

6. principal officers of the applicant, if any;

7. location of applicant's principal office and farming premises;

8. location of all offices operated by applicant, along with the name of the manager and phone number of each;

9. the dates upon which the applicant begins and ends its fiscal year;

10. The names, businesses and phone numbers of three persons who can provide references as to the character and business standing of the applicant.

11. The following phrase shall be included at the bottom application, which must be read by the applicant and which must be signed and dated by the applicant to signify his assent thereto:

a) The undersigned having read Part X of Chapter 16 of Title 3 of the Louisiana Revised Statutes of 1950, Act 770 of 1990 and the rules and regulations written in conformity therewith, and agreeing to abide by and comply therewith, applies for a license to operate as a Certified Turtle Farmer under the provisions of the aforementioned Acts of the Legislature, in furtherance whereof, the statements and answers of the above questions are made and declared to be true under penalty of perjury.

F. In the case of the transfer of ownership of the person or entity that is the certified turtle farmer, that farmer must reapply with the department for licensing and must meet all of the qualifications required for the issuance of an initial license.

#### §12311. Proper Disposal

A. Because of the danger posed by the emergence of bacteria resistant to antibiotics used to kill Salmonella and other harmful bacteria, certified turtle farmers shall follow approved disposal procedures including but not limited to the following:

1. Eggs or turtles that have been found to contain Salmonella, Arizona or other harmful bacteria shall be disposed of in a humane manner approved by the department.

2. Chlorine or antibiotic solutions shall be disposed of in a manner approved by the department.

B. Dead or deformed turtles and also those turtles not sold within 12 months of certification shall be disposed of in a humane manner as approved by the department.

#### §12312. Authority of Agents to Enter Premises

A. Agents of the department are authorized and shall be allowed entry onto any property or premises in the state of Louisiana for the purpose of carrying out the provisions of these regulations. Whenever reasonably possible, agents shall notify the turtle farmer before performing any inspections.

B. Agents of the department are authorized to inspect all records and premises maintained by certified turtle farmers in order to enforce the provisions of R.S. 3:2358.1 et seq. and these regulations.

C. No person shall in any way interfere with an agent in making inspections on properties or premises in carrying out the provisions of these regulations.

#### §12313. Department Issued Guidelines

Due to the unique nature and rapid development of this evolving program, the department finds it necessary to issue guidelines to delineate certain detailed procedures which require periodic updates. These guidelines will be made available upon request or application for licensure as a

certified pet turtle farmer. Prior to any changes in these guidelines, except for emergencies, interested persons will be given a reasonable amount of time for comment and appeal. Certified turtle farmers will be sent copies of these proposed changes by United States mail.

#### §12314. Penalties

A. For failure to implement the Egg Immersion Method or Siebeling Method of treatment in conduction of his business, the offender shall be fined no more than \$1,000 and shall be further enjoined from operation of such business, and no further sales shall be allowed, until this method is implemented. No fine shall be assessed for non-willful deviation from the application of the regulations and guidelines, but the certified turtle farm shall be enjoined, and no further sales shall be allowed, until deficiencies are adequately corrected.

B. Any person found guilty of violating any of the provisions of this Chapter or those of R.S. 3:2358.1 et seq., is subject to the penalties provided for by R.S. 3:2358.14, including fines of up to \$1,000 for each violation. Each day in which a violation occurs shall be considered a separate offense.

C. Prior to the assessment of any civil penalties, there shall be an adjudicatory hearing in accordance with the Administrative Procedure Act.

#### §12315. Repeal of Prior Rules and Regulations

All prior rules and regulations in this Chapter adopted and/or promulgated in accordance with R.S. 56:638 are hereby repealed in their entirety.

Bob Odom  
Commissioner

### DECLARATION OF EMERGENCY

#### Department of Employment and Training Office of Labor Office of Employment Security and Board of Barber Examiners

In accordance with the emergency provisions of R.S. 49:953B of the Louisiana Administrative Procedure Act, the Louisiana Department of Employment and Training declares that rules and regulations of the Office of Labor, Office of Employment Security and the Board of Barber Examiners are hereby adopted to be effective January 1, 1991.

Act 1083 of the 1990 Regular Session of the Legislature enacted R.S. 36:310 which provides that all rules and regulations of the department heretofore in effect shall expire at midnight on December 31, 1990. The welfare of the public is best protected by the emergency promulgation of these rules so that there is no interruption of the effect of the rules. Certain rules are also required to remain in effect in order to comply with the Federal Unemployment Tax Act and the federal tax regulations.

The notices of intent to promulgate these rules were published in the September 20, 1990, and October 20, 1990, issues of the *Louisiana Register*. The final promulgation of the rules will be completed in accordance with the Louisiana Administrative Procedure Act after January 1, 1991.

A copy of the rules is available for review by the public

at the Department of Employment and Training, Legal Division, 1001 North 23rd Street, Baton Rouge, LA 70804, and at the Office of the State Register, 900 Riverside North, Baton Rouge, LA.

Phyllis Coleman Mouton  
Secretary

## DECLARATION OF EMERGENCY

### Department of Employment and Training Plumbing Board

In accordance with the provisions of R.S. 49:953(B) of the Louisiana Administrative Procedure Act, the Plumbing Board of the Department of Employment and Training is exercising the emergency provisions of the Administrative Procedure Act, to adopt certain revised rules and regulations, effective January 1, 1991, affecting the performance of the plumbing work in the state of Louisiana.

The purpose of this declaration of emergency adopting these revised rules and regulations is to accommodate the Plumbing Board and all affected persons in connection with the formal adoption of these same rules and regulations. A notice of intent was published in the October 20, 1990, *Louisiana Register*, (Vol. 16, No. 10 at pp. 884-885) relative to the intent of the Plumbing Board to adopt and restate its rules and regulations.

A public hearing was held on November 29, 1990 in Baton Rouge, Louisiana at the office of the board. The Louisiana Administrative Procedure Act, as amended by Act 1085 of the 1990 Regular Session, would not allow formal adoption of the rules to take place until January 20, 1991. Moreover, Act 1083 of the 1990 Regular Session amended R.S. 36:310 to terminate the effectiveness of all rules promulgated by the Department of Employment and Training on December 31, 1990.

The board has determined that, because of the imminent peril to health and safety and welfare of the public, it is necessary for the board to adopt emergency rules effective January 1, 1991 to continue the operation of the board and to assure the public complete protection from the hazards and perils of unsafe and unregulated plumbing.

Moreover, immediate clarification of the definition of "plumbing" is necessary to accommodate the Office of Public Health of the Department of Health and Hospitals relative to its licensing activities of persons and businesses manufacturing and installing individual sewage systems. Emergency publication of the revised regulations will serve the public interest by coordinating examination and licensing efforts of both agencies.

A copy of the revised rules and regulations is available for review by the public at the Baton Rouge office of the Plumbing Board, 603 Europe Street, Baton Rouge, LA 70802.

The restatement of the regulation is summarized as follows:

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part LV. Plumbers

Chapter 1. Provides definitions of operative terms, including master plumber, employing entity, repair and mainte-

nance work, which are terms and concepts introduced by Acts 752 and 771. An important clarification of the definition of "plumbing" is provided in a new §101(D)(3), which provides:

3. Provided, further, that anything herein to the contrary notwithstanding, the term "plumbing" shall not include the work or business of installing individual sewage systems approved by the Office of Public Health of the Department of Health and Hospitals (DHH) by persons licensed to perform such work or business by DHH. For purposes of this subsection, the individual sewage system shall include the individual mechanical plant, septic tank system, or other DHH-approved individual sewage treatment device up to the inlet connection of the primary treatment device, but shall not include the building sewer or building plumbing.

Chapter 3. Reiterates current rules affecting journeyman plumbers and apprentices. Regulates activities of employing entities. Provides licensing procedures for master plumbers and inactive master plumber examinations utilizing standardized, nationally recognized test. Implements initial, renewal and enforcement fees relative to master plumber licensing. Imposes insurance requirements on persons performing work as master plumber. Continues fees structure for journeyman plumbers.

Chapter 5. Reiterates current rules pertaining to internal governance of board. Defines duties of executive director.

Chapter 7. Reiterates and clarifies duties of special enforcement officers. Restates current rules affecting examiners and examination custodians.

Chapter 8. Introduces regulations pertaining to pre-emption of examination and licensing of master plumbers by local governing authorities. Requires local governing authorities to notify local business interests applying for plumbing permits of new master plumber law and regulations.

Chapter 9. Expands adjudicatory functions of board relative to all enforcement authority. Restates notice and hearing procedures for license revocations and suspensions compatible with Administrative Procedure Act.

Don Traylor  
Executive Director

## DECLARATION OF EMERGENCY

### Department of Environmental Quality Office of Water Resources Water Pollution Control Division

In accordance with the emergency provisions of the Administrative Procedure Act R.S. 49:953(B), and under the authority of R.S. 30:2011 and 30:2074(B)(1), the secretary of the Department of Environmental Quality declares that an emergency action is necessary to add new language under LAC 33:IX.1113 Louisiana Surface Water Quality Standards. This emergency action will allow the Office of Water Resources to reduce the risk to public health due to the contamination of fish with 2,3,7,8-Tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD; dioxin). The secretary therefore establishes the following new requirements which shall be effective December 4, 1990.

Statewide dioxin water quality criteria for drinking water and non-drinking water supplies will be 0.071 and 0.072 parts per quadrillion (ppq), respectively. Two sets of water bodies have been excepted from these statewide dioxin criteria: (1) Cypress Creek and Bayou Anacoco (Cypress Creek to Sabine River) and (2) Staulkinghead Creek - Little Bayou Boeuf - Wham Brake. The criteria for these water bodies for drinking water and non-drinking water supplies will be 0.21 and 0.22 ppq, respectively. A variance imposing a criterion of 1.0 ppq to only the excepted water bodies is effective December 4, 1990 and expires no later than December 3, 1993. This variance will permit further investigation into the characteristics of dioxin and the applicability of the current Louisiana risk assessment protocol to the aforementioned water bodies.

This emergency rule shall expire on April 2, 1991, but the secretary of the Department of Environmental Quality has initiated rulemaking procedures to finalize the requirements of this rule on April 20, 1991.

**Title 33  
ENVIRONMENTAL QUALITY  
Part IX. Water Quality Regulations**

**Chapter 11. Louisiana Surface Water Quality Standards**

**§1113. Criteria**

\* \* \*  
\* \* \*

**C. Numerical Criteria**

Numerical criteria identified in the Numerical Criteria Tables apply to the specified water bodies, and to their tributaries, distributaries, and interconnected streams and water bodies if they are not specifically named therein, unless it can be shown through a use attainability analysis that unique chemical, physical, and/or biological conditions preclude the attainment of the criteria. In those cases, natural background levels of these conditions may be used to establish site-specific water quality criteria. Those water bodies officially approved and designated by the state and EPA as intermittent streams, man-made watercourses, or naturally dystrophic waters may be excluded from some or all numerical criteria during specified seasonal periods as defined in LAC 33:IX.1123. Numerical criteria specifically apply to water quality conditions of state surface waters attributed to human activities or waste discharges as opposed to naturally occurring conditions.

\* \* \*

**6. Toxic Substances**

Numerical criteria for specific toxic substances are listed in Table 1.

**TABLE 1  
NUMERICAL CRITERIA FOR SPECIFIC TOXIC SUBSTANCES**  
(In micrograms per liter ( $\mu\text{g/L}$ ) or parts per billion (ppb) unless designated otherwise)

Toxic Substance	Aquatic Life Protection				Human Health Protection	
	Fresh Water		Marine Water		Drinking Water Supply <sup>1</sup>	Non-Drinking Water Supply <sup>2</sup>
	Acute	Chronic	Acute	Chronic		
Other Organics						
46. 2,3,7,8-Tetrachloro-dibenzo-p-dioxin (2,3,7,8 TCDD; dioxin) <sup>8,9</sup>	--	--	--	--	0.071 ppq <sup>10</sup>	0.072 ppq
Metals						
47. Arsenic	360	190	69.00	36.00	50.0	--
48. Chromium III (Tri) <sup>7</sup>	(980, 1700, 3100)	(120, 210, 370)	515.00	103.00	50.0	--
49. Chromium VI (Hex)	16	11	1.10 $\mu\text{mg/L}$	150.00	50.0	--
50. Zinc <sup>7</sup>	(65, 120, 210)	(59, 110, 190)	95.00	86.00	5.0 mg/L	--
<sup>8</sup> Exception:						
46. 2,3,7,8-Tetrachloro-dibenzo-p-dioxin (2,3,7,8 TCDD; dioxin)						
for:						
a) Cypress Creek - Bayou Anacoco (from Cypress Creek to Sabine River)	--	--	--	--	0.21 ppq	0.22 ppq
b) Staulkinghead Creek - Little Bayou Boeuf - Wham Brake	--	--	--	--	0.21 ppq	0.22 ppq
<sup>9</sup> Variances Allowed (effective December 4, 1990 and expires no later than December 3, 1993):						
1) Cypress Creek - Bayou Anacoco (from Cypress Creek to Sabine River)	--	--	--	--	1.00 ppq	1.00 ppq
2) Staulkinghead Creek - Little Bayou Boeuf - Wham Brake	--	--	--	--	1.00 ppq	1.00 ppq

<sup>10</sup>ppq = parts per quadrillion

a. Numerical criteria for specific toxic substances are mostly derived from the following publications of the Environmental Protection Agency: *Water Quality Criteria*, 1972 (commonly referred to as the "Blue Book"); *Quality Criteria for Water*, 1976 (commonly referred to as the "Red Book"); *Ambient Water Quality Criteria*, 1980 (EPA 440/5-80); *Ambient Water Quality Criteria*, 1984 (EPA 440/5-84-85); and *Quality Criteria for Water*, 1986, with updates (commonly referred to as the "Gold Book"). Natural background conditions, however, are also considered. These toxic substances are selected for criteria development because of their known or suspected occurrence in Louisiana waters and potential threat to attainment of designated water uses.

\* \* \*

f. A variance to statewide numerical criteria for toxic substances may be allowed to prevent the inappropriate application of toxic criteria to a specific water body. The variance provides a period of time during which issues concerning the appropriateness of the criteria may be resolved. A variance is temporary and shall last no more than three years. Any person may request that the office grant a variance only after appropriate public participation and EPA review and approval. Variances to toxic substance criteria are allowed only when at least one of the reasons listed below can be reasonably expected to cause non-attainment of water quality standards. Allowed variances on specific water bodies are noted by numerical criteria for toxic substances in Table 1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 4:302 (August 1978), amended LR 10:745 (October 1984), amended LR 15: 738 (September 1989).

Paul H. Templett  
Secretary

## DECLARATION OF EMERGENCY

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

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

On February 20, 1990, the Supreme Court of the United States invalidated the Social Security Administration

(SSA) regulations for determining the disability of a child applicant for SSI (*Sullivan v. Zebley et al*, No. 88-1377).

Until SSA develops new regulations for the determination of disability for a child, SSA has issued an interim standard for making such determinations. Until the publication of revised SSA regulations, the state is mandated to utilize the SSA interim standard in determining Medicaid eligibility of disabled children in three broad classifications: 1) all new applicants after February 20, 1990, 2) all applicants for SSI benefits who have a claim pending at any level of administrative review (initial, reconsideration, administrative law judge hearing, appeals council, or reopening), and 3) all applicants who request that the state reconsider a denied Medicaid application because of the Supreme Court's decision.

The Health Care Financing Administration has determined that an administrative emergency exists during which the state will not be considered out of compliance if action on a disabled child claim is not made within 90 days because of adherence to HCFA instructions. This decision was based on the unusual circumstances in the *Zebley* decision, the potential of a very large retroactive population, and the need for SSA to develop new medical, functional, and developmental criteria to evaluate disability for children.

The interim standard provides, in general, that adjudicators fully consider a child's functional limitations when evaluating the severity of impairment. In no circumstances shall a child be found "not disabled" solely because he or she does not have an impairment that meets a listing, or does not have an impairment or combination of impairments that equals a listing. When determining whether a child's impairment "meets" or "equals" a listing, adjudicators must consider the overall functional consequences of the impairment(s) upon the child's daily living activities and age-appropriate behavior. For any child whose impairment(s) does not "meet" or "equal" a listed impairment, it shall be determined whether the impact of the impairment(s) on the child's ability to function is comparable in severity to that which would make an adult unable to engage in substantial gainful activity. Individualized functional assessments shall be made including ones that also incorporate such additional factors as environmental limitations, pain, treatment and therapy which interferes with daily living activities, side effects of medication, periods of incapacity and hospitalization, and other relevant factors identified in Social Security Rulings (SSRs) 85-15 and 85-16. Functional assessments from treating sources and evidence from parents, caregivers, and teachers and other professionals who have observed and have knowledge of the child's functional limitations shall be utilized. This evidence shall be considered in conjunction with all other relevant evidence. Where an individualized functional assessment shows that the child is comparably restricted in his or her ability to engaged in activities of daily living or behaviors appropriate to the child's age, the child will be considered disabled.

This rule is necessary to implement the mandatory instructions of the court and the Health Care Financing Administration. This rule was previously adopted under emergency rulemaking provisions of R.S. 49:953B effective July 24, 1990 and published in the *Louisiana Register*, Vol. 16, No. 8 on August 20, 1990.

## EMERGENCY RULE

The policy for determination of disability in children

during the period pending promulgation of final federal regulations shall be the Social Security Administration interim standard.

Provisions concerning eligibility determination will be applied as follows.

1. For new applicants with no pending SSI application or controlling determination, the interim standard shall apply. Current policies concerning timely determination of eligibility and retroactive eligibility for Medicaid policies shall apply. Until further notice, listing of impairments and method for evaluating disabled children previously applicable do not apply.

2. For SSI applicants with pending claims at any level of review, Medicaid determinations shall be deferred until SSA has made a determination. Current policy regarding the retroactive eligibility period for Medicaid applies.

3. Applicants who ask that the state reconsider a Medicaid denial because of the Supreme Court's decision, but have not requested any action concerning a prior SSI denial of childhood disability shall be referred to SSA for a determination of SSI disability criteria.

David L. Ramsey  
Secretary

#### **DECLARATION OF EMERGENCY**

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B to adopt the following rule in the Medical Assistance Program. The emergency rulemaking provisions were previously exercised effective April 1, 1990 and published in the *Louisiana Register*, Vol. 16, Number 4, page 286 on April 20, 1990 relative to this provision, and the emergency rule was readopted effective July 30, 1990 and published in the *Louisiana Register*, Vol. 16, Number 8, page 673 on August 20, 1990. The rule was published as a notice of intent on September 20, 1990 (Volume 16, No. 9, page 795).

Under current policies only physician services and prenatal clinic services are reimbursed to federally-qualified health centers. Effective April 1, 1990, BHSF will begin implementation of reimbursement based on allowable costs for federally-qualified health center services. This includes "core" services as well as any other services provided by a federally-qualified health center which are otherwise covered as reimbursable Medicaid services in Louisiana. Federally-qualified health centers are defined as those receiving a grant under Section 329, 330, or 340 of the Public Health Service Act or which, based on the recommendation of the Health Resources and Services Administration within the Public Health Service, are determined by the secretary to

meet the requirements for receiving such a grant and have been recognized by the Health Care Financing Administration as eligible for Medicaid reimbursement.

Following implementation of these regulations, health services mandated to be covered when rendered by the federally-qualified health centers shall include the following "core services": physician and physician assistant services, medically necessary services including pneumococcal and influenza vaccines and supplies incident to physician services; nurse practitioners; and clinical psychologist and clinical social worker services. Any other ambulatory services covered by Title XIX in Louisiana may also be reimbursed when rendered by a qualified FQHC provider in accordance with state policy and procedures.

Implementation of this provision is mandated by the Omnibus Reconciliation Act of 1989, Section 6404 (P.L. 101-239). This rule is necessary to ensure compliance with mandated federal regulations and to avoid sanctions from HCFA.

#### **EMERGENCY RULE**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing shall begin implementation of reimbursement for "core" services and other ambulatory services covered under Medicaid and delivered by federally qualified health centers as required by Section 6404 of the Omnibus Reconciliation Act of 1989 in accordance with state policy and procedures. Reimbursement for these services shall be based on allowable costs in accordance with Medicare principles of cost reimbursement found at 42 CFR Part 413. Annual cost reporting and full cost settlement shall be required to participate in Title XIX as a federally-qualified health center.

David L. Ramsey  
Secretary

#### **DECLARATION OF EMERGENCY**

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B to adopt the following rule in the Medical Assistance Program. The emergency rulemaking provisions were previously exercised effective April 1, 1990 and published in the *Louisiana Register*, Vol. 16, Number 4, page 291 on April 20, 1990 relative to this provision, and the emergency rule was readopted effective July 30, 1990 and published in the *Louisiana Register*, Vol. 16, Number 8, page 673 on August 20, 1990.

The Health Care Financing Administration (HCFA) has established a new focus on the nation's problem of infant mortality and morbidity. The number of low birthweight babies born in United States continues to be too high, and this is an important factor leading to infant mortality and morbidity, costly intensive care for newborns and extremely expen-

sive long term care for children disabled by this poor beginning. Medicaid, a major source of financing health care for poor women and children, has been shown to improve perinatal outcomes by improving access to health care for indigent pregnant women and children.

In 1986, Louisiana's percentage of low birthweight babies (8.7 percent) was exceeded or equaled in the United States only by that of Washington, D.C. (12.2 percent) and Mississippi (8.7 percent). Louisiana's rate was 28 percent higher than the rate occurring in the U.S. as a whole (6.8 percent). Louisiana's infant mortality rate of 1986 (11.9 per 1000 live births) was 14 percent higher than that for the U.S. as a whole (10.4 per 1000) and Louisiana's rate for 1987 (11.8 per 1000) was 17 percent higher than the U.S. (10.1 per 1000).

The goal of HCFA's Medicaid maternal and infant health initiative is to help states reduce infant mortality and morbidity by maximizing Medicaid coverage and benefits for pregnant women and infants, in part by:

- a. bringing more low income eligible pregnant women into risk-specific prenatal care earlier; and
- b. bringing more infants and toddlers into early and continuing risk-specific health supervision.

P.L. 99-272, the Consolidated Omnibus Budget Reconciliation Act, gave Medicaid the ability to provide these enhanced services. These services include risk assessments for pregnant women to determine her level of risk, to determine which services are most needed to protect her health, to improve the birth outcome and to enhance her chances of raising a healthy child. Such a service provided to indigent pregnant women, particularly in combination with case management services, may prevent or ameliorate infant mortality, morbidity, or disability and the enormous costs associated with these problems.

This rule is necessary in order to ensure that Medicaid-eligible pregnant women are able to continue to receive this cost effective, enhanced service.

#### EMERGENCY RULE

The Medicaid Program shall implement a new prenatal service, risk assessment, to be extended to all Medicaid-eligible pregnant women in the state.

Risk Assessment is defined as the systematic determination of factors which may compromise the health outcome for a pregnant woman or her infant. Such assessments should include, but are not limited to medical, social, and nutritional factors. The assessment may be done by a perinatal provider as defined below.

A risk assessment shall result in a baseline of information regarding the pregnant woman's needs or problems which will be used to guide the development of an interdisciplinary plan or care describing the type and level of intensity of services the recipient will require during her pregnancy. If the recipient is eligible for or receiving case management services, the risk assessment provider shall cooperate with the case management provider and other appropriate health care professionals in the development of the interdisciplinary plan of care.

##### A. Standards for Participation

The risk assessment provider shall:

1. enter into a provider agreement with the Bureau of Health Services Financing, including a supplement to the provider agreement which specifies the Bureau of Health

Services Financing requirements for the provision of risk assessment services;

2. be licensed in the state as one of the following:
  - a. a physician who has training in perinatal care;
  - b. a physician assistant who has training in perinatal care;
  - c. a certified nurse midwife;
  - d. a licensed/certified pediatric or family nurse practitioner;

e. a registered nurse, who has specialized training in perinatal nursing and a minimum of two years' experience providing perinatal nursing services. The registered nurse must be working under the direction of a physician specializing in perinatal care.

3. be certified as having the administrative capability to provide services effectively and efficiently.

##### B. Standards for Payment

In order to be reimbursed by the state, the provider of risk assessment services must:

1. assure that all risk assessment services are provided only to women whose pregnancy has been verified;
2. insure that the risk assessment instrument used is one approved by the Bureau of Health Services Financing;
3. insure that a second risk assessment is performed only if there is need to reevaluate the types and level of intensity of services the recipients will require during her pregnancy.
4. insure that a recipient agrees voluntarily to receive risk assessment services for which she is eligible;
5. insure that risk assessment services under this provision will not be used to restrict the access of the recipients to other services available under the state plan;
6. insure that payment for risk assessment services under this provision will not duplicate payments made to public agencies or private entities under other program authorities for this same purpose;
7. insure that, if the recipient is eligible for or receiving case management services because of the risk level involved in her pregnancy, the provider will cooperate with the recipient's case management provider and other appropriate professionals in developing interdisciplinary service plan;
8. insure that each recipient has freedom of choice with regard to providers of any services necessary for her treatment;

9. abide by the articles of the provider agreement and the supplement to the provider agreement entered into with the Bureau of Health Services Financing.

##### C. Service Limits

The maximum units of service covered by this provision per individual per calendar year shall not exceed the limit of two set in accordance with the Title XIX State Plan agreement with the Health Care Financing Administration.

##### D. General Provisions

1. Providers of risk assessment services will be reimbursed on a unit of service basis. Reimbursement will be based on allowable cost not to exceed limitations established by the Bureau of Health Services Financing.

2. Providers of risk assessment services shall maintain adequate documentation of the provision of services in a separate record for each recipient. These records shall include:

- a. the date of service provision;
- b. the name of the perinatal service provider;

c. a copy of the completed risk assessment instrument on the recipient;

d. documentation of the need for a second risk assessment if performed.

These records shall be retained for audit as prescribed by the State Plan Standards for Payment.

3. Standard provisions concerning such procedures as audit, submittal of cost reports, etc. contained in the Title XIX State Plan Standards of Payment shall be adhered to by risk assessment providers.

David L. Ramsey  
Secretary

## DECLARATION OF EMERGENCY

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

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

Eligibility for Medicaid benefits requires that certain non-financial criteria be met, as well as the financial income and resources standards for the applicable household size. To qualify for medical assistance, an individual must meet categorically related criteria (i.e., aged, blind, disabled, or a member of a family with children deprived of the support of at least one parent) as well as being financially eligible.

In households in which a parent and his/her children reside with a stepparent, the stepparent is not eligible for inclusion in the certification under Aid to Families with Dependent Children (AFDC) regulations as a member of a family with children deprived of parental support, unless the stepparent is an "essential person." AFDC policies allow inclusion of an "essential person" in the AFDC household if he/she provides child care which enables the qualified relative (parent) to work full time or receive full-time training or schooling.

However, in some instances the parent may not currently be working or attending school. In those instances the stepparent has been certified for Medicaid benefits in a separate AFDC related Medically Needy Program certification when he/she meets the incapacity requirements.

Clarification of this policy has been received from the Health Care Financing Administration which requires that, if the stepparent cannot be considered a member of a family with deprived children, he/she must instead be categorically related as an aged, blind, or disabled individual in order to be eligible for Title XIX benefits.

This rule is necessary to ensure compliance with mandated federal regulations and laws and to avoid sanctions from HCFA.

### EMERGENCY RULE

Title XIX eligibility of stepparents who do not meet the criteria to be included as a member of a family with children

deprived of the support of at least one parent shall be determined in the appropriate categorically related aged, blind, or disabled classification. SSI budgeting procedures shall be used to determine eligibility for medical assistance.

David L. Ramsey  
Secretary

## DECLARATION OF EMERGENCY

### Department of Insurance Commissioner of Insurance

In accordance with the provisions of R.S. 49:953 (B), the Administrative Procedure Act, and under the authority of R.S. 22:235, C, the Commissioner of Insurance hereby declares that he has determined the necessity to advise health care insurers and providers of their responsibilities for collection and remittance of fees allocated to support the operation of the Louisiana Health Care Association. The emergency rules are as follows:

#### §1. Purpose

The purpose of these regulations is to implement the fee collection and reporting functions required by Act 131 of the 1990 Regular Legislative Session (R.S. 22:231 et seq.)

#### §2. Definitions

As used in these regulations, the following terms shall have the following meaning:

A. *Association* means the Louisiana Health Insurance Association.

B. *Covered service* means an eligible inpatient day or an eligible outpatient admission.

C. *Eligible inpatient day* means any day on or after January 1, 1991, in which an eligible patient, including a newborn, is charged a room or nursery room charge for an overnight stay in a hospital, except when the stay is for psychiatric care or treatment of alcohol or substance abuse.

D. *Eligible outpatient admission* means, with regard to hospitals, an admission on or after January 1, 1991, for either ambulatory surgical care or endoscopic procedure for which no charge for an overnight stay is made and, with regard to licensed ambulatory surgery centers, any admission on or after January 1, 1991.

E. *Eligible patient* means all patients except the following:

1. private pay patients;
2. patients covered by any entitlement program contained in the Social Security Act;
3. patients covered by Civilian Health and Medical Program of the Uniformed Services (CHAMPUS);
4. patients covered by programs administered by the Department of Veterans Affairs or the Department of Defense;
5. patients covered by other program administered or funded by the United States of America;
6. patients covered by the State Employees Group Benefits Program; and



7. patients covered by insolvent insurers.

F. *Fee* means the service charge provided in R.S. 22:239, being \$2 per eligible inpatient day and \$1 per eligible outpatient admission.

G. *Hospital* means a hospital licensed under R.S. 40:2102, excluding those owned, operated or created by the state, the Department of Veterans Affairs or other agency of the United States of America, or any facility operated solely to provide psychiatric care or treatment of alcohol or substance abuse.

H. *Insurer* means the person or entity defined as an "insurance arrangement" in R.S. 22:232(10), defined as an "insurer" in R.S. 22:232(12), or defined as a "self-insured" in R.S. 22:232(17) and which, subject to the exceptions contained in R.S. 22:231 et seq., is responsible for payment of the fee to the provider as specified in R.S. 122:239(D). In the event of dual coverage, the primary carrier shall be responsible for the fee.

I. *Licensed ambulatory surgery center* means an ambulatory surgery center licensed under R.S. 40:2131 et seq.

J. *Private pay patient* means a natural person whose inpatient day or outpatient admission is not covered by any policy or plan of insurance or by a self-insurer or whose charges for injury or illness are not compensable by his employer or other insurer or insurance arrangement.

K. *Providers* means hospitals and licensed ambulatory surgery centers.

### §3. Billing

The provider shall bill every eligible patient for the fee. Said billing shall use the separate revenue code number "071" with the description "LA. MANDATED SERVICE CHG."; Exceptions may be granted by the association.

### §4. Insurer Remittance

Insurers shall pay the billed fees directly to the providers and shall specifically identify which portion of each payment represents the payment of the fee, the patient for whom the amount is paid, and the applicable date of admission or other unique patient identifier. In the event that a fee claim is rejected by an insurer, it shall notify the provider and shall specifically identify the reason for rejection, the patient for whom the claim was made, and the applicable date of admission or other unique patient identifier. Insurers shall adjudicate the fee claim within the time limits and conditions applicable to other claim payments under R.S. 22:657.

### §5. Provider Remittance and Report

Providers shall remit, within 30 days of the end of each calendar quarter, all fees received during the preceding calendar quarter. At the time of remittance, providers shall also furnish a report which lists the amounts billed to and paid by each insurer during the preceding calendar quarter. Additionally, providers shall keep, for not less than three years and with regard to every patient for which a fee has been paid, all records necessary to identify the patient, the date of admission or other unique patient identifier, and the patient's insurance status.

Remittance should be made payable to the Louisiana Health Insurance Association and mailed to:

Louisiana Health Insurance Association  
L. M. S. C.  
P. O. Box 94062  
Baton Rouge, LA 70804

### §6. Insurer Report

Insurers shall report to the association, within 30 days of the end of each calendar quarter, all fees paid to each provider during the preceding quarter. The report shall identify the patient, amount and date of admission or other unique patient identifier for which the fee has been paid. The report shall subtotal the amount of fees paid to each provider.

### §7. Delinquent Payment to Providers

A. Providers shall have the option of either collecting delinquent fees themselves or assigning those fees to the Louisiana Health Insurance Association to pursue collection of delinquent fees. Such an assignment shall be on a form approved by the board and may be general and prospective. The Louisiana Health Insurance Association by resolution, subject to his acceptance, may appoint the commissioner of Insurance as their agent for collection of all delinquent fees assigned to it.

B. When an insurer is delinquent in payment of fees due from it, the provider or the association shall cause the matter to be placed on the agenda of the board of the association for hearing. The board shall send to the insurer, by certified mail, notice of the hearing at least 30 days prior thereto. The insurer may be represented by an attorney at the hearing.

C. In assessing penalties, the board shall consider the insurer's reasons for not paying, its history of payment, and such other facts as shall appear relevant.

D. If the board fails to render its decision at the hearing, it shall notify the insurer of its decision by certified mail. The insurer shall then have 20 days to accept or reject the assessment. If the insurer accepts the assessment, it shall pay the provider within 30 days all fees and penalties due. If the insurer rejects the assessment, the association may enforce it by suit filed in proper venue. In such a suit, the court shall award interest at the legal rate on all fees from date due until paid, along with court costs. In such a suit in which the insurer has been found to have committed three or more violations within a six-month period, the court shall also award to the plaintiff reasonable attorney's fees.

### §8. Delinquent Payment from Providers

A. The Louisiana Health Insurance Association by resolution, subject to his acceptance, may appoint the commissioner of Insurance as their agent for collection of all delinquent sums due the association.

B. When a provider is delinquent in remitting fees to the association, the association shall cause the matter to be placed on the agenda of the board of the association for hearing. The board shall send to the provider, by certified mail, notice of the hearing at least 30 days prior thereto. The provider may be represented by an attorney at the hearing.

C. In assessing penalties, the board shall consider the provider's reasons for not paying, its history of payment, and such other facts as shall appear relevant.

D. If the board fails to render its decision at the hearing, it shall notify the provider of its decision by certified mail. The provider shall then have 20 days to accept or reject the assessment. If the provider accepts the assessment, it shall pay the association within 30 days all fees and penalties due. If the provider rejects the assessment, the association may enforce it by suit filed in proper venue. In such a suit, the court shall award interest at the legal rate on all fees from

date due until paid, along with court costs. In such a suit in which the provider has been found to have committed three or more violations within a six-month period, the court shall also award to the association reasonable attorney's fees.

#### §9. Duration

These emergency rules become effective January 1, 1991 and will expire April 30, 1991.

Douglas D. "Doug" Green  
Commissioner of Insurance

### DECLARATION OF EMERGENCY

#### Department of Social Services Office of Family Support

The Department of Social Services, Office of Family Support, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to adopt the following rule effective December 1, 1990 in the Job Opportunities and Basic Skills (JOBS) Training Program, also referred to as Project Independence, the name of Louisiana's program. Emergency rulemaking is necessary to comply with federal regulations at 45CFR255.5 concerning child care standards.

#### RULE

Participants in Louisiana's Project Independence Program shall be eligible for reimbursement of child care expenses, required as a result of program participation, that are incurred for child(ren) in family child day care homes. Eligibility for such reimbursement is contingent upon compliance with established registration procedures for family child day care homes (refer to the *Louisiana Register* of October, 1990 for the complete text of that proposed rule). Participants with child(ren) in family child day care homes that care for only related child(ren) shall be eligible for reimbursement of child care expenses upon receipt of the initial application form for registration. However, if such application is subsequently disapproved following inspection by the Office of the State Fire Marshal, the participant is not eligible for further reimbursement until such time that notification of registration approval is received.

May Nelson  
Secretary

### DECLARATION OF EMERGENCY

#### Department of State Office of Uniform Commercial Code

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and R.S. 3:3655(B) relative to the authority of the Department of State

to promulgate rules and regulations, the Department of State adopts the following rules relative to the implementation and administration of the Central Registry of Farm Product filings effective January 1, 1991.

#### Title 10

### BANKS AND SAVINGS AND LOANS Part V. Uniform Commercial Code

#### Chapter 3. Central Registry

##### §301. Definitions

*Buyer in the ordinary course of business* means a person who, in the ordinary course of business, buys farm products from a person engaged in farming operations who is in the business of selling farm products.

*Central registry* means the master index maintained by the secretary reflecting information contained in all effective financing statements, and statements evidencing assignments, amendments, continuations, and terminations thereof.

*Commission merchant* means any person engaged in the business of receiving any farm product for sale, on commission, or for or on behalf of another person.

*Creditor* means any person who holds a security interest in a farm product.

*Crop year* means:

1. for a crop grown in soil, the calendar year in which it is harvested or to be harvested;
2. for animals, the calendar year in which they are born or acquired; or
3. for poultry or eggs, the calendar year in which they are sold or to be sold.

*Cumulative addendum* means a document listing all information transmitted by the filing officers to the central registry as of the date of issuance that was not included on the most recent master list.

*Debtor* means any person who owns or has an ownership interest in farm products which are subject to a security interest of creditors.

*Effective financing statement* means a written instrument which is an abstract of a security device and which complies with the provisions of R.S. 3:3654(E). An effective financing statement may also contain additional information sufficient to constitute a financing statement or other statement under Chapter 9 of Title 10 of the Louisiana Revised Statutes.

*EFS* means an effective financing statement.

*Encumbrance certificate* means a written document which lists all effective financing statements affecting a person which have been filed with the filing officer and containing the information required by this Chapter to be transmitted to the secretary for inclusion in the central registry on the date and at the time the certificate is issued and which complies with the provisions of R.S. 3:3654(F).

*Farm product* means an agricultural commodity such as wheat, corn, soybeans or a species of livestock, such as cattle, hogs, sheep, horses or poultry, used or produced in farming operations or a product of such crop or livestock in its unmanufactured state, such as ginned cotton, wool-clip, maple syrup, milk and eggs, that is in the possession of a person engaged in farming operations.

*Filing* means the receipt of an EFS, amendment, assignment, continuation, partial release or termination of an EFS by the filing officer stamped with the date and time re-

ceived and assigned a file number. NOTE: R.S. 3:656(D) provides that an EFS is effective against third parties at the time it is filed with the filing officer and before it is included in the central registry. This may be in conflict with 7 U.S.C. 1631(c)(2)(E) and (F). Until this is clarified by court decision, parties relying on an EFS before it is included in the central registry do so at their own risk.

*Filing officer* means the clerk of court of any parish, or in the case of Orleans Parish, the recorder of mortgages.

*Knows or Knowledge* means actual knowledge.

*Master List* means a document listing all effective financing statements, amendments, assignments and continuations of effective financing statements which:

1. is organized according to farm products; and
2. is arranged within each such product:

a. in alphabetical order according to the last name of the individual debtors, or, in the case of debtors doing business other than as individuals, the first word in the name of such debtors;

b. in numerical order according to the social security number of the individual debtors, or, in the case of debtors doing business other than as individuals, the Internal Revenue Service taxpayer identification number of such debtors;

c. geographically by parish; and

d. by crop year.

*Office* means the office of the secretary of state of the state of Louisiana.

*Person* means any individual, partnership, corporation, trust or any other business entity.

*Portion* means portion of the master list distributed to registrants regularly that cover the farm products in which such registrant has indicated an interest.

*Registrant* means any person who has made application with the office of the secretary of state, has paid the required registration fee and received written notice that his application has been accepted.

*Regular business day* means any day that the office of the secretary of state and filing officers are open for routine business.

*Secretary* means the secretary of state of the state of Louisiana, or his duly authorized agent.

*Secured party* means a creditor with a security interest in farm products.

*Security device* is a written instrument that establishes a creditor's security interest in farm products or any pledge or privilege described in R.S. 9:4521, whether or not evidenced by a written instrument.

*Security interest* means an interest in or encumbrance upon farm products that secures payment or performance of an obligation.

*Selling agent* means a person, other than a commission merchant, who is engaged in the business of negotiating the sale and purchase of any farm product on behalf of a person engaged in farm operations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3652, R.S. 3:3654 and Public Law 99-198 (Food Security Act of 1985).

### §303. Administration

A. The central registry will be administered by the secretary of state and operated by the uniform commercial code division of the office. Any notices, petitions, documents or other correspondence shall be addressed to the Louisiana

Secretary of State, Uniform Commercial Code Division, Central Registry, Box 94125, Baton Rouge, LA 70804-9125.

B. Filings and encumbrance certificates will be administered by the filing officers as discussed in §§307, 309 and 317 herein. Addresses and phone numbers for the 64 filing officers are set forth in §325 herein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3654, 3:3655, 3:3656 and Public Law 99-198 (Food Security Act of 1985).

### §305. Formal Requisites of an Effective Financing Statement

A. The Effective Financing Statement must:

1. be an original or reproduced copy thereof; and
2. be signed by the debtor and secured party;
3. contain:

a. the name and address of the secured party;

b. the name and address of each person subjecting the farm product to the security interest:

1. in the case of a natural person, the surname (last name or family name) must appear first;

2. in the case of a corporation or other entity not a natural person, the name must appear with the first word or character not an article or punctuation mark;

c. the social security number or, if other than a natural person, the IRS taxpayer identification number of each such person submitting the farm product(s) to the security interest;

d. the crop year unless every crop of the farm product in question, for the duration of the EFS, is to be subject to the particular security interest;

e. each farm product name and corresponding product code as designated by the secretary of state (see §319 herein);

f. the dollar amount of the security interest;

g. a reasonable description of the property, including each parish code where the farm product is produced or to be produced; and

h. any further details of the farm product subject to the security interest if needed to distinguish it from other such products owned by the same person but not subject to the particular security interest.

B. The top portion of the approved EFS document (UCC-1F) also contains space to set forth information required under Louisiana law for filing financing statements pursuant to Article 9 of the Uniform Commercial Code (R.S. 10:9-401, et seq.) Filing parties are encouraged to utilize the EFS for perfection requirements under the UCC, in order to eliminate duplicate filing requirements and to promote filing efficiency.

C. The UC-1F or UCC-3F amendment must provide all information needed for preparation of the master list of farm products as set forth in §305A(3) above. In the event the farm product description provided by the secured party contains a discrepancy between the product name and product code, that particular item will be excluded from the master list. Notice of such exclusion shall be provided in the written confirmation sent by the secretary of state in accordance with §307(l) herein.

D. The secretary of state shall not be responsible for any effective financing statement (or particular farm product information contained therein) not revealed in the master list or cumulative addendum thereto, or oral or written confirmation of information furnished by the filing officers pursuant to §315 herein, which was not filed in accordance with these

regulations and thereby not appearing in the central registry of farm product information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3652, 3:3654 and Public Law 99-198 (Food Security Act of 1985).

### §307. Filing Procedures

A. The proper place to file in order to perfect a security interest in farm products is with the clerk of court of any parish, or in the case of Orleans Parish, the recorder of mortgages thereof ("the filing officer").

B. Security devices affecting farm products must be accompanied by a properly completed effective financing statement ("EFS") or the filing information will not be reflected in the master list or portions thereof, cumulative addenda, or encumbrance certificates issued in accordance with §§315 and 317 herein.

C. All effective financing statements must be submitted on Form UCC-1F as prescribed by the secretary.

D. All amendments, partial releases, assignments, continuations and terminations of an EFS must be submitted on Form UCC-3F, as prescribed by the secretary.

E. Approved forms are not stocked or dispensed by filing officers or the secretary of state. A list of approved vendors may be obtained by contacting the secretary at (504) 922-1314.

F. All effective financing statements, amendments, partial releases, assignments or continuations of effective financing statements must be accompanied by the required fee unless approval for billing has been granted by the filing officer.

G. If the person filing an EFS, amendment, partial release, continuation or termination furnishes the filing officer a copy thereof, the filing officer shall note upon the copy the file number and date and hour thereof, and send the copy by mail to such person. If the copy is to be returned to another party or another address, indicate the same in the appropriate box on the UCC-1F or UCC-3F.

H. The filing officer shall transmit the information contained in the effective financing statement or other statement, together with the date and time of filing and file number thereof, no later than 4:30 p.m. on the second business day following filing, to the secretary of state for inclusion in the central registry.

I. The secretary of state shall, within two business days following receipt of such information from the filing officer, send written notice to the secured party (and such other interested person designated on the form) confirming such receipt and reflecting all information received and included in the central registry.

J. Any questions regarding the filing information reflected in the written notice of acknowledgment from the secretary of state should first be directed to the filing officer which accepted and recorded the filing.

1. Data entry errors will be corrected by the filing officers at no charge to the secured party. The filing officer shall make each correction and transmit the same to the secretary of state for inclusion in the central registry, together with the date and time such correction was made, no later than 4:30 p.m. on the second business day after receiving written request for the correction. Upon such correction, the secretary of state will send written notice to the secured party confirming receipt of the same.

2. Errors committed by the secured party in preparing the financing statement must be corrected by filing an amendment or by filing a new effective financing statement.

K. Any questions regarding receipt of the written notice of acknowledgment from the secretary of state should be directed to the secretary of state's UCC Division at (504) 922-1314.

L. The secretary is not authorized to accept security devices affecting farm products, or the accompanying EFS. Any filings directed erroneously to the secretary shall be returned to the secured party with directions as to the filing procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3655, R.S. 3:3656 and Public Law 99-198 (Food Security Act of 1985).

### §309. Procedures for Filing Amendments, Assignments, Partial Releases, Continuations and Terminations of an EFS

A. Any statement of continuation, amendment, release, continuation, termination, or other similar statement pertaining to an effective financing statement shall identify the original file number and shall be filed with the same filing officer with whom the effective financing statement was originally filed.

B. Any amendment resulting in a material change to a security device shall be filed in writing and accompanied by a related EFS (Form UCC-3F) within three months of the amendment.

1. A material change is whatever change would render the master list entry no longer informative as to what is subject to the security interest in question.

2. The requirement to amend arises when the information already made available no longer serves the purpose and other information is necessary to do so.

3. The amendment must be signed by both the secured party and the person subjecting the farm product(s) to the security interest.

C. All assignments of security devices which are accompanied by a related EFS shall become effective at time and date of filing with the filing officer.

D. All continuations of security devices which are accompanied by a related EFS must be filed with the filing officer within six months before the expiration of the initial five-year period and must be signed by both the secured party and the person subjecting the farm product to the security interest.

E. Each person who filed an effective financing statement with the filing officer shall request cancellation thereof within 10 calendar days after the date the person who has granted or who is affected by the security device requests in writing, cancellation of the security device, provided the effective financing statement and security interest thereunder are then no longer in effect.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3655, R.S. 3:3656 and Public Law 99-198 (Food Security Act of 1985).

### §311. Registrations

A. Any person may register with the central registry to receive the master list or a portion thereof. Applications for registration shall consist of two types: initial registrations and renewal registrations.

1. An initial registration application may be filed at any

time of the year. Within five working days of receipt of a properly completed registration form and required fee, the secretary shall send the applicant written notice of acceptance and the most recent master list and cumulative addendum or portion thereof for which the applicant has indicated an interest. Applicants are not considered registered until they receive written notice of acceptance from the secretary.

2. A renewal registration application shall be filed by December 15 of each year. Failure to make application for renewal by December 15 shall result in termination of service by the central registry and loss of registrant status.

B. Registration application forms, as prescribed by the secretary, will be provided by the central registry upon request. The form must be completed in its entirety and submitted with the required fee.

C. The central registry will notify each registrant that a renewal application is due and provide the renewal application to the registrant by October 10 of each year.

D. Failure to register with the secretary subjects buyers, commission merchants, sellers, and others to a risk of additional liability to secured parties. Nonregistrants are encouraged to submit written requests for information to filing officers pursuant to §315.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 3:3655, R.S. 3:3656 and Public Law 99-198 (Food Security Act of 1985).

### §313. Master List

A. The secretary shall compile all information transmitted by the filing officers to the central registry into a master list. The master list or portions thereof will be distributed to each registrant based on the farm products and parishes for which the registrant has indicated an interest.

B. The master list will be compiled on the first regular business day of each quarter, and distributed within five regular business days. Each master list shall contain all properly submitted filing information transmitted prior to close of business on the last regular business day of the previous quarter. Cumulative addenda shall be compiled on the first and 15th day of each month and distributed within three regular business days. The central registry will not distribute cumulative addenda on the first of each month in which there is a distribution of a master list.

C. The office shall allow interested parties to obtain direct access to the computerized information in the central registry. Method of access, terms, costs and conditions will be stipulated by contract between the office and the interested party. The cost of direct access to the interested party will be limited to the actual cost to the central registry.

D. Registrants shall be deemed to have received any master list or cumulative addendum distributed by the central registry on the fifth day following the date of mailing to the intended recipient or the date of actual delivery, whichever occurs first. The central registry shall maintain accurate records so that such dates can be readily determined.

E. Registrants notifying the central registry of non-receipt will be provided a new list within five regular business days of receipt of the notice.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 3:3655 and Public Law 99-198 (Food Security Act of 1985).

### §315. Requests for Information From Non-Registrants

A. Upon written request submitted on the form ap-

proved by the secretary, filing officers shall furnish oral confirmation to any person of the existence of an EFS filed with a filing officer and transmitted to the central registry. The request shall contain:

1. the name, address, telephone number (and fax number, if available) of the person making the request; and

2. the name, address, parish of residence, and social security number or federal tax identification number of the person who is the subject of the request.

B. Oral confirmation will be provided no later than the regular business day following the day on which the request is received, at or before the time of day when it was received by the filing officer.

C. If the requesting party cannot be reached at the stated telephone number on the next regular business day, the filing officer shall attempt to reach the party on the following regular business day. If at the end of that time the requesting party has not been reached, the filing officer shall be deemed to have fulfilled his obligation to provide oral confirmation.

D. All written requests and responses will be recorded and will be kept on file by each filing officer receiving such requests.

E. All oral confirmations will be followed by written confirmation in the form of an encumbrance certificate.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 3:3655 and Public Law 99-198 (Food Security Act of 1985).

### §317. Encumbrance Certificates

Encumbrance certificates may be requested from any filing officer. The request must be in writing. Each request shall be subject to the following provisions:

1. The request shall contain the name and address of the person making the request.

2. The request shall contain the complete name, address, and parish of residence of the person who is the subject to the request.

3. The request may contain the nickname, initials, or other appellation by which the person who is the subject of the request is sometimes or commonly known.

4. The request shall contain the social security number or federal tax identification number of the person who is the subject of the request.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 3:3654, R.S. 3:3655 and Public Law 99-198 (Food Security Act of 1985).

### §319. Farm Products List and Codes

A. Louisiana shall be deemed to be a state that has established a central registry as to all farm products produced in Louisiana. Notwithstanding the foregoing, only those farm products which have been assigned a collateral product code and approved by the secretary as falling within the definition of a "farm product" pursuant to the Food Security Act of 1985 and regulations issued thereunder shall be deemed acceptable for inclusion in the master list or portions thereof.

B. Persons desiring the most current listing of all approved farm products which have been assigned a corresponding collateral code should contact the secretary at (504) 922-1314.

C. In the event a secured party has taken a security interest in a farm product not specifically assigned a product

code by the secretary, the following steps must be taken before the filing may be properly submitted to the filing officer for indexing and inclusion in the master list:

1. Contact the UCC Division/Central Registry at (504) 922-1314 to submit a request for a new farm product name and corresponding collateral product code to be assigned.

2. Generic categories of farm products, such as "Fish" or "Greens" are impermissible under the Federal Food Security Act. Requests for approval of categories deemed generic will be disallowed by the secretary and shall not be accepted for inclusion in the master list.

3. Farm Products deemed acceptable by the secretary shall be added to the list of published farm products and assigned a corresponding collateral code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3655 and Public Law 99-198 (Food Security Act of 1985).

**§321. Schedules of Fees For Filing and Encumbrance Certificates**

A. In accordance with R.S. 3:3657, the following fees shall be assessed by the filing officers for filing, recording and cancelling effective financing statements:

UCC-1F	EFS Farm Product Notice Only . . . . .	\$20*
	UCC and EFS Farm Product Notice . . . . .	\$35*
	* Includes prepaid termination fee, indexing of all debtor names, and attachments.	
UCC-3F	Amendment . . . . .	\$20*
	Assignment (Full and Partial) . . . . .	\$20*
	Continuation . . . . .	\$20*
	Partial Release . . . . .	\$20*
	* Includes indexing of all debtor names and attachments	

B. The fee for the issuance of each encumbrance certificate shall be \$15.

C. Registration (Initial and Renewal) for the master list of farm product encumbrances shall be assessed each calendar year and are calculated as follows:

FARM PRODUCTS	1 - 3	4 - 7	OVER 7
1 - 10 parishes	\$ 40	\$ 80	\$125
11 - 30 parishes	\$ 80	\$175	\$250
31 - 45 parishes	\$125	\$250	\$325
46 - 64 parishes	\$175	\$325	\$500

**§323. Transition Rules**

A. All effective financing statements and written security devices, as well as assignments, releases, amendments, and extensions thereof, entered into and filed with the Department of Agriculture and Forestry prior to January 1, 1991, shall remain in full force and effect.

B. Original copies of all effective financing statements and other statements, and the computerized records maintained by the Department of Agriculture and Forestry's Central Registry of Farm Product Filings shall be transferred to the secretary effective January 1, 1991.

1. Persons desiring copies of filings originally submitted to the Department of Agriculture should contact the UCC Division/Central Registry for assistance at (504) 922-1314.

2. Requests for copies of documents filed on or after January 1, 1991 must be directed to the parish filing officer with whom the filing was originally made.

C. Encumbrance certificates prepared by the filing officers on and after January 1, 1991 shall reflect filing information relating to effective financing statements and other statements originally filed with the Department of Agriculture and Forestry and transferred to the secretary.

D. Subsequent filings (amendments, partial releases, assignments, continuations or terminations) relating to effective financing statements and written security devices originally filed with the Department of Agriculture and Forestry shall be accomplished by filing an approved form UCC-3F with any parish filing officer which conforms to the following requirements:

1. The original file number assigned by the Department of Agriculture and Forestry, as well as the date and time of filing, must be identified.

2. The name(s), address(es) and taxpayer identification numbers of each debtor, and the name and address of the secured party appearing on the original effective financing statement must be identified.

3. The uniform fee for filing a UCC-3F must accompany the subsequent filing unless approval for billing has been granted by the filing officer.

Exception: Filing officers will file and record UCC-3F termination statements at no charge to the filing party.

4. Once a UCC-3F filing relating to an original CR-1 has been submitted to a parish filing officer pursuant to this Section, the filing party must submit all subsequent filings relating to that original CR-1 in that parish.

E. The compilation of the master list shall be as follows:

1. The master list or portions thereof scheduled to be compiled for the quarter beginning January 1, 1991 shall be prepared and distributed by the Department of Agriculture and Forestry, in accordance with the registration application on file for each participant for the 1990 calendar year.

2. The secretary of state shall compile and distribute its initial master list or portions thereof within five regular business days of January 15, 1991, in accordance with registration applications submitted to the secretary on or after October 15, 1990. Thereafter, cumulative addenda thereto shall be compiled on the first and 15th of each month until the next regularly scheduled master list to be compiled on April 1, 1991.

**§325. Filing Officers**

The names and addresses of the 64 filing officers for the state of Louisiana can be obtained from the Department of State, Office of Uniform Commercial Code.

W. Fox McKeithen  
Secretary

**DECLARATION OF EMERGENCY**

**Department of State  
Office of Uniform Commercial Code**

In accordance with the emergency provisions of the Administrative Procedure Act, R.S.49:953(B), and

R.S.49:230(C)(2) relative to the authority of the Department of State, Office of the Uniform Commercial Code, to promulgate rules and regulations, the Department of State amends its existing rules and adopts new rules relative to the procedures to be followed in presenting filings affecting transmitting utility debtors, effective December 1, 1990.

**§107. Forms To Be Used In Filing**

A. - H...

I. Filings affecting "transmitting utility" debtors, as defined in R.S.10:9-403(8), shall not be considered as such and shall not be entitled to the benefits provided by the foregoing statute unless the statement is presented on the revised form UCC-1 approved by the secretary of state effective December 1, 1990, which specifically identifies the status of the debtor by signifying the same in item no. 8B on the form. Persons submitting nonstandard filings (security agreements, mortgages, deeds of trust, or other instruments) affecting transmitting utility debtors must attach a properly completed revised form UCC-1 to the filing or the filing will not be handled as a transmitting utility filing.

**§109. Presentation of Filing**

A. - D. ...

E. The secretary of state shall, within two business days following receipt of such information from the filing officer, send written notice to the secured party confirming such receipt and reflecting all information received and included in the master index. If the debtor was specifically identified as a transmitting utility on the financing statement in accordance with §107 herein, such written notice shall be sent in duplicate and by registered mail, return receipt requested, to the secured party of record and such other requesting person as designated on the financing statement.

**§115. Duration**

A. With the exception of transmitting utility filings presented in the format required by §107 herein, a financing statement is effective for a period of five years from the date of filing. Transmitting utility filings properly presented for filing are effective until a termination statement is filed with the filing officer with whom the financing statement was originally filed.

**§131. Schedule of Fees For Filing and Information Requests (Certificates)**

UCC-1 ...

\* Financing Statement (Transmitting Utility) . . . \$200.

[Editor's Note: \*Extra fee of \$5 for each additional debtor name or tradename]

W. Fox McKeithen  
Secretary

**DECLARATION OF EMERGENCY**

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

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967

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

Effective 12:01 a.m. November 24, 1990 the commercial fishery for the following species: rock hind (*Epinephelus adscensionis*), speckled hind (*Epinephelus drummondhayi*), red hind (*Epinephelus guttatus*), red grouper (*Epinephelus morio*), Nassau grouper (*Epinephelus striatus*), black grouper (*Mycteroperca bonaci*), yellowmouth grouper (*Mycteroperca interstitialis*), gag (*Mycteroperca microlepis*), scamp (*Mycteroperca phenax*) and yellowfin grouper (*Mycteroperca venenosa*) in Louisiana waters will close and remain closed until 12:01 a.m. January 1, 1991.

The secretary was notified by the Gulf of Mexico Fishery Management Council and the National Marine Fisheries Service that the commercial quota for the Gulf shallow water groupers had been reached and the season closure is necessary to prevent overfishing.

A. Kell McInnis III  
Acting Secretary

# Rules

## RULE

**Department of Culture, Recreation and Tourism  
Office of State Parks**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the notice of intent, published on September 20, 1990, the Office of State Parks adopted the following revisions of rules and regulations relative to certain operational procedures, winter season discounts, and the Golden Pelican Permit. These revisions refer to rules previously published in LAC 25:IX (June 1987).

**Title 25  
CULTURAL RESOURCES  
Part IX. Office State Parks**

**Chapter 3. Rules and Regulations**

**§301. General Authority and Purpose**

A.-D. ...

E. From time to time, as deemed appropriate by the assistant secretary, special programs, occupancy regula-

tions, or discounts on user fees may be offered in order to encourage visitation during the winter season (October 1 through March 31). These special promotional offers are in effect for one winter season only and must be reviewed and reauthorized annually. No fee increases of any kind will be imposed under this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks in LR 8:633 (December 1982), LR 12:89, 90 (February 1986), LR 16: (December 1990).

### §303. Park Property and Environment

A.-F. ...

G. The display, possession, and/or use of metal detectors or other devices for the purpose of locating surface or subsurface artifacts or relics is prohibited. It is strictly forbidden to dig for or otherwise remove any historical feature, relic or artifact. Excavations for and removal of historical features by professional archaeological means may be considered by a special permit for historical and scientific research purposes. All such requests will be reviewed by the Louisiana State Archaeological Survey and Antiquities Commission. Applications for such permits must be made to the assistant secretary, Office of State Parks.

H.-I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks in LR 8:633 (December 1982), LR 12:89, 90 (February 1986), LR 16: (December 1990).

### §307. Boating Use

A.-J. ...

K. All or portions of water bodies adjacent to boat ramps, docks, swimming areas, boat houses, cabins, picnic shelters, pavilions, or other facilities shall be designated "NO WAKE AREAS." Signs and/or buoys will mark the water bodies or portions thereof so designated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks in LR 8:633 (December 1982), LR 12:89, 90 (February 1986), LR 16: (December 1990).

### §311. Overnight Use

A.-B. ...

C. Overnight camping, except during the period October 1 through March 31, and group camp, lodge and cabin use are limited to a 14-day period within 30 days. No campsite may be vacated for longer than a 24-hour continuous period under any permit agreement.

D.-J. ...

K. Upon termination of any use permit, the facility must be delivered up in good repair and in the same condition in which it was found. Where applicable, all doors and windows will be closed, all water taps shut, and all fires extinguished. Permittees will be responsible for any and all damages resulting from their use of the facility. Failure to comply may result in denial of future use of the facilities.

L.-N. ...

O. No overnight user may erect or display unsightly or inappropriate structures or features which, in the opinion of

the park manager, may create a disturbing or otherwise unpleasant condition detrimental to the general park use.

P. ...

Q. Overnight users must maintain a reasonably quiet facility between the hours of 10 p.m. and 6 a.m.

R.-U. ...

V. No one occupying an overnight facility, except camping during the period October 1 through March 31, will be allowed to register for the use of that facility for a period of more than 14 days within a 30-day period.

W. ...

X. The park manager will furnish or post in each overnight structure an inventory of movable equipment and furnishings which are available in the unit. The user should check the inventory immediately upon occupancy and report to the manager any deviation between the actual inventory and the printed inventory. The user may be required to reimburse the Office of State Parks for the cost of any equipment or furnishings which, if not reported upon occupancy, is missing or damaged when the unit is vacated. Failure to reimburse the Office of State Parks for any missing or damaged equipment or furnishings may result in denial of any future use of the facilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks in LR 8:633 (December 1982), LR 12:89, 90 (February 1986), LR 14:772, 773 (November 1988), LR 16: (December 1990).

### §313. Fishing, Hunting, Trapping, and Use of Firearms or Fireworks

A.-B. ...

C. The possession and/or use of any weapon, including but not limited to shotguns, rifles, pistols, and bows and arrows within a park area is prohibited, except by law enforcement officers or by special permission of the assistant secretary.

D.-G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks in LR 8:633 (December 1982), LR 12:89, 90 (February 1986), LR:14:773 (November 1988), LR 16: (December 1990).

### §321. Swimming

A.-F. ...

G. No swimming at any beach will be permitted from sunset to sunrise.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks in LR 8:633 (December 1982), LR 12:89, 90 (February 1986), LR 16: (December 1990).

## Chapter 5. Procedures and Fees

### §501. Operating Schedule

A. State Parks

1. ...

2. Winter schedule (1 October - 31 March): Parks open 8 a.m. - 7 p.m. daily (exceptions: South Landing of Chicot State Park, Lake Bistineau State Park, and North Toledo Bend State Park, 7 a.m. to 7 p.m.; the North Landing gate of Chicot State Park is open from 3 p.m. Friday to 7 p.m. Sun-



day.) Note: on Fridays and Saturdays, a park attendant is on duty for camper registration until 10 p.m.

3. ...

B.-D. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 56:1681-1690.

**HISTORICAL NOTE:** Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks in LR 8:633 (December 1982), LR 12:89, 90 (February 1986), LR 14:774 (November 1988), LR 16: (December 1990).

### §503. General Admission Fees

A. State Parks General Admission Day-Use Entrance Fees

1. ...

2. All prices include state and local taxes. In any cases where entrance fees are charged, there is no additional charge for the use of picnicking (except group shelters when reserved for exclusive use), boat launching, or swimming facilities. (Exception: St. Bernard State Park - swimming pool fee \$2 per person per day.)

3. ...

B.-E. ...

F. Group Rental Shelters

1.-4. ...

5. The carrying capacity of a group rental shelter is based on its size, facilities and available parking, and may not be exceeded.

G. ...

H. Exemptions

1.-2. ...

3. School Groups

Any child who is on a field trip conducted as part of the curriculum of the school and any classroom teacher, parent, bus driver and any other person accompanying a school child on such a field trip are exempt from paying the general admission charge to any state park, museum or related state facility in Louisiana. This exemption shall be valid at any time during the school year.

I. Annual Day-Use Permits

1.-2. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 56:1681-1690.

**HISTORICAL NOTE:** Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks in LR 8:633 (December 1982), LR 12:89, 90 (February 1986), LR 14:774, 775 (November 1988), LR 16: (December 1990).

### §505. Overnight and Day Use

A. Camping Fee

1. An improved campsite rents for \$12 per night. An unimproved campsite rents for \$10 per night. For information regarding campsite reservation fees, see Reservation Policy, §505.G

2.-3. ...

B.-1. ...

2. Fees

a. A fee of \$30 per night is assessed to the group for the exclusive use of the area and each individual camper rig is also charged the improved campsite rate. Anyone entering a rally campground which has been reserved for overnight use will be charged the overnight rate.

b. ...

3. ...

C. Golden Pelican Permit

1. All persons age 62 or older are eligible to purchase a Golden Pelican Permit which will qualify the permit holder and anyone accompanying him/her in a camper rig, as defined in Chapter 3, §311.H. of the rules and regulations of the Office of State Parks, for a 50 percent discount on campsite rentals. Proof of age is required.

2. The discount will be equal to 50 percent of the regular campsite rate. The discount will not apply to reservation fees or to the fee charged for exclusive use of a rally camping area. The discount will apply to the regular rate charged for reserved campsites (1-5 sites), and to the rate charged for group campsites (more than 5 sites).

3. The Golden Pelican Permit is valid for a period of one year beginning January 1 and ending December 31. The permit may be purchased as many as 90 days in advance of January 1, during which time it will be valid. Applications are available at all state parks.

4. The price of the Golden Pelican Permit will be fixed at a rate \$20 more than the price of an Annual Day-Use Permit. Any Louisiana resident age 62 or older may purchase a Golden Pelican Permit at a discounted price equal to the price of an Annual Day-Use Permit. Proof of residency is required.

D. ...

E. Cabins and Lodges

1. ...

a. In each case where the bedding accommodations are specified, the maximum overnight occupancy of the cabin cannot be more than two people over the lodging accommodation number. Bedding accommodations will vary and may include a combination of double beds, single beds, bunk beds or sofa sleepers. Visitors must contact the park for information regarding specific bedding arrangements and accommodations.

b. The maximum day use capacity of any cabin shall be 150 percent of the maximum overnight capacity.

2. ...

F. Group Camps

\* \* \*

1. Minimum overnight rate is based on 50 percent capacity of the facility. Rate is \$3 per person per night for each person over the 50 percent capacity. Visitors coming to the group camp for day use only will be charged the normal day-use entrance fees.

2.-3. ...

G. Reservation Policy

1. ...

2. Reservations are accepted only from persons 21 years of age or older and adults must accompany all minors at reserved facilities.

3.-4. ...

5. Overnight Reservations

a. ...

b. Reservations for overnight use between October 1 and March 31 are accepted beginning July 1 annually (except for group campsite reservations). Reservations placed for this period between July 1 and July 3 are accepted by telephone only and are on a first come, first served basis. Reservations for this period are accepted after July 3 annually by either phoning or writing the individual park at which the accommodations are desired.

c. Reservations for overnight use between April 1 and

September 30 are accepted beginning January 2 annually (except for group campsite reservations). Reservations placed for this period between January 2 and January 4 are accepted by telephone only and are on a first come, first served basis. Reservations for this period are accepted after January 4 annually by either phoning or writing the individual park at which accommodations are desired.

d.-e. ...

f. Reservations for Regular Campsites

i. An advance deposit equal to one night's campsite(s) rental fee plus a reservation fee of \$3 is required to make an advance reservation for regular campsites. The normal campsite rate (with Golden Pelican Permit discount, if applicable) is charged for each site rented. Golden Pelican Permit discounts apply to the campsite rate, but do not apply to the reservation fee.

ii.-v. ...

g. Group Campsite Reservations

i. Reservations for more than five campsites may be made during the winter season (October 1 through March 31) at any state park operating a campground, provided that no more than 80 percent of the available campsites may be reserved at any one park.

ii. An advance deposit equal to one night's campsites rental fee plus a reservation fee of \$30 is required to make an advance reservation for group campsites. The normal improved campsite rate (with Golden Pelican Permit discount, if applicable) is charged for each site rented. Golden Pelican Permit discounts apply to the campsite rate, but not to the \$30 reservation fee.

iii. Reservations for group campsites may be made at any time during the year; however, no reservation may be made for more than one year before the anticipated use date.

6. ...

H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks in LR 8:633 (December 1982), LR 12:89, 90 (February 1986), LR 14:775-779 (November 1988), LR 16: (December 1990).

## Chapter 7. Facilities

### §701. Office of State Parks Operating Units

K. Fort Jesup State Commemorative Area (Route 2, Box 611, Many, LA 71449, 318-256-5480) is located just off LA 6, formerly the original El Camino Real. This site features an original kitchen/mess building and a museum. The site was selected by Zachary Taylor in 1822 and the fort existed for 26 years as one of the strongest garrisons in Louisiana. Fort Jesup is a National Historic Landmark.

L.-R. ...

S. Lake Fausse Pointe State Park (Route 5, Box 5648, St. Martinville, LA 70582, 318-229-4764) is located on the West Atchafalaya Protection Levee Road about 12 miles east of St. Martinville. At the edge of Louisiana's largest watery wilderness, the Atchafalaya Basin, the park offers camping, vacation cabins, hiking, boating, picnicking, a camp store and fishing.

Subsequent subsections have been re-lettered appropriately in alphabetical order.

T.-U. ...

V. Los Adaes State Commemorative Area (P.O. Box 127, Marthaville, LA 71450, 318-472-9449) is located on LA 6, east of Robeline in Natchitoches Parish. Originally built in 1721, the fort protected Spanish territory from the French. Despite official friction, the Spanish of Los Adaes and the French of Fort St. Jean Baptiste maintained friendly relations. An important archaeological site, Los Adaes is a National Historic Landmark.

W. ...

X. Mansfield State Commemorative Area (Route 2, Box 459, Mansfield, LA 71052) is located four miles south of the town of Mansfield. This park is the site of the most important battle of the Civil War fought west of the Mississippi. The 44-acre site includes a museum noted for its variety of military artifacts. The interpretive program explains how the badly outnumbered Rebels defeated the Union army, ending the Red River Campaign. The site is included in the National Register of Historic Places.

Y. Marksville State Commemorative Area (700 Martin Luther King Drive, Marksville, LA 71351, 318-253-8954) is located adjacent to the town of Marksville, east of LA 1 and LA 452. The park area is of great archaeological significance due to the discovery of buried evidence of an Indian culture which flourished some 200 years ago. Visitors can enjoy pre-historical Indian mounds located on a bluff overlooking Old River. An interpretive program and museum adds to visitor enjoyment. The facility is a National Historic Landmark.

Z. North Toledo Bend State Park (P.O. Box 56, Zwolle, LA 71486, 318-645-4715) is located off LA 3229 about 6 miles west of Zwolle in Sabine Parish. Situated in the rolling pine forests bordering Toledo Bend Reservoir, one of the country's prime fishing lakes, the park features camping, fishing, hiking, picnicking, vacation cabins, a group camp, swimming pool and camp store.

AA.-AF. ...

AG. Winter Quarters State Commemorative Area is located three miles southeast of Newellton on LA 608 in Tensas Parish. This 19-room plantation mansion situated on a seven-acre site was, for a time, used as headquarters by General Grant during the siege of Vicksburg. Built in three stages during three generations, the house demonstrates three different types of architecture. The house is included in the National Register of Historic Places. Transferred to the Tensas Parish Police Jury, St. Joseph, Louisiana, through a Cooperative Endeavor Agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 1681-1690.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks in LR 8:633 (December 1982), LR 12:89, 90 (February 1986), LR 14:779-781 (November 1988), LR 16: (December 1990).

Linton Ardoin  
Assistant Secretary

**RULE**

**Department of Economic Development  
Certified Real Estate Appraisal Subcommittee**

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL STANDARDS**

**Part LXVII. Real Estate**

**Subpart 2. Appraisers**

**Chapter 103. Certification**

**§10307. Basic Education for Certification**

\* \* \*

**G. Other University Appraisal Courses**

Real estate appraisal courses taught by other universities with four year undergraduate degree programs and junior colleges will be individually reviewed for approval by the subcommittee. A course outline, typical text and typical enrollments by offering shall be provided to the subcommittee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisal Subcommittee, LR 15:814 (October 1989), amended LR 16: (December 1990).

Jane H. Moody  
Executive Director

**RULE**

**Board of Elementary and Secondary Education**

**Public High School Equivalency Diploma**

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published September 20, 1990 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

Amendment to Bulletin 741 -

Louisiana School Administrators' Handbook

Add Standard 1.124.16 to read:

Public high school equivalency diplomas shall be signed by the state superintendent of education, the president of the Board of Elementary and Secondary Education, the local superintendent of schools, the school board president, and the local high school principal.

Em Tampke  
Executive Director

**RULE**

**Board of Elementary and Secondary Education**

**State-Established Scale for  
Employment of School Librarians**

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published

September 20, 1990 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

Amendment to Bulletin 741 -

Louisiana School Administrators' Handbook

Add Standard 2.071.08 which provides a state-established scale for the employment of school librarians as listed below:

Student Enrollment	Required Librarians
299 or fewer	one half-time
300 - 999	one full-time
1000 or higher	two full-time

Em Tampke  
Executive Director

**RULE**

**Board of Elementary and Secondary Education**

**Amendment to Bulletin 1213**

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published September 20, 1990 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

Amendment to Bulletin 1213

Minimum Standards for School Buses in Louisiana

**§3: Identification**

Drug-Free Zone decal shall be placed in a visible manner in each school bus.

Em Tampke  
Executive Director

**RULE**

**Board of Elementary and Secondary Education**

**Revised Policy on Drug Testing**

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published September 20, 1990 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

Amendment to Bulletin 1868

BESE Personnel Manual

**Chapter H. Safety, Health and Environmental Work Factors**

**§191. Programs**

Revised Policy on Drug Testing. (See August, 1990 issue of the *Louisiana Register* for complete text of policy.)

Em Tampke  
Executive Director

**RULE**

**Board of Elementary and Secondary Education**

Salary Schedule for State Technical Institutes

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published September 20, 1990 and under the authority contained in the Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

Amendment to Bulletin 1868  
BESE Personnel Manual

**Chapter D: Employee Compensation**

**§145. Vocational-Technical System**

**A. Salary Implementation**

Salary schedule for state technical institutes, effective August 20, 1990. (See August, 1990 issue of the *Louisiana Register* for complete text of schedule.)

Em Tampke  
Executive Director

In addition:

a. It is required that these teachers take the NTE at the earliest date that it is offered in their geographical area; and

b. These individuals must have a minimum of a baccalaureate degree from a regionally accredited institution and be eligible for admission to a teacher education program.

2. To be re-employed under this policy, an individual must have earned at least six semester hours toward completion of a teacher education program or six semester hours appropriate to the area of the NTE (general knowledge, professional knowledge, communication skills, specialty area) in which the score was not achieved.

AUTHORITY NOTE: R.S. 17:6 (A) (10) (11) (15); R.S. 17:7(6), R.S. 17:10.

HISTORICAL NOTE: LR 16: (December 1990).

Em Tampke  
Executive Director

**RULE**

**Board of Elementary and Secondary Education**

Interim Emergency Policy for Hiring Full-Time/Part-Time  
Noncertified School Personnel

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published September 20, 1990 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

**Title 28  
EDUCATION**

**Part I. Board of Elementary and Secondary Education**

**Chapter 9. Bulletins, Regulations, and State Plans**

**§903. Teacher Certification Standards and Regulations**

\*\*\*

**I. Non-Certified Personnel**

Full-time/part-time noncertified school personnel, excluding speech, language, and hearing specialists, may be employed by parishes having difficulty in employing certified persons in certain positions, provided that the following documentation is submitted to the Department of Education:

1. Documentation shall include:

a. a signed affidavit by the local superintendent that the position could not be filled by a certified teacher;

b. submission of names, educational background subject matter and grade level being taught as an addendum to the Annual School Report; and documentation kept on file in the LEA's superintendent's personnel office shall include:

i. copies of transcripts showing degree earned;

ii. documentation that efforts for recruitment for certified teachers have been made (e.g. newspaper advertisement, letters, contacts with colleges, and so forth); and

iii. documentation that the teacher is eligible for admission to a teacher education program.

**RULE**

**Board of Elementary and Secondary Education**

Revised Procedures for Waiver Requests from Nonpublic  
Schools

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published September, 20, 1990 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

**Title 28  
EDUCATION**

**Part I. Board of Elementary and Secondary Education**

**Chapter 3. Rules of Procedure**

**§313. Waivers of Minimum Standards: Procedures**

\*\*\*

B. Procedures for Requesting Waivers of Bulletin 741 Standards

1. - 6. ...

7. Schools in the nonpublic sector, in submitting requests for waivers of applicable minimum standards, shall follow the procedures outlined in this Section. Requests shall be submitted by the appropriate school administrative officer.

AUTHORITY NOTE: R.S. 17:6(A) (10); R.S. 17:7 (5) (6) (7); R.S. 17:7.1.

HISTORICAL NOTE: LR 16: (December 1990).

Em Tampke  
Executive Director

**RULE**

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

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the

provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Louisiana Air Quality Regulations, LAC 33:III.2701 and Appendix A, (Log Number AQ15).

These regulations will exempt public buildings built after 1978 from the requirements of LAC 33:III.Chapter 27 unless there is a possibility of the presence of asbestos or unless the building is used for education of grades kindergarten through twelve (K-12). These regulations will amend existing §2701 and Appendix A to allow for the exemption.

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

**Chapter 27. Asbestos-Containing Materials in Schools and Public Buildings Regulation**

**§2701. Asbestos-Containing Materials in Schools and Public Buildings**

\* \* \*

B. Applicability. The provisions of this Chapter apply to all local education agencies and the state government as defined in §2703 below. Public buildings built after 1978 are exempt from the requirements of this Chapter unless there is the possibility of the presence of asbestos or the building is used for education of grades kindergarten through twelfth (K-12).

\* \* \*

AUTHORITY NOTE Promulgated in accordance with R.S. 30:2344 and R.S. 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division in LR 15:735 (September 1989), amended LR 17:

**Appendix A**

\* \* \*

G. Reciprocity.

\* \* \*

3. a completed copy of the appropriate AAC form (see the following forms AAC-1, 3, and 4) and material required in Section E, or F; and

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and R.S. 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division in LR 15:735 (September 1989), amended LR 17:

Paul H. Templet  
Secretary

**RULE**

**Department of Environmental Quality**  
**Office of Solid and Hazardous Waste**  
**Hazardous Waste Division**

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Louisiana Hazardous

Waste Regulations, LAC 33:V.5119, 5141, 5143, and 5145, (Log Number HW24).

These amendments provide for the establishment of fees to defray the cost incurred by the Department of Environmental Quality in providing professional geologists and engineers to inspect and ensure that leachate collection and leak detection systems are properly maintained. These fees will also defray the cost incurred by the department in providing professional personnel to inspect and evaluate land treatment unsaturated zone monitoring systems and the performance of incinerator systems.

Copies of this rule are available at the Department of Environmental Quality, Commerce Building, Sixth Floor, 333 Laurel Street, Baton Rouge, LA 70801 or at the office of the State Register, 900 Riverside North, Capitol Annex Building, Fifth Floor, Baton Rouge, LA 70802.

Paul H. Templet  
Secretary

**RULE**

**Department of Environmental Quality**  
**Office of Solid and Hazardous Waste**  
**Hazardous Waste Division**

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Hazardous Waste Regulations, LAC 33:V.1103, 1109, Chapter 22, 2311, 2511, 2519, 2715, 2913, 4301, 4313, 4459, 4471, 4503, 4511, 4901, and 4903, (Log Number HW22).

These amendments will update the state land ban regulations to maintain equivalency with the federal Land Disposal Restrictions Regulations and to comply with state law. The "second third" rule was promulgated by EPA on June 23, 1989 (54 FR 26594, 120) and the "third third" rule was promulgated by EPA on June 1, 1990 (55 FR 22520, Number 106). The second third rule evaluates and sets treatment standards for the second third of the listed hazardous wastes. The third third rule evaluates and sets treatment standards for the third third of the listed hazardous wastes, the characteristic wastes, and any remaining hazardous wastes not evaluated during the first third and second third rulemakings. These amendments will also correct typographical errors and ambiguities in LAC 33:V.Chapter 22.

Copies of this rule are available at the Department of Environmental Quality, Commerce Building, Sixth Floor, 333 Laurel Street, Baton Rouge, LA 70801 or at the office of the State Register, 900 Riverside North, Capitol Annex Building, Fifth Floor, Baton Rouge, LA 70802.

Paul H. Templet  
Secretary

## RULE

### Department of Health and Hospitals Board of Nursing

The Louisiana State Board of Nursing hereby gives notice that the board, at its November 15, 1990 meeting, amended LAC 46:XLVII.3356, Requirements for Relicensure: Continuing Education/Nursing Practice.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part XLVII. Nurses

#### Subpart 2. Registered Nurses

#### Chapter 33. General Rules

#### Subchapter D. Registration and Licensure

#### §3356. Continuing Education/Nursing Practice

A. Authority of the Louisiana State Board of Nursing (the Board): The Board derives its authority to establish the requirement for evidence of activities which contribute to continued competence for relicensure to practice as a registered nurse from R.S. 37:911, R.S. 37:918(E) (K) and R.S. 37:920(E).

B. Definitions: For the purposes of this Section:

1. *Active nursing practice* means the use and development of one's nursing knowledge and judgment and the continuous, personal participation in the profession by a registered nurse.

2. *Approved provider* means those individuals, partnerships, corporations, associations, organizations, organized health care systems, educational institutions, or governmental agencies offering continuing education as approved by the Louisiana State Board of Nursing (LSBN).

3. *Clinical competence* means the possession and use of professional knowledge and skills in relation to direct patient/client care.

4. *Competence* means the possession of the necessary professional knowledge and skills and functioning at the legally qualified level.

5. *Continuing education unit (C.E.U.)* means 10 contact hours of an activity designed for educational purposes and meeting established criteria.

6. *Contact hour* means an hour of instruction that includes 50 minutes of an activity designed for educational purposes and meeting established criteria, or three hours of associated clinical practice.

7. *Continued competence* means the possession and maintenance of current professional knowledge and skills.

8. *Continuous activity* means a planned educational activity designed to update the knowledge and skills of its participants beyond the entry level or to prepare them to practice a different area of expertise.

9. *Criterion* means a standard, rule or test by which something can be judged, measured or valued.

10. *Current* means occurring and accepted in the present time; contemporary.

11. *Documentation of nursing practice* means the presence of written evidence of active practice.

12. *Examination* means an exercise designed to evaluate progress or test qualifications or knowledge.

13. *Full-time active practice* means a minimum of 2,080 hours of practice or the meeting of requirements set forth by the employer to equate to the full-time equivalent.

14. *Inactive practice status* means not being engaged in or performing active nursing practice.

15. *NCLEX-RN* means the National Council of State Boards of Nursing, Inc. Licensure Examination for Registered Nurses. It is the written examination measuring competency for initial licensure as a registered nurse.

16. *Practice hours* means the work done in an hour of time (60 minutes) while engaging in active nursing practice.

17. *Refresher course* means instruction designed to update professional knowledge and skills to expected current level of competence.

18. *Requirement* means something needed or demanded by virtue of a law, regulation, etc.

19. *Written examination* means a paper-and-pencil or computer-assisted exercise designed to evaluate progress or to test judgment or knowledge.

C. Continuing Education/Active Practice Requirements: Effective January 1, 1993, evidence of meeting the continuing education/active practice requirements for relicensure shall be submitted on the appropriate affidavit form with the application for relicensure. The following options are available to fulfill the requirement for evidence of continued competence:

1. For renewal of an active license or relicensure after less than a four-year interruption, the applicant must provide documentation of one of the following:

a. a minimum of 30 LSBN approved contact hours of continuing education every two years; or

b. a combination of: (1) a minimum of 20 LSBN approved contact hours of continuing education in a two-year period and (2) 320 hours of active practice as a registered nurse within the same previous two-year period; or

c. a combination of: (1) a minimum of 10 LSBN approved contact hours of continuing education in a two-year period and (2) full-time active practice as a registered nurse within the same previous two-year period; or

d. initial licensure by examination or by endorsement within the previous two years;

e. Licensees who are certified in a specialty area of nursing and whose continued certification requirements are equivalent to or exceed the above requirements need only to show evidence of continued certification.

2. For reinstatement of a license which has lapsed, or has been suspended, or has been granted nonpracticing status for four years or more, the applicant must provide documentation of one of the following:

a. a board approved refresher course consisting of a minimum of 160 hours of instructor planned, supervised instruction, including theory at a ratio of 50 minutes instruction per one hour of credit and clinical practice at a ratio of three hours of practice per one hour of credit; or

b. individualized remediation including an assessment of needs, a program of study designed to meet these needs, and an evaluation of the learning outcomes of the program. Such program must be sponsored by an approved provider in an accredited post-secondary educational institution whose faculty holds masters degrees in nursing; or

c. a minimum of 60 contact hours of LSBN approved continuing education within the previous four years; or

d. successful completion of the NCLEX-RN examination during the immediate previous year.

D. Continuing Education Courses: Continuing education course credit may be given for the following continuing education course/programs:

1. courses which meet the criteria for content of con-

tinuing education offerings as specified in §3356.E and which are offered by approved providers as specified in §3356.F;

2. academic courses in an accredited post secondary institution which are related to specific knowledge and/or technical skills required for the practice of nursing as specified in §3356.E, or which lead to an advanced degree or to a certificate in advanced nursing. One academic semester hour is equivalent to 15 contact hours of continuing education;

3. programs, courses or independent study offerings which have been approved for voluntary or mandatory continuing education by other boards of nursing, the American Nurses Association continuing education accrediting/approval process, or specialty nursing organizations which have equivalent approval criteria;

4. other courses as may be approved by the board at its sole discretion.

No credit may be given for attendance at part of course/program; however, instructors who present part of an offering may receive full credit if the total offering is attended.

E. Content of Continuing Education Courses: The following areas are acceptable subject matter to fulfill continuing education requirements for relicensure in Louisiana:

1. nursing practice topics related to counseling, teaching, or care of clients in any setting;

2. sciences upon which nursing practice, nursing education, and nursing research are based, e.g., nursing theories; biological, physical and behavioral sciences; and advanced nursing in general or specialty areas;

3. professional, social, economic, spiritual, and ethical/legal aspects of nursing;

4. management or administration of nursing practice or of nursing education;

5. education of clients and their significant others, or of personnel associated with nursing functions.

F. Criteria for Approved Providers: Continuing education providers may be designated by the board as "Approved Providers" upon showing evidence of meeting the following criteria:

1. have a consistent, identifiable authority who has the overall responsibility for the execution of educational offerings;

2. accept full responsibility for each and every course/program, including, but not limited to record keeping, advertising course/program content as related to board requirements, issuance of certificates, and instructor qualifications.

3. demonstrate nursing participation in the planning and implementation of educational offerings;

4. utilize a program plan which includes a statement of purpose, measurable educational objectives, outline of content, teaching methodology, contact time for each objective, and an evaluation of the attainment of the objectives and of the overall effectiveness of the offering.

5. select appropriate subject matter as provided in §3356.E;

6. utilize educational methodology in accord with adult education principles;

7. maintain participant and program records for a minimum of five years. The record storage system assures confidentiality and allows for retrieval of essential information for each offering including:

a. title of offering;

b. names and addresses of participants and number of contact hours awarded to each;

c. names and titles of planning committee members;

d. name, title, and curriculum vitae for each faculty member;

e. starting and ending dates;

f. name and address of facility where offering is held;

g. program plan as specified in §3356.F.4;

h. description of target audience;

i. number of contact hours awarded for the offering;

j. summary of participants' evaluation; and

k. copy of any co-providership agreement, if applicable.

8. provide notification of the availability of each offering, including at least the following information: date, time, location, cost of the program, items covered by the fee and refund policy; areas of subject matter, educational objectives, credentials of instructors and intended audience; amount of continuing education credit to be awarded and approved provider number. A copy of each brochure shall be sent to the board prior to each offering.

Evidence of accreditation/approval as a provider unit in the American Nurses Association's continuing education system may be submitted in lieu of evidence of meeting the above criteria.

An application for approved provider status shall be filed with the board, on the form supplied by the board, at least 90 days prior to the implementation of the offering.

Fees payable upon submission of an application for review of an offering are: \$25 (non-refundable) plus \$5 for each contact hour of instruction, up to a maximum of \$700. A fee of 25 percent of the original fee, with a minimum of \$30, is payable for an extension of the approved status.

Fees payable upon submission of an application for total program review are \$500 for two years, with \$100 being non-refundable.

G. Monitoring System: Fulfillment of the requirements for continuing education/nursing practice for relicensure shall be ascertained as follows:

1. Verification of continuing education/nursing practice: with the application for relicensure, licensees shall submit a statement, indicating compliance and agreeing to supply supporting documents on request.

2. Audit of licensees: the board shall select not less than three percent of the licensees for an audit of continuing education activities on a random basis. Additionally, the board has the right to audit any questionable documentation of activities. Such shall be governed by the following:

a. the licensee must submit verification of compliance with continuing education requirements or exceptions for the period being audited. Verification includes legible copies of certificates of attendance, transcripts, or documentation of compliance with exceptions as provided in §3356.K;

b. licensees who use the active practice option as partial evidence of continued competence shall document active practice on the audit form provided by the board. Said documentation shall be signed by a registered nurse who has practiced in a supervisory, collaborative or peer relationship. Because there may be exceptions to this form of documentation, the staff of the Board of Nursing will manage these exceptions on an individual basis;

c. verification shall be submitted within one month after the notice of audit;

## RULE

### Department of Health and Hospitals Board of Nursing

The Louisiana State Board of Nursing hereby gives notice that the board, at its November 15, 1990 meeting, amended LAC 46:XLVII.3356, Requirements for Relicensure: Continuing Education/Nursing Practice.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part XLVII. Nurses

#### Subpart 2. Registered Nurses

#### Chapter 33. General Rules

#### Subchapter D. Registration and Licensure

#### §3356. Continuing Education/Nursing Practice

A. Authority of the Louisiana State Board of Nursing (the Board): The Board derives its authority to establish the requirement for evidence of activities which contribute to continued competence for relicensure to practice as a registered nurse from R.S. 37:911, R.S. 37:918(E) (K) and R.S. 37:920(E).

B. Definitions: For the purposes of this Section:

1. *Active nursing practice* means the use and development of one's nursing knowledge and judgment and the continuous, personal participation in the profession by a registered nurse.

2. *Approved provider* means those individuals, partnerships, corporations, associations, organizations, organized health care systems, educational institutions, or governmental agencies offering continuing education as approved by the Louisiana State Board of Nursing (LSBN).

3. *Clinical competence* means the possession and use of professional knowledge and skills in relation to direct patient/client care.

4. *Competence* means the possession of the necessary professional knowledge and skills and functioning at the legally qualified level.

5. *Continuing education unit (C.E.U.)* means 10 contact hours of an activity designed for educational purposes and meeting established criteria.

6. *Contact hour* means an hour of instruction that includes 50 minutes of an activity designed for educational purposes and meeting established criteria, or three hours of associated clinical practice.

7. *Continued competence* means the possession and maintenance of current professional knowledge and skills.

8. *Continuous activity* means a planned educational activity designed to update the knowledge and skills of its participants beyond the entry level or to prepare them to practice a different area of expertise.

9. *Criterion* means a standard, rule or test by which something can be judged, measured or valued.

10. *Current* means occurring and accepted in the present time; contemporary.

11. *Documentation of nursing practice* means the presence of written evidence of active practice.

12. *Examination* means an exercise designed to evaluate progress or test qualifications or knowledge.

13. *Full-time active practice* means a minimum of 2,080 hours of practice or the meeting of requirements set forth by the employer to equate to the full-time equivalent.

14. *Inactive practice status* means not being engaged in or performing active nursing practice.

d. failure to complete the cation of information may result the licensee in accord with the p ived in LAC 46:XLVII.3333.

e. failure to notify the bo dress will not absolve the licer ment.

3. Audit of approved provi right to audit approved provide ance with the criteria for approv: tion from the criteria for approv: board, approval status may be w be placed on probation for a s proval status may be restored u that the provider satisfactorily fu question.

4. Appeal: a provider whc eration shall do so within 20 da notification of the action of the b mit a statement which shows c have been taken by the board. upon by the board within 20 da

A final decision of the br 19th Judicial District Court with the decision.

H. Refresher Course: To refresher course shall meet the

1. the sponsoring institut quate facilities and resources a to implement both the required ponents of the refresher course

2. the course must be b tives which are realistic for the t appropriate for the course cont

3. the course content m nursing care concepts, princip tients across the life cycle;

4. the sponsoring instit provider status at least 90 days mentation of the course, or st the course by an appropriate a ucation system of the America 20 days prior to the beginning

I. NCLEX-RN: Licensee taking the NCLEX-RN shall fc LAC 46:XLVII.3349.

J. Exceptions: At the ti relicensure, a licensee may re tinued competence requiremei within which to fulfill the requir reasons:

1. the licensee is reque cense. In this case, the req censee seeks to reactivate the

2. the licensee served forces for the entire licensure

3. the licensee is em United States government out

4. there is a total physic and verification of readiness c

5. there is a total disabi ate family for whom the licens for one year or more, not to e

15. NCLEX-RN i Boards of Nursing, Inc tered Nurses. It is the w tency for initial licensur

16. *Practice hou.* time (60 minutes) while

17. *Refresher co* update professional kno level of competence.

18. *Requirement* mandated by virtue of a la

19. *Written exam* computer-assisted exerc to test judgment or kno

C. Continuing E ments: Effective Januar continuing education/act sure shall be submitted c the application for relic available to fulfill the rec competence:

1. For renewal of a less than a four-year inte documentation of one of

a. a minimum of 3 continuing education eve

b. a combination proved contact hours of period and (2) 320 hours nurse within the same pr

c. a combination c proved contact hours of period and (2) full-time ac within the same previous

d. initial licensure within the previous two ye

e. Licensees who nursing and whose contr equivalent to or exceed th show evidence of continu

2. For reinstatemen has been suspended, or h tus for four years or more mentation of one of the fo

a. a board approve minimum of 160 hours of struction, including theory per one hour of credit and hours of practice per one

b. individualized ren of needs, a program of stu and an evaluation of the le Such program must be sp in an accredited post-se

c. a minimum of 60 continuing education withi

d. successful compl tion during the immediate

D. Continuing Educ; tion course credit may be education course/programs

1. courses which me



amended LAC 46:XLVII.3355, Renewal of License and Reinstatement of Lapsed License.

**Title 46**  
**PROFESSIONAL AND OCCUPATIONAL STANDARDS**  
**Part XLVII. Nurses**  
**Subpart 2. Registered Nurses**

**Chapter 33. General Rules**

**Subchapter D. Registration and Licensure**

**§3355. Renewal of License and Reinstatement of Lapsed License**

A. Every person holding a license to practice as a registered nurse, and intending to practice during the ensuing year, shall renew their license annually. It shall be the duty of the registrant to notify the board of changes in condition as follows.

1. Change of Address. Notify the office of the board prior to September 1 if a change of address has occurred since the last renewal time. If a change of address occurs after September 1, and before the renewal application is received, notify the board immediately.

2. Change of Name. If a registered nurse/candidate for registration should change her name through marriage, divorce, religious order, or for any other reason, a request for a change of name should be sent to the office of the board. A copy of the marriage certificate, divorce document, or affidavit confirming change of name, is required to execute a name change on board records.

B. Requirements for renewal of license include:

1. completion of application form, including statistical information;

2. payment of fee;

3. evidence of meeting other requirements for special categories of nursing practice, such as requirements for advanced practitioners of nursing; and

4. evidence of meeting the requirements of LAC 46:XLVII.3356, effective January 1, 1993.

C. A lapsed license may be reinstated by submitting a completed application, paying the required fee, and meeting all other relevant requirements, provided no criminal charge is under adjudication.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918 and R.S. 37:920

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 7:78 (March 1981), amended by the Department of Health and Hospitals, Board of Nursing, LR 16:

Barbara L. Morvant, MN, RN  
Executive Director

**RULE**

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, Health Standards Section, has adopted the following rule in the Standards for Payment-Licensing Requirements for Day Care Providers-Adult Day Health Care. The rule was published as

a notice of intent in the *Louisiana Register* dated September 20, 1990, Vol. 16, No. 9.

**RULE**

**Standards for Payment-Licensing Requirements for Day Care Providers-Adult Day Health Care**

**§43.28. Centers Combined Within Nursing Homes**

An adult day care center can only be located within a nursing home when the following conditions are met:

43.28.1—Space required for licensure of the nursing home cannot be simultaneously utilized as space for the licensure of the adult day care center.

43.28.2—If space to be used for adult day care is nursing home bedroom space, the number of beds involved with the adult day care program must be reduced from the licensed capacity of the nursing home.

43.28.3—There must be separate staff for both programs.

43.28.4—For Title XIX (Medicaid) participating nursing homes, the following alternate use policy applies. In a service area (parish) in which average annual occupancy is lower than 93 percent for licensed approved (certified) Title XIX beds, a nursing home may temporarily convert a number of nursing home beds to an alternate use such as adult day health care space until such time as the average annual occupancy in the service area exceeds 93 percent. At that point the facility may re-enroll the beds as nursing home beds.

43.28.5—For non-participating nursing homes, the alternate use policy is applicable with the exception of the 93 percent occupancy requirement for licensed approved (certified) Title XIX beds.

David L. Ramsey  
Secretary

**RULE**

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, is adopting the following rule in the Title XIX (Medicaid) Program. The rule was published as a notice of intent on September 20, 1990 (Volume 17, No. 9, page 798).

**RULE**

The Bureau of Health Services Financing is hereby implementing the provisions of Nursing Home Reform as mandated by Omnibus Budget Reconciliation Act of 1987 (OBRA '87) utilizing Health Care Financing Administration (HCFA) policy issuances and technical assistance until final regulations are adopted by HCFA.

David L. Ramsey  
Secretary

**RULE**

**Department of Natural Resources  
Office of Mineral Resources**

In accordance with R.S. 49:950, et seq., the Department of Natural Resources, Office of Mineral Resources, is amending LAC 43:I, Part V, Chapter I as follows:

**Title 43**

**NATURAL RESOURCES**

**Part V. Office of Mineral Resources**

**Chapter 1. Administration**

**§103. Fees**

A. - G. . . . .

H. Fee of \$35 per hour for the number of staff hours required to process requests from payors of royalties seeking reimbursements of overpayments of royalties.

I. Fee of \$160,497 to cover the annual cost of administration of an in-kind royalty oil program, said fee to be paid by purchaser of state's royalty oil.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:136(A), (2) and 30:142(A), as amended, respectively, by Acts 1017 and 1018 of 1990.

**HISTORICAL NOTE:** Promulgated by the Department of Natural Resources, Office of Mineral Resources, amended LR 16: (December 1990).

Ron Gomez  
Secretary

**RULE**

**Department of Public Safety and Corrections  
Board of Pardons**

Notice is hereby given that the Department of Public Safety and Corrections, Corrections Services, Board of Pardons, pursuant to notice of intent published in September 20, 1990 and in accordance with the provisions of R. S. 49:953 (a) (1) and (2) et seq., hereby promulgates the following rules and regulations relative to the processing of clemency applications.

**Title 22**

**CORRECTIONS, CRIMINAL JUSTICE  
AND LAW ENFORCEMENT**

**Part V. Board of Pardons**

**Chapter 1. Applications**

**§101. Filing Procedure**

A. To constitute a complete application for pardon, commutation of sentence or restoration of citizenship, an application must comply with the following:

1. Submit a petition setting forth the name of applicant, date of birth, offense, parish where tried, judicial district, sentence and date of sentence, length of time served, reason for requesting clemency, and relief desired. The petition shall be signed and dated and shall contain a prison address (if applicant is incarcerated) and a home address. There is no requirement that the petition be in any particular form or length, so long as it is legible and contains the items mentioned. In the case of request for pardon or restoration of citizenship, all previous convictions for which applicant was not pardoned must be listed.

**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 16: (December 1990).

**§103. Hearing Dates**

A. The board's regular meeting days are Tuesdays and Wednesdays. It shall also meet at such times as the chairman may determine necessary for the purpose of reviewing and taking action upon applications pending before it and to transact such other business as it deems 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 16: (December 1990).

**§105. Notice of Hearings**

A. Before considering the application for pardon or commutation of sentence for any person, the board must have proof of advertisement from the applicant. This ad must be placed in the official journal of the parish of conviction stating that the applicant has submitted an application to the Board of Pardons for clemency and will be given a hearing. Ad is to run for three days within a 30-day period of time, without cost to the Department of Public Safety and Corrections, Board of Pardons.

B. Upon receipt of proof of publication from the applicant, the board shall give written notice of the date and time at which the application will be heard and considered, at least 30 days prior to the hearing to the following:

1. 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, and the victim or his spouse or next of kin, unless the injured victim or his 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, unless the spouse or next of kin advises the board, in writing, that such notification is not desired; and
5. any other interested persons.

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 meeting.

**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 16: (December 1990).

**§107. Discretionary Powers of the Board**

A. An application may be considered by the board any time after it is received, but no application will be considered by the board until it deems the application to be complete.

B. In determining which cases are ready to be heard, the board may, in its discretion, refuse a hearing to any applicant because of insufficient time served on sentence, proximity of parole/good time date, past criminal record or his poor conduct while incarcerated, or other factors determined by the board. However, if good cause is shown, nothing in this article shall prevent the board from hearing the types of cases mentioned hereinabove.

C. 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 16: (December 1990).

**§109. Employment and Residence Agreements**

A. To demonstrate good faith, an applicant should provide the board with both an employment and a residence agreement. However, neither an employment nor a residence agreement is required, but both are encouraged. The agreements shall inform the board of the applicant's plans for the present and/or future.

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 16: (December 1990).

**§111. Denials**

A. The board, upon denying an application, shall within 21 working days, notify the applicant of the denial. No new application will be accepted until one year has elapsed from the date 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 16: (December 1990).

**§113. Governor Denials**

A. The board, upon denial of a favorable recommendation by the governor, shall review applicant's petition automatically at a time established at the board's discretion (generally one year from date of governor's denial). Prior to the time of the scheduled review, which shall consist only of reviewing documents with no legal representation or witnesses present, the applicant will be allowed to decide whether or not to proceed with said review or to submit a new application. After an automatic review, the decision of the board and/or governor will be final and no other automatic review will be granted on said application. This rule does not apply to applications denied after hearing by the board.

B. In the case of an incarcerated applicant whose case is denied by the governor and who has within one year of the denial been paroled, good timed out under parole supervision or released from the sentence, no review will be conducted.

C. At least 30 days prior notice of the review will be given to applicant and others as required in §105-Notice of Hearings. This rule will apply only to those cases denied by the governor after December, 20, 1990.

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 16: (December 1990).

Yvonne G. Campbell  
Chairman

**RULE**

**Department of Public Safety and Corrections  
Liquefied Petroleum Gas Commission**

In accordance with the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and R.S. 40:1846 relative to the authority of the Liquefied Petroleum Gas Commission to make and enforce rules and regulations, the commission has adopted changes in LAC 55.IX., entitled Liquefied Petroleum Gas.

The entire text of these rules may be obtained through the Office of the State Register, 900 Riverside North, Baton Rouge, LA, (504) 342-5015 or by contacting the Liquefied Petroleum Gas Commission, 265 South Foster Drive, Baton Rouge, LA 70806.

Jimmy Long  
Director

**RULE**

**Department of Revenue and Taxation  
Tax Commission**

**Title 61  
REVENUE AND TAXATION  
Part V. Ad Valorem Taxation**

In accordance with provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), the Louisiana Tax Commission adopted amendments to the following sections of the Louisiana Tax Commission Real/Personal Property Rules And Regulations:

Constitutional And Statutory Guides To Property Taxation (LAC 61:V.111, 113, 118 and 121), pages CS-3 thru CS-6  
Definitions (LAC 61:V.301), pages DE-1 thru DE-3  
Real Property (LAC 61:V.303), page RP-1  
Real Property Report Forms (LAC 61:V.305), page RF-1  
Personal Property Report Forms (LAC 61:V.307), pages PF-1 and PF-2  
Loan And Finance Companies (LAC 61:V.501, 503), pages LF-1 thru LF-3  
Watercraft (LAC 61:V.701,703), pages WC-1 thru WC-4  
Oil And Gas Properties (LAC 61:V.905, 909), pages OG-3 and OG-6  
Drilling Rigs And Related Equipment (LAC 61:V.1101, 1103), pages DR-1 and DR-3  
Pipelines (LAC 61:V.1307), page PL-4  
Aircraft (LAC 61:V.1501, 1503), pages AC-1 and AC-2  
Inventories (LAC 61:V.1705, 1707), pages IV-5 thru IV-7  
Leased Equipment (LAC 61:V.2101), page LE-1  
General Business Assets (LAC 61:V.2501, 2503), pages GB-1, GB-4 thru GB-10, and GB-12  
Use Value (LAC 61:V.2705, 2707), pages UV-3, UV-5 and UV-6  
Public Service Properties (LAC 61:V.2901), pages PS-1 thru PS-4  
Public Exposure of Assessments; Appeals (LAC 61:V.3101), page AP-1

Financial Institutions (LAC 61:V.3301), pages FI-1 thru FI-4

Miscellaneous (LAC 61:V.Chapter 35), pages M/H-1 thru M/H-3, M/P-1, M/R-1 thru M/R-5 and M/T-1

These amendments will be furnished automatically to all subscribers to the rules and regulations and are available in the office of the Louisiana Tax Commission, 923 Executive Park Ave., Suite 12, Baton Rouge, LA, between the hours of 8 a.m. and 4 p.m. for anyone else desiring copies.

Mary K. Zervigon  
Chairman

## RULE

### Department of Social Services Office of Family Support

The Department of Social Services, Office of Family Support, has adopted the following rule in the Job Opportunities and Basic Skills (JOBS) Training Program.

This rule is mandated by R.S. 460.3(A)(3) (Act 604 of the 1990 Regular Session of the Louisiana Legislature).

## RULE

Participation in the JOBS Program which was implemented effective October 1, 1990 shall be mandatory for all recipients of Aid to Families with Dependent Children (AFDC), unless determined exempt in accordance with federal regulations at 45CFR250.30 or 250.33. Those exemptions include the parent or other relative of a child under three years of age who is personally providing care for the child. (The rule establishing the JOBS Program which was previously published, prior to passage of the above-referenced statute, stated that Louisiana would exercise the option to reduce the age requirement to one year. Refer to the July, 1990 issue of the *Louisiana Register* for the complete text of that rule.)

May Nelson  
Secretary

## RULE

### Department of Transportation and Development Board of Registration for Professional Engineers and Land Surveyors

In accordance with R.S. 49:950, et seq., the Louisiana State Board of Registration for Professional Engineers and Land Surveyors revises LAC 46:LXI as follows:

## Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part LXI. Professional Engineers and Land Surveyors

#### Chapter 25. Minimum Standards for Property Boundary Surveys

##### §2501. General

A. The following minimum standards of practice for land surveying in the state of Louisiana have been adopted to help ensure that surveys are performed in accordance with acceptable procedures.

B. These standards are set forth to provide a means by which professional performance can be assessed and to enable the surveying profession as a whole to better protect the safety, health, and welfare of the public. It should be recognized that surveying practices now in place may vary from one region of the state to another, and these practices should be evaluated when at variance with these standards.

C. It is intended that these be recognized as minimum standards of practice and that they not be relied upon by the professional surveyor as a substitute for the exercise of proper individual skill, professional discretion, and good judgment in fulfilling the legal or contractual requirements of any survey.

D. When special conditions exist that effectively prevent the survey from meeting these minimum standards, the special conditions and any necessary deviation from the standards shall be noted upon the drawing. It shall be a violation of this rule to use special conditions to circumvent the intent and purpose of these minimum standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:681, 682(9), 688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 16: (December 1990).

##### §2503. Definitions

Any terms not specifically defined herein shall be as defined in the most current publication of *Definitions of Surveying and Associated Terms* as published by the American Congress on surveying and mapping.

A. *Abstract of title* - A summary of all conveyances, such as deeds, or wills, and legal proceedings, giving the names of the parties, the description of the land and the agreements, arranged to show the continuity of ownership.

B. *Adverse possession* - A method of acquisition of title by possession for a statutory period under certain conditions. It has been described as the statutory method of acquiring title to land by limitation. The possession must be actual; adverse; under claim of right; continuous; notorious; open; exclusive; and hostile. Although color of title is not essential, it is of great evidentiary value in establishing adverse possession.

C. *Corner* - A point on a land boundary, at which two or more boundary lines meet. Not the same as monument, which refers to the physical evidence of the corner's location on the ground.

D. *Deed* - An instrument in writing which, when executed and delivered, conveys an estate in real property or interest therein.

E. *Description, legal* - A written description usually contained in an act of conveyance, judgment of possession, etc., recognized by law which definitely locates property by reference to government surveys, coordinate systems or recorded maps; a description which is sufficient to locate the property without oral testimony.

F. *Description, metes and bounds* - A description of a parcel of land by reference to course and distances around the tract, or by reference to natural or record monuments.

G. *Encroachment* - Any structure or obstruction which intrudes upon, invades or trespasses upon the property of another.

H. *Monument* - A physical structure which marks the location of a corner or other survey point. In public-land sur-

veys, the term "corner" is employed to denote a point determined by the surveying process, whereas the "monument" is the physical structure erected to mark the corner point upon the earth's surface. Monument and corner are not synonymous, though the two terms are often used in the same sense.

I. *Positional tolerance* - The difference between the actual position of a physically monumented boundary corner with respect to its reported position.

J. *Prescription* - Title obtained in law by long possession. Occupancy for the period prescribed by the Louisiana Civil Code, as sufficient to bar an action for the recovery of the property, gives title by prescription.

K. *Servitude* - A nonpossessing interest held by one person in land of another whereby the first person is accorded partial use of such land for a specific purpose. A servitude restricts but does not abridge the rights of the fee owner to the use and enjoyment of his land. The term easement is often used interchangeably with servitude and means the same thing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:681, 682(9), 688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 16: (December 1990).

#### §2505. Classification of Surveys

Presented below are categories which define the degree of accuracy which should be attained for surveys performed in Louisiana. These classifications are based upon 1) the purposes for which the property is being used at the time the survey is performed and 2) any proposed developments which are disclosed by the client. Refer to this Chapter for accuracy standards for each of the following classes of surveys:

A. Class A Surveys. Surveys which require maximum surveying accuracy. This includes, but is not limited to, surveys of urban business district properties and highly developed commercial properties.

B. Class B Surveys. Surveys of properties which justify a high degree of surveying accuracy. This includes, but is not limited to, surveys of commercial properties and higher priced residential properties located outside urban business districts and highly developed commercial areas.

C. Class C Surveys. Surveys of residential and suburban areas. This includes, but is not necessarily limited to, surveys of residential areas which cannot be classified as Class A or Class B surveys.

D. Class D Surveys. Surveys of all remaining properties which cannot be classified as Class A, B or C surveys. This includes, but is not limited to, surveys of farm lands and rural areas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:681, 682(9), 688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 16: (December 1990).

#### §2507. Property Boundary Survey

A. Definition.

1. A property boundary survey which, after careful study, investigation, and evaluation of major factors influencing the location of boundaries, results in the deliberate loca-

tion or relocation on the ground of one or more boundaries. When all of the boundaries of a parcel of land are surveyed, an area determination may be included if requested by the client.

2. A property boundary survey shall only be performed by persons qualified to practice land surveying and registered in accordance with the provisions of R.S. 37:681, et seq.

B. Purpose. The purpose of a property boundary survey is to locate or relocate the physical position and extent of the boundaries of real property, and the discovery of visible evidence of prescriptive rights or adverse possession relating thereto. A property boundary survey may also include the location or relocation of the physical position and extent of political boundaries which define the perimeters of public or private ownership. In addition, the property boundary survey is a means of marking boundaries for sufficient definition and identification to uniquely locate each lot, parcel, or tract in relation to other well recognized and established points of reference, adjoining properties and rights-of-way.

C. Product. A property boundary survey will result in the establishment of monumented corners; points of curvature and tangency; and reference points (See Subsection E, "Monuments," this Section). In event that no plat of survey is required, the professional land surveyor must maintain adequate records to substantiate his professional opinion in re-establishing boundary lines and corners on a survey. If requested by the client, a boundary survey may also include the following:

1. a signed and sealed metes and bounds written description depicting the surveyed boundary (See Subsection H, "Descriptions," this Section);

2. a certified map or plat depicting the survey as made on the ground;

3. a signed and sealed written report of the surveyor's findings and determinations.

D. Research and Investigation. A surveyor shall obtain the most recent recorded legal description and plats describing the property to be surveyed. The surveyor shall then evaluate the necessity to obtain the following data based on the specific purpose of the survey:

1. the most recent recorded legal descriptions and plats of tracts adjoining or in proximity to the property to be surveyed;

2. the recorded legal descriptions of adjoining or severing servitudes or rights-of-way, including, but not necessarily limited to, highways, roadways, pipelines, utility corridors, and waterways used for drainage or flood control. Where the purpose of a survey does not require nor include research and investigation of servitudes, a note to that effect shall be placed upon the plat of survey;

3. grants, patents, subdivision plats, or other recorded data that will reference or influence the position of boundary lines.

E. Monuments. Monuments set or called for, whether artificial or natural, represent the footsteps of the surveyor and his professional opinion as to the proper location of the points or corners of a property boundary survey. The following guidelines for monumentation of property boundary surveys shall be observed.

1. Natural monuments are objects which are the works of nature; such as streams, rivers, ponds, lakes, bays, trees, rock outcrops, and other definitive topographic features.

2. Artificial monuments are relatively permanent objects used to identify the location of a corner. Artificial monuments must retain a stable and distinctive location and be of sufficient size and composition to resist the deteriorating forces of nature.

3. The following guidelines apply to artificial monuments to be set.

a. Monuments of a ferrous material must have at least a one-half inch outside diameter, and must be at least 18 inches in length (longer in soft or unstable soil).

b. Concrete monuments shall be at least four inches in width by 24 inches in length, reinforced with an iron rod at least one-fourth inch in diameter, and shall contain a precise mark on top indicating the exact location of the corner.

c. Marks on existing concrete, stone, or steel surface will consist of drill holes, chisel marks or punch marks and must be of sufficient size, diameter or depth to be definitive, stable and readily identifiable as a survey monument.

d. It is unacceptable to set wooden stakes as permanent boundary monuments.

e. Monuments must be set vertically whenever possible and the top should be reasonably flush with the ground when practical. Monuments subject to damage from earthwork, construction or traffic should be buried at a sufficient depth to offer protection.

f. When physically impossible to set a monument at the corner, witness monuments shall be set when possible, preferably on each converging line at measured distances from the corner and identified as such in the description and on the plat of the property.

F. Field Procedures. All field work shall be performed in accordance with accepted modern surveying theory, practice and procedures. Any person in charge of a field party shall be well trained in the technical aspects of surveying. Every registered professional land surveyor under whose direction a survey is conducted is also required to adhere to the following.

1. All field measurements of angles and distance shall satisfy the closures and tolerances expressed in this Chapter.

2. In performing resurveys, the surveyor shall, as nearly as possible, reestablish the original lines of any prior survey made under United States or state authority. In all townships or portions of townships where no survey has been made, the surveyor, in surveying or platting the township or portion thereof, shall make it conform as nearly as practicable to the lots and sections indicated upon the plats according to which the lands were granted by the state or by the United States. (R.S. 50:125)

3. Where applicable, surveys necessitating the division of a section, shall be performed in accordance with the instructions for the subdivisions of sections as published by the United States Department of the Interior, Bureau of Land Management, in its book entitled *Manual of Instruction for Survey of the Public Lands of the United States*, and all applicable federal laws.

4. Special consideration shall be afforded the rules of evidence and "hierarchy of calls" before any decision is made regarding property boundaries. "... The legal guides for determining a question of boundary or the location of a land line in order of their importance and value are:

1. Natural Monuments
2. Artificial Monuments

3. Distances

4. Courses

5. Quantity,

but the controlling consideration is the intention of the parties." (See citation in Meyer vs Comegys, 1920 La. Supreme Court, 147 La. 851 and 86 SO. 307, 309.)

5. A careful search shall be made for corner monuments affecting the location of the boundaries of land to be surveyed. Any evidence discovered shall be evaluated for its agreement in description and location with the call in the relevant deeds and/or plats.

6. All boundary discrepancies, visible encroachments, and visible indications of rights which may be acquired through prescription or adverse possession must be physically located. All evidence of servitudes that is visible without meticulous searching is to be physically located during the survey. Furthermore, non-visible servitudes need to be located only upon the client's specific request.

7. All field data shall be gathered, permanently maintained and shall satisfy the requirements of the following Subsection on plats, maps and drawings.

G. Plats and Maps. Every original plat or map of a boundary survey should be a reproducible drawing at a suitable scale which clearly shows the results of the field work, computations, research and record information as compiled and checked. The plat, map or drawing should be prepared in conformity with the following guidelines.

1. Any reasonably stable and durable drawing paper, linen, or film of reproducible quality will be considered suitable material for boundary survey plats and maps.

2. No plats or maps shall have dimensions less than 8 by 10½ inches.

3. All dimensions, bearings or angles, including sufficient data to define the curve shall be neatly and legibly shown with respect to each property or boundary line. When possible, all bearings shall read in a clockwise direction around the property.

4. Monuments shall be labeled as "found" or "set," with a brief definitive description of the monument and relevant reference markers, if any, along with their positions in relation to the corner. This description should include the physical characteristics of the monument and its relevance to the survey.

5. All pertinent natural or man-made features located during the course of the field survey (water courses, streets, visible utilities, etc.) shall be labeled, dimensioned and referenced to the nearest property line or represented by a symbol on the map in its proper location. Each symbol must clearly indicate what is represented or shall be labeled for identification either individually or in a separate key to symbols (legend).

6. All maps or plats must show a north arrow and it is recommended that the drawing be oriented so that north is toward the top of the sheet.

7. A statement indicating the origin and method of observation of the bearings shall be made on each plat, map or drawing. The origin of the bearings should include one or more of the following:

- a. reference to true north as computed by astronomic observation within one mile of the surveyed site;
- b. reference to the Louisiana Coordinate System with the proper zone and controlling station(s) noted;
- c. reference to the record bearing of a well established

line found monumented on the ground as called for in a relevant deed;

d. when none of the above alternatives are practical, a magnetic bearing (corrected for declination) may be used.

8. If a coordinate system is used on a map, its origin must be identified. If that system is the Louisiana Coordinate System, the appropriate zone must be shown on the map.

9. Where the new survey results differ from the prior deed information in regard to course, distance or quantity, the plat shall indicate such differences or discrepancies.

10. Where separate intricate details, blowups or inserts are required for clarity, they shall be properly referenced to the portion of the map where they apply. This applies particularly to areas where lines of occupation do not conform to deed lines and to areas where a comparison of adjoining deeds indicates the existence of a gap or an overlap.

11. Cemeteries and burial grounds known by the surveyor to be located within the premises being surveyed should be indicated on the plat.

12. When the purpose of the survey dictates, properties, water courses and rights of way surrounding, adjoining, or severing the surveyed site shall be identified. Private lands or servitudes should be labeled with the name of the owner or with a reference to the deed under which ownership is held, provided that such information is furnished by the client.

13. Original section, grant, subdivision or survey lines should be shown in proper location with pertinent labeling. A measurement of course and distance must be shown to a parent tract corner, block corner, section corner, subdivision or grant corner, and existing monuments shall be indicated.

14. Differing line weights or delineating letters or numbers ("A," "B," "C," etc.) shall be used to clearly show the limits of what is being surveyed.

15. Each plat, map or drawing shall show the following:

- a. caption or title;
- b. client and/or purpose;
- c. general location of the property (or vicinity map);
- d. the date of the survey;
- e. the name, location and registration number of the surveyor;
- f. signature and stamp or impression seal of land surveyor under whose direction the survey was done.

16. Final plats or maps issued to the client must contain a certificate signed and sealed by the registered professional land surveyor certifying its authenticity (that it represents his survey) and stating that the survey is in accordance with the applicable standards of practice as stipulated in this publication based on the current survey "classification" (see §2505 on Classification of Surveys).

H. Descriptions. A written legal description of the surveyed tract of land must provide information to properly locate the property on the ground and distinctly set it apart from all other lands. The following guidelines apply.

1. When the surveyed property's dimension, boundaries and area are in agreement with the existing recorded deed or platted calls, the existing recorded description may be used if it approximates the standards contained herein.

2. When the property is an aliquot part of a rectangular section or a lot in platted subdivision, the aliquot method or the lot, block and subdivision method (including recordation data) of describing the property can be used. Metes and

bounds descriptions of this type of property are optional.

3. Every aliquot description must contain the following basic information: aliquot part of section, township, range, parish, land district and meridian (if applicable), and state.

4. Every subdivision lot description must also contain the following basic information: lot, block, unit (if applicable), name of subdivision, city (if applicable), parish and state.

5. Every metes and bounds description should be written in at least two parts. The first part, called the "General Description," should indicate the general location of the property by naming the particular lot or block, etc., within which it is located if in a subdivision or by naming the grant or aliquot part of a rectangular section within which it is located, along with the township, range, land district and meridian (if applicable), city (if applicable), parish and state. The second part called the "Particular Description," shall logically compile and incorporate calls for the following:

- a. courses and distances of the new survey, preferably in a clockwise direction;
- b. adjoining apparent rights-of-way or servitudes;
- c. monuments, including descriptions of type, size, material, reference monuments (if applicable), and whether found, set or replaced;
- d. parenthetical deed calls where the deed calls differ from the new survey;
- e. the area, if stated, shall be in square feet or acres within the tolerances specified in this Chapter.

6. The "Point of Beginning" should be the property corner that is most accessible and most easily identifiable by interested parties. This point shall be carefully chosen and described in a manner which will distinguish it indisputably from any other point. The "Commencing Point" shall be any identifiable point used to locate the "Point of Beginning."

7. It is recommended, for uniformity, that the metes and bounds description be written so that progression of courses is in a clockwise direction.

8. The courses in the written description shall be as brief and yet as explanatory as the author can construct. Brevity should not cause important locative information to be omitted, and explanatory phrases should not enlarge the description to the extent of confusion.

9. Curved boundaries shall be identified as tangent or non-tangent curves and sufficient data to define the curve shall be presented.

10. Each metes and bounds description must return to the point of beginning and close mathematically within the tolerances stated in this Chapter.

11. A statement at the end of the description should connect the description to the specific survey on which it is based and to the map or plat which depicts the survey. Such a statement may be phrased, "This description is based on the boundary survey and plat made by \_\_\_\_\_, Registered Professional Land Surveyor, dated \_\_\_\_\_" or "This description is based on plat recorded \_\_\_\_\_" (give recordation data).

12. The metes and bounds description shall then be signed and sealed by the surveyor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:681, 682(9), 688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 16: (December 1990).

§2509. ACCURACY SPECIFICATIONS AND POSITIONAL TOLERANCES

CONDITION	D	C	B	A	REMARKS AND FORMULA
	RURAL	SUBURBAN	URBAN	URBAN BUSINESS DISTRICT	
Unadjusted Closure (maximum allowable)	1:5,000	1:7,500	1:10,000	1:15,000	Traverse Loop or between Control Monuments
Angular Closure (maximum allowable)	30" $\sqrt{N}$	25" $\sqrt{N}$	15" $\sqrt{N}$	10" $\sqrt{N}$	N=Number of Angles in Traverse
Accuracy of Bearing in Relation to Source (maximum Allowable)	<u>+40</u> Sec.	<u>+30</u> Sec.	<u>+20</u> Sec.	<u>+15</u> Sec.	1/Sine Angle = Denominator in Err. of Closure (Approx.)
Linear Distances Accurate to: (maximum allowable)	<u>+0.2</u> ft. per 1,000 ft.	<u>+0.15</u> ft. per 1,000 ft.	<u>+0.1</u> ft. per 1,000 ft.	<u>+0.05</u> ft. per 1,000 ft.	Sin Ang. x 1000 (Approx.) where = Accuracy of Bearing
Positional Error of Any Monument (Maximum)	.1'+ AC/5,000	.07'+ AC/7,500	.05'+ AC/10,000	.03'+ AC/15,000	AC = Length of Any Course*
Calculation of area - Accurate and carried to nearest _____ (decimal place) of an acre.	0.001 .01 .1 .3	0.001 .01 .1 .2	0.001 .001 .01 .1	0.001 .001 .01 .1	To 1 acre To 10 acres To 100 acres To 1000 acres
Elevations for Boundaries Controlled by Tides, Contours, Rivers, etc. Accurate to:	<u>+0.2</u> ft.	<u>+0.1</u> ft.	<u>+0.05</u> ft.	<u>+0.03</u> ft.	Based on Accepted Local Datum
Location of Improvements Structures, Paving, etc. (Tie Measurements)	<u>+1</u> ft.	<u>+0.5</u> ft.	<u>+0.2</u> ft.	<u>+0.1</u> ft.	
Scale of Maps Sufficient to Show Detail but no less than	1" = 2,000'	1"=1,000'	1" = 400'	1" = 200'	
Positional Error in Map Plotting not to Exceed: (Applies to Original Map only)	50 ft. 1" = 2,000'	25 ft. 1"=1,000'	10ft. 1" = 400'	5 ft. 1" = 200'	Generally 1/40th of an inch. National Map accuracy calls for 1/50th inch.
Adjusted Mathematical Closure to Survey (Minimum)	1:50,000	1:50,000	1:50,000	1:50,000	

\* Short courses in Categories "A" and "B" may generate Positional Errors of less than 0.01 feet. A minimum course distance of 200' should be used in calculating Positional Error.



AUTHORITY NOTE: Promulgated in accordance with R.S. 37:681, 682(9), 688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 16: (December 1990).

Paul L. Landry, P. E.  
Executive Secretary

## RULE

### Department of Transportation and Development Utility and Permit Section

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt procedures for right-of-way acquisition for utilities, all in accordance with provisions of R.S. 48:217.

#### Title 70 DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT Part XIII. Public Works

#### Chapter 19. Right-of-Way Acquisition for Utilities

##### §1901. Acquisition for Utilities

A. The Department of Transportation and Development may purchase additional right-of-way as provided for under R.S. 48:217, in the following circumstances:

1. When the land available for right-of-way acquisition is limited in such a way that it will be impossible for a utility company to acquire enough to install its facilities, the design of the Department of Transportation and Development's construction project should include a plan for placing each utility's facility in the DOTD's right-of-way.

a. This situation occurs when the highway right-of-way is adjacent to bodies of water, railroad right-of-way, and other similar constraints. It also occurs when the Department of Transportation and Development purchases right-of-way to within less than 15 feet from a building.

b. It shall be the joint responsibilities of the utility companies, and the Department of Transportation and Development's design section, and utility section to determine when this situation exists.

2. When the utility fails to purchase its own right-of-way, after making a genuine effort, the Department of Transportation and Development may acquire additional right-of-way for the utilities to occupy.

a. This situation occurs when the Department of Transportation and Development expropriates large amounts of property from unwilling land owners, or when the required right-of-way lines are less than 15 feet from a building.

b. Each utility company affected is responsible for notifying the Department of Transportation and Development as soon as possible when this situation occurs.

3. Special cases where the chief engineer of the Department of Transportation and Development determines that it is to the Department of Transportation and Development's advantage to purchase additional right-of-way for use by utilities.

a. For example, the utility may not be able to acquire the right-of-way in time to fit the department's schedule. In such a case it would be to the DOTD's advantage to purchase this right-of-way.

B. Additional right-of-way will only be purchased when there is not sufficient space to locate all utility facilities within the required right-of-way for the highway. When additional right-of-way is necessary to accommodate utilities, it shall be labeled as 'required right-of-way' on the plans, and purchased as such.

C. Occupancy of said right-of-way shall be by permit or utility agreement, and shall be in accordance with all applicable statutes, standards, and policies as determined by the Department of Transportation and Development.

D. In each case the purchase of additional right-of-way shall be at the discretion of the chief engineer of the Department of Transportation and Development or those engineer(s) to whom he delegates this authority.

E. The procedure for a utility company to initiate any of the above processes is as follows:

1. The utility shall notify the appropriate district utility specialist in writing and provide a detailed drawing indicating the additional right-of-way needed.

2. The district utility specialist shall review the request with the project engineer and/or the district construction engineer. After approving it, the district utility specialist should forward it to the headquarters utility section.

3. The headquarters utility section will review it and submit it to the design coordinator in the road design section.

4. The road design section shall handle it as they would any other change in the right-of-way.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:217.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development in LR 16: (December 1990).

Neil L. Wagoner  
Secretary

## RULE

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

Pursuant to the authority granted by R.S. 42:871(c) and R.S. 42:874 the Board of Trustees of the State Employees Group Benefits Program has amended Article 1, Section I (E) in the Plan Document of Benefits to include coverage for Post Doctoral Fellows, as follows:

E. The term *employee* as used herein shall mean a full-time employee of a participant employer, who normally works 30 hours or more a week; provided, however, that an employee whose full-time occupation normally requires less than 30 hours per week shall also be considered a full-time employee. In no event shall any person appointed on a temporary basis, as defined by Article 1, Section I (F), be considered an employee.

The term *employee* shall also include:

1. medical residents, known as house officers, employed by Louisiana-owned medical facilities. The enrollment

# Notices of Intent

## NOTICE OF INTENT

### Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences Structural Pest Control Commission

In accordance with the provisions of the Administrative Procedure Act (R. S. 49:950 et seq.) and R. S. 3:3366, notice is hereby given that the Structural Pest Control Commission is considering new rules and regulations or amendments to existing rules and regulations regarding fumigation.

#### Title 7 AGRICULTURE AND ANIMALS Part XXV. Structural Pest Control

#### Chapter 141. Structural Pest Control Commission §14101. Definitions

A. *Fumigant* means a substance or mixture of substances that is a gas or is rapidly or progressively transformed into a gaseous state though some non-gaseous or particulate matter.

B. *Fumigation* means the application of a fumigant in residential and commercial structures, ships, railcars, trucks, commodities such as dunnage on wharves, silos or conveyors, vaults or the like.

C. *Certified Fumigation Technician* means a qualified technician to perform the following:

1. Structural Fumigation - apply and clear fumigants from structures under the supervision of a licensed fumigator.

2. Ship Fumigation - only add additional gas to a ship fumigation after the initial amount of gas has been applied, under the supervision of a licensed fumigator.

3. Commodity Fumigation apply and clear fumigants from commodities under the supervision of a licensed fumigator. This provision will not apply until two years from date of enforcement.

D. *Commodity Fumigation* means the fumigation of food or non-food items stored in stacks, rail cars, containers, trucks, barges, boxes, bins, etc. that are not normally occupied by humans. No living quarters should be in any of the above.

E. *Ship Fumigation* means the fumigation of a vessel capable of transporting or housing people and/or products. It is normally self-powered and must have a crew or living quarters.

F. *Structural Fumigation* means the fumigation by covering or sealing churches, schools, homes or any other buildings in which people are normally housed or work or is frequented by people. This also includes the covering or sealing of small boats or ships under 100 feet.

#### §14110. Requirements and Responsibilities of the Certified Fumigation Technician

A. A mandatory two-year registered technician in the

and continued participation of these medical residents will be governed by an inter-agency agreement between the program and the appropriate state agency;

2. post doctoral fellows who normally work 30 hours or more per week by training beyond their doctorate degree with an accredited institution of higher education.

Tommy D. Teague  
Acting Executive Director

## RULE

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, has adopted LAC 76:V.701, Alligator Regulations. The regulations governing the alligator harvest program may be obtained from Wildlife and Fisheries Headquarters, 2000 Quail Drive, Baton Rouge, LA or from the Office of the State Register, 900 Riverside North, Baton Rouge, LA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:260, 262, 262.1 and 262.2

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16: (December 1990).

Jimmy Jenkins  
Chairman

## RULE

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

#### Title 76 WILDLIFE AND FISHERIES Part VII. Fish and Other Aquatic Life

#### Chapter 3. Saltwater Sport and Commercial Fishing §337. Taking and Possession of Jewfish Prohibited

The Wildlife and Fisheries Commission hereby prohibits the taking and possession of jewfish (*Epinephelus itajara*) from within or without Louisiana waters for the three-year period November 1, 1990 to October 31, 1993.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:22.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16: (December 1990).

Jimmy Jenkins  
Chairman

fumigation phase under a licensed fumigator, as is required. After the two years, the licensed fumigator would have to submit a list of the following:

1. thirty jobs in structural fumigation that this particular applicant has worked from start to finish;
2. thirty jobs in commodity fumigation that this particular applicant has worked from start to finish;
3. fifteen jobs in ship fumigation that this particular applicant has worked from start to finish.

B. Having met these requirements in §14110.A., the applicant would be qualified to take a written test administered by the Structural Pest Control Commission to demonstrate that the person has the necessary knowledge in the category or categories for which was applying for. The minimum score required for successful completion of the examination is 70 percent.

C. The certified fumigation technician must maintain his registration in current status by:

1. Attending a continuing education program at least once every three years.
2. The continuing education program must contain a minimum of six hours of technical training for the category of Fumigation.
3. Must attend the entire approved continued education program for technicians, otherwise the certified fumigation technician would not maintain his registration.

#### §14139. Fumigation

##### A. General

1. This rule governs all fumigation of residential and commercial structures, ships, railcars, trucks, commodity containers and vaults within the state of Louisiana, including ships at anchor in rivers within the borders of Louisiana and ships at anchor within a three-mile limit off the coast of Louisiana.

2. The licensee must not only comply with the Structural Pest Control Commission Rules and Regulations but must follow all other applicable state and federal rules and regulations.

3. The licensee is responsible for compliance with all label and labeling requirements.

4. The licensee is responsible for giving any notice to law enforcement and/or fire protection agencies required by any governing body of the locality in which the fumigation will take place.

5. The licensee must make certain that personal protection equipment for the fumigant being used is immediately accessible where the fumigation is being done.

6. The licensee or his certified fumigation technician must remove all signs, fumigation containers and/or materials, and any other debris which accumulated as a direct result of the fumigation.

##### B. Requirements for Structural Fumigation

1. The licensee must give notice, in writing, to be received by the commission at least 24 hours prior to structural fumigation. If sent through the U.S. Postal Service, the notice must be mailed at least five working days prior to such fumigation and proof of mailing should be obtained in order to assure timely delivery to the commission. Notice to the commission must include the following items:

- a. time and place where the fumigation will take place;
- b. name, address and emergency phone number of the licensee;
- c. name of the gas to be used;

- d. a brief description of the property to be fumigated;
- e. target pest;
- f. location of target pest; and
- g. other information the commission requests.

2. When notice cannot be given as required by Paragraph 1 above, notice may be given by phone but must be confirmed in writing, to be received by the commission within 24 hours after the telephone notice.

3. Before commencing fumigation of a residential structure, office building, church, school or any other building frequented by people, the structure may be inspected by an inspector of the Structural Pest Control Commission within five working days, fumigation may commence.

4. The licensee must personally inspect all structures that are to be fumigated while they are being tented or sealed after the structure has been evacuated.

5. The licensee or his certified fumigation technician must seal or supervise the sealing or the area to be fumigated and assure that there is proper and secure sealing to confine the fumigant to the area that is to be fumigated, prior to the release of the fumigant.

6. The licensee or his certified fumigation technician must see that a sign or signs of sufficient size as to be conspicuous and bearing the word "poison" and the skull-and-crossbones symbol, is prominently displayed at all entrances to the area being fumigated continuously from the time the area is sealed until ventilation is completed.

7. When tarp fumigation is being used, in addition to the signs on each entrance of the building, there shall be at least one sign on each side of the exterior tarp. If any side of the building exceeds 35 feet, additional signs will be added. The maximum distance between signs of any side of a building will be 60 feet.

8. Two test lines with at least one-fourth inch outside diameter must be appropriately located on the first floor of the structure(s) being fumigated to permit sufficient readings of the gas concentrate to determine its efficacy in destroying insects. They must be on opposite sides of the building. In multi-story buildings the lines should be on different floors.

9. The licensee must post a guard(s) to prevent entry by an unauthorized person into the area being fumigated. The guard, who may or may not be an employee of the licensee, is not required to be a licensed pest control operator or registered employee.

10. Whenever one unit of a complex containing more than one unit is to be fumigated, all units of the building to be fumigated must be evacuated during fumigation and until such time as the fumigated area is declared safe for occupancy. The licensee must inspect all units of a complex.

11. The licensee or his certified fumigation technician must be present when the fumigant is released and immediately prior to the time when the fumigated area is declared safe for occupancy. At least one person, trained in fumigation in addition to the above, must be present when the fumigant is released and immediately prior to the time when the fumigation area is declared safe for occupancy.

12. The licensee or his certified fumigation technician must personally inspect the area which was fumigated when ventilation is completed to assure that the fumigated area, and adjacent areas as appropriate, is safe for occupancy.

13. No one shall be permitted to enter a fumigated area after fumigation until the licensee or certified fumigation technician has inspected the area and declared it safe for human occupancy.

**NOTICE OF INTENT**

**Department of Agriculture and Forestry  
Louisiana State Market Commission**

The Department of Agriculture and Forestry advertises its intent to adopt regulations regarding the collection of a tax on pint containers of strawberries. These regulations will establish the procedures and bookkeeping requirements necessary for the implementation of this tax.

These regulations comply with and were mandated by the enactment of Act No. 980 of the 1990 Regular Legislative Session. The funds generated by this tax shall be used by the Louisiana Strawberry Marketing Board pursuant to R.S. 3:476.

These regulations may be viewed in their entirety at the Department of Agriculture and Forestry at the address below or at the Office of the State Register, 900 Riverside North, Room 512, Baton Rouge, LA.

A public hearing on these proposed regulations will be held on January 24, 1991 in Baton Rouge, LA at the Louisiana Department of Agriculture and Forestry Building at 5825 Florida Boulevard at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at that hearing.

Bob Odom  
Commissioner

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Tax on Strawberries**

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

Costs are expected to increase to a total of \$2,000 per year, of which \$1,000 represents projected administrative costs and \$1,000 represents projected auditing costs.

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

Revenue collections are projected to increase by approximately \$10,780.

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

Distributors in this state of strawberries produced outside of Louisiana and sellers of pint containers for use in strawberry sales are the only persons or groups directly affected by these proposed regulations.

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

No effect on competition and employment is anticipated.

Richard Allen  
Assistant Commissioner

David W. Hood  
Senior Fiscal Analyst

**C. Requirements for Shipboard Fumigation**

1. The licensee must be present for the initial application of fumigant.

2. The licensee is responsible to declare the ship safe for occupancy.

**D. Requirements for Commodity Fumigation**

1. A licensed fumigator or certified fumigation technician must:

A. check inside the container along the junctures to be sealed before fumigation;

B. all openings in vehicles being fumigated must be sealed;

C. inside and outside warning signs must be posted as required by labeling and label requirements;

D. after releasing the fumigant, check for leakage and repair any leaks which occur;

E. the licensee must notify the consignee, in writing, of the fumigant being used, antidotes and the proper procedures for handling any vehicle(s) or commodity container(s) which is shipped under gas.

Interested parties may submit written comments on the proposed rules and regulations through 4:30 p.m., January 8, 1991, to Mancil Smith, Louisiana Department of Agriculture and Forestry, Box 3596, Baton Rouge, LA 70821-3596.

Bob Odom  
Commissioner

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Structural Pest Control Regulation**

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

This regulation will be of no cost to state or local government.

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

There will be approximately ten additional examinations given per year, at \$50 per examination, for a given total of \$500 per year that the state will collect. There will be no effect on revenue collected in local government.

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

The cost for new applications in fumigation will be \$50 per examination in each category. All present Structural Pest Control Operators that hold a valid Fumigation license will be grandfathered into the new phase.

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

There could be an effect on competition and employment due to the specialized areas of fumigation.

Richard Allen  
Assistant Commissioner

David W. Hood  
Senior Fiscal Analyst

## NOTICE OF INTENT

### Department Of Economic Development Office Of Commerce And Industry Finance Division

#### Rule One

Article VII, Part II, Section 21 (F)  
Of The Louisiana Constitution of 1974

In accordance with the provisions of the Administrative Procedure Act R.S. 49:950 et seq., the Department of Economic Development, Office of Commerce and Industry, Finance Division, is hereby giving notice of its intention to amend and adopt the following rules regarding Rule One, pursuant to Article VII, Part II, Section 21 (F) of the Louisiana Constitution of 1974.

Rule One states that the Board of Commerce and Industry, with the approval of the governor, may enter into the exemption from ad valorem taxes of new manufacturing establishments and additions to existing manufacturing establishments on such terms and conditions as the board, with the approval of the governor, deems in the best interest of the state.

These rules clarify and expand Rule One relative to Louisiana Labor. Manufacturers and businesses receiving exemptions, sales tax rebates, and tax credits are obligated to favor Louisiana labor. These rules describe the procedure each business must follow in complying with Rule One.

These rules will impact the following programs administered by the Finance Division: Enterprise Zone Program, R.S. 51:1781-1790, et seq.; Industrial Tax Exemption Program, Article VII, Part II, Section 21 (F) of the Louisiana Constitution of 1974; Industrial Tax Equalization Program, R.S. 47:3201-3206; Corporate Headquarters Tax Equalization Program R.S. 47: 3201-3206; Industry Assistance Program, R.S. 47:4301-4306; Warehousing and Distribution Tax Equalization, R.S. 47:3201-3206.

Copies of the proposed rules may be obtained from the Department of Economic Development, Office of Finance Division, 101 France Street, Baton Rouge, LA 70804, or from the Office of State Register, 900 Riverside North, Baton Rouge, LA 70804.

Persons who wish to submit comments should contact Laverne Jasek, or Paul Adams, Department of Economic Development, Office of Commerce and Industry, Finance Division, 101 France Street, Baton Rouge, LA. 70804 (504)342-5398. Comments will be accepted through 4:45 p.m. January 25, 1991.

Robert Paul Adams  
Financial Incentives Director

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Rule One

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

The estimated increase in costs to implement the proposed action are the cost of an additional staff member to administer Rule One. This rule will require all businesses applying and receiving the benefits of the incentive programs, administered by the Finance Division, to

give preference and priority to Louisiana residents. This rule will be activated through the construction phase of all projects. Fiscal year 1990-91 increase in cost is estimated at \$50,788.

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

There will be no effect on revenue collection of state or local governmental units.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There is no way to estimate the benefits or costs to directly affected persons or non-governmental groups. However, there will be additional cost to businesses in complying with additional paperwork.

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

There is no way to estimate the effect on competition and employment.

Robert Paul Adams  
Financial Incentives Director

David W. Hood  
Senior Fiscal Analyst

## NOTICE OF INTENT

### Department of Economic Development Office of Commerce and Industry Finance Division

Louisiana Enterprise Zone Program  
R.S. 51:1781-1790

In accordance with the provisions of the Administrative Procedure Act R.S. 49:950 et seq., the Department of Economic Development, Office of Commerce and Industry, Finance Division, is hereby giving notice of its intention to amend and adopt the following rules regarding the Louisiana Enterprise Zone Program R.S. 51:1781-1790.

1. Act 8/HB 6: (1989) Amends R.S. 51:1787(A) (2)(a) and (C)(2)(a) to extend the amount of time up to 10 years during which a business within an enterprise zone may take a credit. (Change Rule 901 C).

2. Act 318/SB 421: (1989) Enacts R.S. 51: 1787 (F), to prohibit governing authorities of political subdivisions from charging fees or requiring employment practices which conflict with state law. (Add Rule 951).

3. Act 492/SB 422: (1989) Amends R.S. 51:1787 (A)(1), (B)(2) and (5), (C)(1), and (D)(2) and (5) to change from (exemption) to REBATE of state and local sales/use taxes as authorized by the enterprise zone program rules. (Add the word rebate throughout the rules where exemption appeared.)

4. SB 1035: (1990) Regular Session Enacts R.S. 51:1787(G) Allows tax credit to employers who hire AFDC (aid to dependent children participants). This involves a two-year tax credit of \$2500 for each AFDC participant employed. (Add Rule 913).

Copies of the proposed rules may be obtained from the Department of Economic Development, Office of Finance Division, 101 France Street, Baton Rouge, LA 70804, or from the Office of State Register, 900 Riverside North, Baton Rouge, LA 70804.

Persons who wish to submit comments should contact Laverne Jasek, or Paul Adams, Office of Finance Division, 101 France Street, Baton Rouge, LA 70804 (504) 342-5398. Comments will be accepted through 4:45 p.m. January 25, 1991.

Robert Paul Adams  
Financial Incentives Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Enterprise Zone Program**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no costs or savings to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
Rule 913 AFDC (aid to dependent children) tax credits to employers who hire AFDC participants. This may be an additional tax credit for the employer who hires these AFDC participants. There is no way to estimate the benefit to employer.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no effect on competition and employment.

Robert Paul Adams                      John R. Rombach  
Financial Incentives Director      Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Economic Development  
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to amend the following rule.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL STANDARDS**

**Part XLI. Horseracing Occupations**

**Chapter 7. Jockeys and Apprentice Jockeys  
§707. Apprentice Jockey Certificate**

An apprentice who is not under contract may be issued an apprentice jockey certificate on a form furnished by, and filed with, the commission. Where all parties agree an apprentice jockey contract can be terminated by mutual agreement and an apprentice jockey certificate issued, providing all wins and dates of wins are recorded on the certificate.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 4:141, 148 and 150.

**HISTORICAL NOTE:** Promulgated by the Department of Commerce, Racing Commission, LR 2:431 (December

1976), repromulgated LR 3:27 (January 1977), LR 4:276 (August 1978), amended by the Department of Economic Development, Racing Commission, LR 17: (1991).

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Claude P. Williams, Executive Director, or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Monday, January 7, 1991 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Claude P. Williams  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Apprentice Jockey Certificate**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no 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.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The proposed rule change benefits apprentice jockeys and jockeys by adding the requirement that the apprentice jockey certificate be filed with the Racing Commission.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no effect on competition nor employment.

Claude P. Williams  
Executive Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Economic Development  
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt the following rule.

**Title 35**

**HORSE RACING**

**Part III. Personnel, Registration and Licensing**

**Chapter 57. Association's Duties and Obligations  
§5742. Cellular Telephones Prohibited**

A. No person shall have in his possession or control in any area where pari-mutuel wagering is permitted and being conducted at a racetrack or off-track wagering facility a cellular telephone capable of transmitting or communicating with a person, firm or corporation located outside of the confinements of said racetrack or off-track wagering facility without the prior permission of the commission.

B. Any person who violates the provisions of Paragraph A of this Section shall be immediately ejected from the premises of the licensee and such person shall exhaust all administrative remedies before the commission prior to instituting any legal action seeking judicial relief.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, 148 and 172.

HISTORICAL NOTE Promulgated by the Department of Economic Development, Racing Commission, LR 17: (1991).

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Claude P. Williams, Executive Director, or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Monday, January 7, 1991 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Claude P. Williams  
Executive Director

### Fiscal and Economic Impact Statement For Administrative Rules

#### Rule Title: Cellular Telephones Prohibited

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

There are no 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.

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

The proposed rule benefits the industry in general by prohibiting cellular telephones in areas where wagering is being conducted, thereby preventing illegal transmission of wagering data.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition nor employment.

Claude P. Williams  
Executive Director

John R. Rombach  
Legislative Fiscal Officer

### NOTICE OF INTENT

#### Department of Economic Development Racing Commission

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt the following chapter of rules.

#### Title 35 HORSE RACING Part XV. Off Track Wagering

#### Chapter 127. Interstate Common Pool Wagering

#### §12701. Definitions

As used in this Chapter, the following shall mean:

A. *Guest track or receiving track* shall mean the race track, off-track wagering facility or other facility in a state other than the state in which the race is run that is the subject of the interstate common pools.

B. *Guest state* shall mean the jurisdiction within which a guest track is located.

C. *Host track or sending track* shall mean the race track at which the race is run that is the subject of the interstate common pools.

D. *Host state* shall mean the jurisdiction within which a host track is located.

E. *Interstate common pools or merged pools*, shall mean a pari-mutuel pool established within one state (usually at a host track) within which is combined comparable pari-mutuel pools of one or more guest tracks upon a race run at the host track, for purposes of establishing payoff prices in the various jurisdictions. There may be more than one state simultaneously combining pari-mutuel pools into the common pool in the host state. Where the laws and rules of the host and guest states permit, and with concurrence of the host track, the merged pool may be established on a regional or other basis between two or more guest states but not involving a merger into the host tracks' pari-mutuel pool, in which eventuality one of the guest tracks shall serve as if it were the host track for purposes of calculating the pari-mutuel pool on which payoff prices are calculated.

F. *Commission or racing commission* shall mean the regulatory body with statutory jurisdiction over the host or guest track or other pari-mutuel facilities, as applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, 148 and 211-226.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 17: (1991).

#### §12703. General Provisions

A. All contracts governing participation in interstate common pools shall be submitted to the commission for its approval.

B. Individual pari-mutuel wagering transactions are made at the point of sale in the state where placed. Pari-mutuel pools are combined for computing odds and calculating payoffs and breakage, but shall be maintained separately for auditing and all other purposes.

C. Any surcharges or withholdings on or from pari-mutuel pools, in addition to the takeout, shall be applied only in the jurisdiction imposing such surcharges or withholdings.

D. In determining whether to approve an interstate common pool which does not include the pari-mutuel pool of the host track, the commission shall consider and may approve (1) use of a type of wager which is not utilized at the host track, (2) application of a takeout rate not in effect at the host track, or (3) such other factors which are provided to the commission.

E. The content and format of the visual display of racing and wagering information at facilities in other states where wagering is permitted in the interstate common pool, need not be identical to similar information permitted or required to be displayed in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, 148 and 211-226.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 17: (1991).

**§12705. Guest State Participation in Interstate Common Pools**

A. With the prior approval of the commission, pari-mutuel wagering pools in this state may be combined with comparable wagering pools in the host state, or with comparable pools established by one or more other jurisdictions where wagering is authorized by law.

B. The commission may permit adjustment of the takeout rate from pari-mutuel pools so that the takeout rate in this state is identical to that at the host track, or identical to that of other jurisdictions participating in a merged pool.

C. Where takeout rates in the merged pool are not identical, the commission shall approve the method by which the differing takeout rates shall be applied.

D. Rules of racing governing the race in the host state shall apply to the merged pool unless the commission shall have specifically determined otherwise.

E. Provisions governing the calculation of breakage under the rules of racing in this state may be waived as to wagers in interstate common pools. The commission may approve agreements between the licensee and other participants in interstate common pools governing the equitable distribution of breakage between the host and guest state, unless and to the extent otherwise provided by law.

F. If for any reason it becomes impossible to successfully merge the pari-mutuel wagers placed in this state into the interstate common pool, the licensee shall declare such accepted bets void and make refunds in accordance with the provisions of §12341 of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, 148 and 211-226.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 17: (1991).

**§12707. Host State Participation in Merged Pools**

A. With the prior approval of the commission, a licensee may determine that one or more of its races be utilized for pari-mutuel wagering at a guest track, and may also determine that pari-mutuel pools in guest states be combined with (1) comparable wagering pools established by it as the host track or (2) comparable wagering pools established by two or more states.

B. Where takeout rates in the merged pool are not identical, the commission shall approve the method by which the differing takeout rates shall be applied.

C. Rules of racing of this state shall also apply to interstate common pools unless the commission shall have specifically determined otherwise.

D. Rules of racing governing breakage in this state may be waived by the commission as to wagers in interstate common pools. The commission may approve agreements between the licensee and other participants in interstate common pools governing the equitable distribution of breakage between the host and guest states, unless and to the extent otherwise provided by law.

E. Any contract for interstate common pools entered into by the licensee shall contain a provision to the effect that if for any reason it becomes impossible to successfully merge the bets placed in another state into the interstate common pool formed by the licensee, or if for any reason the commission's or the licensee's representative determines that transferring or an attempt to transfer pool data from the guest state to its interstate common pool may endanger the

licensee's wagering pool, neither the commission nor the licensee shall have any liability for any action(s) taken which may result in the guest track's wagers not being accepted into the pool.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, 148 and 211-226.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 17: (1991).

**§12709. Takeout Rates in Interstate Common Pools**

A. With the express approval of the commission, a licensee desiring to participate in an interstate common pool may change its takeout rate (within the limits permitted by state law) so as to achieve a common takeout rate with all other participants in the interstate common pool.

B. A licensee desiring to participate in an interstate common pool may request that the commission approve a methodology whereby host and guest states with different takeout rates for comparable pari-mutuel pools may effectively and equitably combine wagers from the different states into an interstate common pool.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, 148 and 211-226.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 17: (1991).

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Claude P. Williams, Executive Director, or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Monday, January 7, 1991 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Claude P. Williams  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Interstate Common Pool Wagering**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no 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.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The proposed chapter of rules benefits horsemen, patrons, association employees and the commission by providing for interstate common pool wagering, definitions, general provisions, participation and takeout rates.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no effect on competition nor employment.

Claude P. Williams  
Executive Director

John R. Rombach  
Legislative Fiscal Officer



**NOTICE OF INTENT**

**Department of Economic Development  
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt the following rule.

**Title 35  
HORSE RACING  
Part I. General Provisions**

**Chapter 17. Corrupt and Prohibited Practices  
§1742. Issuance of NSF Checks**

Upon a check payable to the order of the commission or one of its employees, agents or representatives being dishonored when presented for payment, each maker/drawer thereof shall be fined by the stewards a sum of \$25 together with the amount, if any, charged the commission by its depository.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, 148 and 150.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 17: (1991).

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Claude P. Williams, Executive Director, or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Monday, January 7, 1991 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Claude P. Williams  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Issuance of NSF Checks**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no costs to implement this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The only potential effect on revenue collections is immeasurable and would be a result of individuals violating the rule resulting in additional fines collected by the commission (\$25 per violation).
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The proposed rule change benefits the commission by assuring that applicants issue good, negotiable checks for those expenses due the commission such as fines and license fees.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no effect on competition nor employment.

Claude P. Williams  
Executive Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Economic Development  
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt the following rule.

**Title 46  
PROFESSIONAL AND OCCUPATIONAL STANDARDS  
Part XLI. Horseracing Occupations**

**Chapter 19. Training Tracks  
§1904. License Renewal**

After being granted a license to operate as a training track, any person or corporation desiring to continue to operate as a training track must submit an application for a license on a yearly basis to the commission.

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

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 17: (1991).

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Claude P. Williams, Executive Director, or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Monday, January 7, 1991 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Claude P. Williams  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: License Renewal**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no 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.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The proposed rule benefits the commission and the licensee by requiring an annual license application renewal to operate a training track.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no effect on competition nor employment.

Claude P. Williams  
Executive Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Economic Development  
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt the following rule.

**Title 35  
HORSE RACING  
Part XV. Off-Track Wagering**

**Chapter 123. General Rules  
§12365. Matters not Covered**

Any matter not covered by the provisions of this Chapter shall be determined by a vote of the stewards at the host track following consultation with the host track mutuel manager. A written report of any such determination shall be promptly made to the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and 211-222.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 17: (1991).

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Claude P. Williams, Executive Director, or Tom Trenchard, Administrative services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Monday, January 7, 1991 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Claude P. Williams  
Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Matters Not Covered**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no 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.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The proposed rule benefits horsemen, patrons, association employees and the commission by providing for handling non-specified circumstances in Chapter 123 by a vote of the stewards, consultation with the host track mutuel manager, with a written report to the commission.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no effect on competition nor employment.

Claude P. Williams  
Executive Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Economic Development  
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt the following rule.

**Title 35  
HORSE RACING  
Part IX. Weights**

**Chapter 95. Weighing Out  
§9502. Maximum Overweight**

No horse shall carry more than two pounds overweight without the consent of its owner, his agent, or his representative. No horse, however, shall carry more than seven pounds overweight in any race. The owner or trainer of a horse may substitute a jockey to ride his horse when the engaged jockey is reported overweight in excess of two pounds.

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

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 17: (1991).

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Claude P. Williams, Executive Director, or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Monday, January 7, 1991 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Claude P. Williams  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Maximum Overweight**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no 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.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The proposed rule benefits horsemen by limiting overweight poundage to two pounds with the owner's consent, but no more than seven pounds regardless. Should there be a two-pound overweight the owner or trainer may substitute the jockey for another.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no effect on competition nor employment.

Claude P. Williams  
Executive Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Economic Development  
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt the following rule.

**Title 35  
HORSE RACING  
Part V. Racing Procedures**

**Chapter 77. Paddock to Post  
§7704. Paddock Inspection**

A. Should the carry-over pool for the Super Six exceed \$150,000, the following additional steps are to be taken in each of the six races comprising the Super Six.

1. The state veterinarian shall make a close inspection in the paddock as to the physical condition of every horse entered in any of the races comprising the Super Six. He shall sign-off as to his observations and the soundness of each horse. This report shall be submitted to the commission at the conclusion of the racing program. Any horse found unsound shall be scratched immediately.

2. The state steward shall be in the paddock from the time the horses enter the paddock until the last horse has reached the racing surface and shall likewise sign-off as to his observations of each horse.

3. The starting gate veterinarian, after close inspection, shall likewise sign-off as to the soundness of each horse when loading in the starting gate.

4. Three horses from each of the six races comprising the Super Six shall be sent to the test barn for testing. The winner, the second-place horse and a third horse selected by the stewards shall be tested.

B. Should the carry-over pool for the Twin Trifecta exceed \$50,000, the following additional steps are to be taken for the two races comprising the Twin Trifecta.

1. The state veterinarian shall make a close inspection in the paddock as to the physical condition of every horse entered in the two races comprising the Twin Trifecta. He shall sign-off as to his observations and the soundness of each horse. This report shall be submitted to the commission at the conclusion of the racing program. Any horse found unsound shall be scratched immediately.

2. The state steward shall be in the paddock from the time the horses enter the paddock until the last horse has reached the racing surface and shall likewise sign-off as to his observations of each horse.

3. The starting gate veterinarian, after close inspection, shall likewise sign-off as to the soundness of each horse when loading in the starting gate.

4. The first three finishers, or in the case of a dead-heat for third, the first four finishers, in each of the two races comprising the Twin Trifecta shall be sent to the test barn for testing.

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

**HISTORICAL NOTE:** Promulgated by the Department of Economic Development, Racing Commission, LR 17: (1991).

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Claude P. Williams, Executive Director, or Tom Trenchard, Administra-

tive Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Monday, January 7, 1991 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Claude P. Williams  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Paddock Inspection**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no 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.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The proposed rule benefits horsemen and patrons by requiring all horses involved in a Super Six with a \$150,000 plus carryover or Twin Trifecta with a \$50,000 plus carryover to be inspected by the state and starting gate veterinarian and state steward. A report thereof must be submitted to the commission at the end of the day. Also, in a Super Six, three of the six horses shall be sent to the test barn to provide samples; and in a Twin Trifecta, all finishing horses (first, second and third in each race) shall be sent to the test barn.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no effect on competition nor employment.

Claude P. Williams  
Executive Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Economic Development  
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to amend the following rule.

**Title 35  
HORSE RACING  
Part XV. Off-Track Wagering**

**Chapter 123. General Rules  
§12341. Pari-Mutuel Tickets**

A. - B. . . .

C. When wagers are accepted by a host track, guest track or off-track wagering facility and a pari-mutuel ticket is issued therefor, such wagers are to be considered an enforceable contract, evidenced by possession of a winning ticket, and such tickets shall be honored by all cashiers of the host track and the off-track wagering facility where such

wager is placed. Refunds of wagers shall be made only: (a) on a horse that is scratched, (b) a race is declared off, or (c) if a manual merge is rendered impossible because of an act or event beyond the control of a host track or an off-track wagering facility including, but not limited to, a catastrophe or acts of God.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 4:141 and 211-222.

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

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Claude P. Williams, Executive Director, or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Monday, January 7, 1991 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Claude P. Williams  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: LAC 35:XV.12341 "Pari-Mutuel Tickets"**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no 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.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The proposed rule change benefits patrons by defining pari-mutuel tickets as enforceable contracts and proof of a wager, that such tickets shall be honored for payment at the OTB location where purchased and/or its host track, and circumstances required for refunds.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no effect on competition nor employment.

Claude P. Williams  
Executive Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Economic Development  
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt the following rule.

**Title 35  
HORSE RACING**

**Part III. Personnel, Registration and Licensing**

**Chapter 57. Association's Duties and Obligations**

**§5702. Penalty for Failure to Comply**

Should a permittee or licensee fail to promptly comply with each provision of R.S. 4:146(B) or R.S. 4:161(B), the permittee or licensee who fails to comply with such provision(s) shall be subject to a fine of \$200 for each day such violation shall continue.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 4:141, 146, 148 and 161.

**HISTORICAL NOTE:** Promulgated by the Department of Economic Development, Racing Commission, LR 17: (1991).

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Claude P. Williams, Executive Director, or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Monday, January 7, 1991 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Claude P. Williams  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Penalty for Failure to Comply**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no costs to implement this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The only potential effect on revenue collections is immeasurable and would be a result of individuals violating the rule resulting in additional fines collected by the commission (\$200 per violation).
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The proposed rule benefits the commission by assuring compliance with R.S. 4:146(B) and R.S. 4:161(B) (which provides for collection of monies, taxes and fees and audits thereof) by licensees and permittees.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no effect on competition nor employment.

Claude P. Williams  
Executive Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Economic Development  
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to amend the following rule.

**Title 35  
HORSE RACING**

**Part III. Personnel, Registration and Licensing**

**Chapter 57. Association's Duties and Obligations**

**§5717. Filming or Videotaping of Races; Preservation**

- A. All race tracks under the jurisdiction...
- B. Each association shall preserve the film or videotape recordings of each of its races for at least 90 days after the close of each of its race meetings. Upon a timely request of the commission within such period, an association shall furnish the commission with a clear positive print of the film recording and/or a kinescope print of the videotape recording of any race run during its race meeting.

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

HISTORICAL NOTE: Promulgated by the Racing Commission in 1971, amended LR 2:434 (December 1976), repromulgated LR 3:30 (January 1977), LR 4:278 (August 1978), amended LR 17: (1991).

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Claude P. Williams, Executive Director, or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Monday, January 7, 1991 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Claude P. Williams  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Filming or Videotaping of Races;  
Preservation**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no 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.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The proposed rule change benefits the commission by requiring racing associations to maintain films/videos of all races at least 90 days after the close of their race meet. The association must provide the commission a copy of any video/film of a race when requested.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no effect on competition nor employment.

Claude P. Williams  
Executive Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Economic Development  
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt the following rule.

**Title 35  
HORSE RACING**

**Part III. Personnel, Registration and Licensing**

**Chapter 57. Association's Duties and Obligations**

**§5716. Program Statistics**

Each association shall print statistics covering the top 10 jockeys, trainers and winners by post position and distance, excluding quarter horse races, in a conspicuous place in its racing program. Such statistics shall be updated on a weekly basis.

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

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 17: (1991).

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Claude P. Williams, Executive Director, or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Monday, January 7, 1991 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Claude P. Williams  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Program Statistics**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no 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.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The proposed rule benefits horsemen and patrons by requiring racing associations to update weekly their daily racing program on track statistics of jockeys, trainers and winners.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no effect on competition nor employment.

Claude P. Williams  
Executive Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Economic Development  
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to amend the following rule.

**Title 35  
HORSE RACING  
Part V. Racing Procedures**

**Chapter 63. Entries**

**§6319. Publication of Past Performances**

No horse shall be permitted to enter or start unless approved by the association. Further, the stewards shall require that published past performances, in races or workouts, be sufficient to enable the public to make a reasonable assessment of its capabilities. No horse shall be entered to race that has not had a published workout or a race within 60 days of the date of the entered race. Late workouts shall be posted for public view in at least one conspicuous place in the public enclosure, and announced to the public via public address system.

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

**HISTORICAL NOTE:** Promulgated by the Racing Commission in 1971, amended LR 2:436 (December 1976), repromulgated LR 3:33 (January 1977), LR 4:279 (August 1978), amended LR 17: (1991).

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Claude P. Williams, Executive Director, or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Monday, January 7, 1991 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Claude P. Williams  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Publication of Past Performances**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no 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.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The proposed rule change benefits horsemen and patrons by requiring all horses to have a published workout within 60 days prior to its entering a race. Late workouts must be posted for public view and announced.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no effect on competition nor employment.

Claude P. Williams  
Executive Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Economic Development  
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to amend the following rule.

**Title 35  
HORSE RACING  
Part III. Personnel, Registration and Licensing**

**Chapter 57. Association's Duties and Obligations**

**§5731. Totalizator; Cameras**

Each association shall maintain a totalizator and totalizator board satisfactory to the commission at each of its race meetings where pari-mutuel wagering is authorized and conducted. Each association shall install and adequately maintain two photofinish cameras at the finish line at its track. A photograph of the finish of each race, when called for by the stewards and evidenced by the "photo" sign on each of the track's totalizator boards, shall be promptly posted by the association for public viewing in at least one public conspicuous place in such area of the grandstand and clubhouse areas of its track where pari-mutuel wagering is conducted.

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

**HISTORICAL NOTE:** Promulgated by the Department of Economic Development, Racing Commission in 1971, amended LR 2:434 (December 1976), repromulgated LR 3:31 (January 1977), LR 4:278 (August 1978), amended LR 17: (1991).

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Claude P. Williams, Executive Director, or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Monday, January 7, 1991 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Claude P. Williams  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Totalizator; Cameras**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no 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.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The proposed rule change benefits horsemen, patrons and the commission by 1) rewording the rule for clarification; 2) requiring racing associations to maintain its tote system and tote board adequately; 3) requiring racing associations to install and maintain two photofinish cameras at the finish line; and 4) requiring racing associations to post a photograph for public view of any 'photo finish' of a race.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition nor employment.

Claude P. Williams  
Executive Director

John R. Rombach  
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Education  
Proprietary School Commission

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Department of Education intends to adopt the following rule to amend Bulletin 1443 by establishing the Proprietary School Commission's student complaint procedure.

Title 28  
EDUCATION

Part V. Proprietary Schools

Chapter 1. Student Complaint Procedure

§101. General Policies

A. The purpose of this complaint procedure is to provide an effective and efficient method by which students may resolve their complaints within the Proprietary School Commission under the jurisdiction of the Department of Education.

B. The Proprietary School Commission shall prepare and provide a copy of the complaint procedure to each licensed proprietary school.

C. Each proprietary school shall include in their school catalog the following:

Student complaints relative to actions of the school, school employees, or school instructors shall be addressed to the Proprietary School Commission, Louisiana Department of Education, Box 94064, Baton Rouge, LA 70804-9064, 504/342-3543.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3141.E.

HISTORICAL NOTE: Promulgated by the Department of Education, Proprietary School Commission, LR 17:

§103. Conciliation

A. Any student of a proprietary school who is aggrieved by actions of the school, school employees, or school instructors shall complain in writing to the Proprietary School Commission, Louisiana State Department of Education, Box 94064, Baton Rouge, LA 70804-9064, 504/342-3543.

B. The bureau staff shall document the complaint by recording the following:

- 1. the student's name, address and phone number;
- 2. the name of the school;
- 3. the date the complaint was received;
- 4. the staff member who received the complaint; and
- 5. a brief summary of the nature of the complaint as related to the staff by the student.

C. A copy of this initial notice of the complaint will be sent to the school and to the student and a copy retained in the commission files.

D. The notice of complaint will request that the student and the school meet and discuss the complaint in a conciliation conference to be held within 10 days after receipt of the notice.

E. If after 10 days, the complaint has not been satisfactorily resolved, the student may request further assistance from the Proprietary School Bureau.

F. The bureau staff may in its discretion eliminate the conciliation procedure where a student has already contacted the school regarding the problem and may proceed directly to the mediation conference.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3141.E.

HISTORICAL NOTE: Promulgated by the Department of Education, Proprietary School Commission, LR 17:

§105. Mediation Conference

A. If the student advises the bureau that no satisfactory resolution has been achieved with the school through the conciliation procedure, the bureau shall convene a mediation conference.

B. The following form is to be completed and disseminated to the complainant and the school at least five days prior to the Mediation Conference.

DEPARTMENT OF EDUCATION  
PROPRIETARY SCHOOL COMMISSION  
COMPLAINT MEDIATION CONFERENCE

Student Name: \_\_\_\_\_ Date: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip Code: \_\_\_\_\_  
Social Security Number: \_\_\_\_\_ Phone Number: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_  
Name of School: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip Code: \_\_\_\_\_  
Date of Enrollment: \_\_\_\_\_ Course of Study: \_\_\_\_\_  
Amount of Tuition Paid \_\_\_\_\_  
Method of Payment:  
Pell Grant \_\_\_\_\_  
Guaranteed Student Loan \_\_\_\_\_  
Personal Funds \_\_\_\_\_  
Other \_\_\_\_\_

NATURE OF COMPLAINT  
(add pages if necessary)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RELIEF REQUESTED

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NOTICE

The Proprietary Schools Bureau hereby advises that a mediation conference on the above related matter will occur on, (date, time, place).

C. The mediation conference shall be presided over by the executive secretary of the commission, or by a staff member of the Bureau of Proprietary Schools designated by the executive secretary.

The complainant and official representative of the school shall present testimony and evidence relevant to the complaint.

D. The bureau shall request that parties bring to the mediation conference all documents necessary to assist the bureau in solving the complaint.

E. At the mediation conference held among the bureau, the student, and the school, all parties will attempt to arrive at an amicable solution.

F. If an amicable solution is reached, the bureau staff will send a notice of the following to the school and the student and will keep a copy in its files:

1. a statement specifying the resolution from the mediation conference; and
2. The time within which actions shall be taken to rectify the problem.

G. If no amicable resolution is achieved in the mediation conference, the bureau staff shall provide notice in writing to the parties of the opportunity to request a hearing. Either party may request a hearing within seven days of the mediation conference. Within five working days following a request for a hearing, the bureau staff shall send written notice to the parties containing the following:

1. An explanation of the hearing procedures; and
2. The date, time and place for the hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3141.E.

HISTORICAL NOTE: Promulgated by the Department of Education, Proprietary School Commission, LR 17:

#### §107. Hearing

A. A public hearing shall be held before the commission. The parties shall be given 15 days notice in advance of the hearing, including the time, place and nature of the hearing and a statement of the alleged complaints to be the subject of the hearing.

B. The hearing shall be conducted in accordance with the provisions of the Administrative Procedure Act.

C. The commission shall render a decision accompanied by written reasons within 30 days following the conclusion of the hearing. This decision will be transmitted to all parties with a notice of the right to judicial review.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3141.E.

HISTORICAL NOTE: Promulgated by the Department of Education, Proprietary School Commission, LR 17:

#### §109. Judicial Review

Either party may appeal to the Nineteenth Judicial District in accordance with the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3141.E.

HISTORICAL NOTE: Promulgated by the Department of Education, Proprietary School Commission, LR 17:

Inquiries and comments should be addressed in writing to Andrew H. Gasperecz, Executive Secretary, Louisiana Proprietary School Commission, State Department of Education, Box 94064, Baton Rouge, LA 70804-9064, through December 30, 1990.

The public hearing will be held at 10 a.m., January 28, 1991, in the second floor conference room, State Department of Education Building, 626 North Fourth Street, Baton Rouge, LA.

Andrew H. Gasperecz  
Executive Secretary

### Fiscal and Economic Impact Statement For Administrative Rules

#### Rule Title: Commission's Student Complaint Procedure

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

All costs of the Proprietary Schools Bureau are self-generated by license fees paid to the bureau by licensees. There will be an estimated cost of \$50 for printing and mailing of this rule.

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

There will be no effect on revenue collections of state or local governmental units.

##### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There will be no costs to directly affected persons or non-governmental groups.

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

There will be no effect on competition or employment.

Andrew H. Gasperecz  
Executive Secretary

John R. Rombach  
Legislative Fiscal Officer

### NOTICE OF INTENT

#### 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 gives notice that rulemaking procedures have been initiated to amend the Air Quality Regulations, LAC 33:III.3301, (Log Number AQ20).

These regulations define the standards for liquid storage tanks which contain volatile organic compounds and which were built, reconstructed, or modified since July 23, 1984. Additional requirements for recordkeeping and reporting are also identified. See *Federal Register* published April 8, 1987 (52 FR 11429, number 67).

These proposed regulations are to become effective on March 20, 1991, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be held on January 28, 1991, at 1:30 p.m. in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than Tuesday, January 29, 1991, at 4:30 p.m., to David Hughes, Enforcement and Regulatory Compliance Division, Box 44066, Baton Rouge, LA 70804 or to the Commerce Building, 333 Laurel Street, Sixth Floor, Baton Rouge, LA 70801. Commentors should reference this proposed regulation by the Log Number AQ20. Copies of the proposed regulations are also available for in-



spection at the following locations from 8 a.m. until 4:30 p.m.

Department of Environmental Quality, Commerce Building, Sixth Floor, 333 Laurel Street, Baton Rouge, LA 70801.

Department of Environmental Quality, 804 31st Street, Monroe, LA 71203.

Department of Environmental Quality, State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101.

Department of Environmental Quality, 1150 Ryan Street, Lake Charles, LA 70601.

Department of Environmental Quality, 2945 North I-10 Service Road West, Metairie, LA 70002.

Department of Environmental Quality, 100 Eppler Road, Lafayette, LA 70505.

J. Terry Ryder  
Assistant Secretary

### Fiscal and Economic Impact Statement For Administrative Rules

#### Rule Title: LAC 33:III.3301 Kb-Standards for Organic Liquid Storage Vessels for which Construction, Reconstruction, or Modification Commenced after July 23, 1984.

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

There are no expected changes to costs, or savings, to state or local government units from the implementation of this proposed rule unless those units own or operate storage vessels governed by this regulation.

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

There is no expected impact on revenue collections for state or local government units from the implementation of the proposed rule.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON- GOVERNMENTAL GROUPS (Summary)

There is no economic cost or benefit to the affected persons or non-governmental groups from the promulgation of this proposed rule.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EM- PLOYMENT (Summary)

There is no expected impact on competition or employment from the implementation of the proposed rule.

Mike D. McDaniel, Ph.D.  
Assistant Secretary

John R. Rombach  
Legislative Fiscal Officer

### NOTICE OF INTENT

#### 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 gives notice that rulemaking procedures have been initiated to

amend the Air Quality Regulations, LAC 33:III.6079, (Log Number AQ29).

This rule sets the standard method for determining fugitive releases related to "visible emissions." This method is referenced in the asbestos renovation/demolition rules, LAC 33:III.Chapter 25, Subchapter F and proposed LAC 33:III.Chapter 51.

These proposed regulations are to become effective on March 20, 1991, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be held on January 28, 1991, at 1:30 p.m. in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than Tuesday, January 29, 1991, at 4:30 p.m., to David Hughes, Enforcement and Regulatory Compliance Division, Box 44066, Baton Rouge, LA 70804 or to the Commerce Building, 333 Laurel Street, Sixth Floor, Baton Rouge, LA 70801. Commentors should reference this proposed regulation by the Log Number AQ29.

### Title 33 ENVIRONMENTAL QUALITY Part III. Air

#### Chapter 60. Division's Source Test Manual

\* \* \*

#### §6079. Method 22—Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares

##### A. Applicability and Principle

1. Applicability. This method applies to the determination of the frequency of fugitive emissions from stationary sources (located indoors or outdoors) when specified as the test method for determining compliance with new source performance standards.

This method also is applicable for determining the frequency of visible smoke emissions from flares.

2. Principle. Fugitive emissions produced during material processing, handling, and transfer operations or smoke emissions from flares are visually determined by an observer without the aid of instruments.

##### B. Definitions

*Emission Frequency*--Percentage of time that emissions are visible during the observation period.

*Emission Time*--Accumulated amount of time that emissions are visible during the observation period.

*Fugitive Emissions*--Pollutant generated by a facility that is not collected by a capture system and is released to the atmosphere.

*Smoke Emissions*--Pollutant generated by combustion in a flare and occurring immediately downstream of the flame. Smoke occurring within the flame, but not downstream of the flame, shall not be considered a smoke emission.

*Observation Period*--Accumulated period during which observations are conducted, not to be less than the period specified in the applicable rule.

##### C. Equipment

1. Stopwatches. Two accumulative-type stopwatches with unit divisions of at least 0.5 seconds are required.

2. Light Meter. A light meter capable of measuring illuminance in the 50- to 200-lux range is required for indoor observations only.

#### D. Procedure

1. Position. Survey the affected facility or the building or structure housing the process to be observed and determine the locations of potential emissions. If the affected facility is located inside a building, determine an observation location that is consistent with the requirements of the applicable regulation (i.e., outside observation of emissions escaping the building/structure or inside observation of emissions directly emitted from the affected facility process unit). Then select a position that provides a clear view of the potential emission point(s) of the affected facility or of the building or structure housing the affected facility, as appropriate for the applicable Subchapters. A position at least 15 feet but not more than 0.25 miles from the emission source is recommended. For outdoor locations, select a position where the sun is not directly in the observer's eyes.

#### 2. Field Records

a. Outdoor Location. Record the following information on the AAC-5 form: company name, industry, process unit, observer's name, observer's affiliation and date. Record also the estimated wind speed, wind direction and sky condition. Sketch the process unit being observed, and note the observer location relative to the source and the sun. Indicate the potential and actual emission points on the sketch.

b. Indoor Location. Record the following information on the AAC-5 form: company name, industry, process unit, observer's name, observer's affiliation and date. Record as appropriate the type, location and intensity of lighting on the data sheet. Sketch the process unit being observed, and note observer location relative to the source. Indicate the potential and actual fugitive emission points on the sketch.

3. Indoor Lighting Requirements. For indoor locations, use a light meter to measure the level of illumination at a location as close to the emission source(s) as is feasible. An illumination of greater than 100 lux (10 footcandles) is necessary for proper application of this method.

4. Observations. Record the clock time when observations begin. Use one stopwatch to monitor the duration of the observation period; start this stopwatch when the observation period begins. If the observation period is divided into two or more segments by process shutdowns or observer rest breaks, stop the stopwatch when a break begins, and restart it without resetting when the break ends. Stop the stopwatch at the end of the observation period. The accumulated time indicated by this stopwatch is the duration of the observation period. When the observation period is completed, record the clock time.

During the observation period, continuously watch the emission source. Upon observing an emission (condensed water vapor is not considered an emission), start the second accumulative stopwatch; stop the watch when the emission stops. Continue this procedure for the entire observation period. The accumulated elapsed time on this stopwatch is the total time that emissions were visible during the observation period (i.e., the emission time).

a. Observation Period. Choose an observation period long enough to meet the requirements for determining compliance with the emission regulation in the applicable Section. When the length of the observation period is specifically stated in the applicable Section, observing the source for this

entire period may not be necessary if the emission time required to indicate noncompliance (based on the specified observation period) is observed in a shorter period. In other words, if the regulation prohibits emissions for more than six minutes in any hour, then observations may (optional) be stopped after an emission time of six minutes is exceeded. Similarly, when the regulation is expressed as an emission frequency and the regulation prohibits emissions for greater than 10 percent of the time in any hour, then observations may (optional) be terminated after exceeding six minutes of observed emissions since six minutes is 10 percent of an hour. In any case, the observation period shall not be less than six minutes. In some cases, the process operation may be intermittent or cyclic. In these cases, it may be convenient for the observation period to coincide with the length of the process cycle.

b. Observer Rest Breaks. Do not observe emissions continuously for a period of more than 15 to 20 minutes without taking a rest break. For sources requiring observation periods of greater than 20 minutes, the observer shall take a break of not less than 5 minutes and not more than 10 minutes after every 15 to 20 minutes of observation. If continuous observations are desired for extended periods, two observers can alternate between making observations and taking breaks.

c. Visual Interference. Occasionally, fugitive emissions from sources other than the affected facility (e.g., road dust) may prevent a clear view of the affected facility. This may particularly be a problem during periods of high wind. If the view of the potential emission points is obscured to such a degree that the observer questions the validity of continuing observations, then the observations shall be terminated, and the observer shall clearly note this fact on the data form.

d. Recording Observation. Record the accumulated time of the observation period on the data sheet as the observation period duration. Record the accumulated time that emissions were observed on the data sheet as the emission time. Record the clock time the observation period began and ended, as well as the clock time any observer breaks began and ended.

E. Calculations. If the applicable Section requires that the emission rate be expressed as an emission frequency (as a percentage), determine this value as follows: Divide the accumulated emission time (in seconds) by the duration of the observation period (in seconds) or by any minimum observation period required in the applicable Section if the actual observation period is less than the required period, and multiply this quotient by 100.

#### F. Bibliography

1. Missan, Robert, and Arnold Steih. Guidelines for Evaluation of Visible Emissions Certification, Field Procedures, Legal Aspects, and Background Material. EPA Publication No. EPA-340/1-75-007. April 1975.

2. Wohlschegel, P., and D. E. Wagoner. Guideline for Development of a Quality Assurance Program: Volume IX--Visual Determination of Opacity Emissions From Stationary Sources. EPA Publication No. EPA-650/4-74-005-i. November 1975.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2060.

HISTORICAL NOTE Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division in LR 17:

INSPECTION AND MONITORING RECORD

No. \_\_\_\_\_

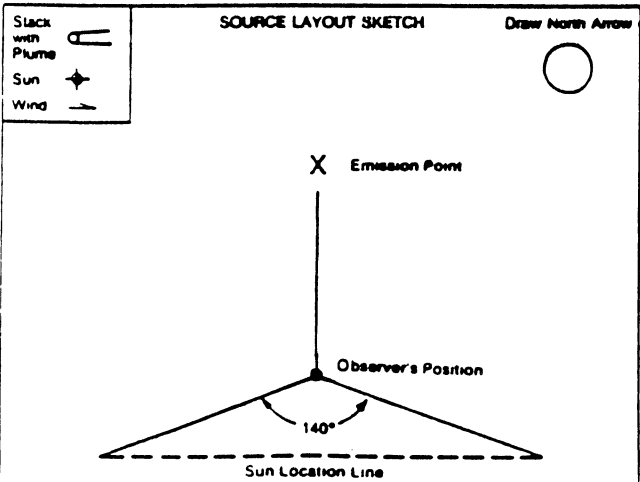
COMPANY NAME		
STREET ADDRESS		
CITY	STATE	ZIP
PHONE (KEY CONTACT)	SOURCE ID NUMBER	

PROCESS EQUIPMENT	OPERATING MODE
CONTROL EQUIPMENT	OPERATING MODE

DESCRIBE EMISSION POINT	
HEIGHT ABOVE GROUND LEVEL	HEIGHT RELATIVE TO OBSERVER Start                      End
DISTANCE FROM OBSERVER Start                      End	DIRECTION FROM OBSERVER Start                      End

DESCRIBE EMISSIONS	
Start	End
EMISSION COLOR Start                      End	IF WATER DROPLET PLUME Attached <input type="checkbox"/> Detached <input type="checkbox"/>
POINT IN THE PLUME AT WHICH OPACITY WAS DETERMINED Start                      End	

DESCRIBE PLUME BACKGROUND	
Start	End
BACKGROUND COLOR Start                      End	SKY CONDITIONS Start                      End
WIND SPEED Start                      End	WIND DIRECTION Start                      End
AMBIENT TEMP Start                      End	WET BULB TEMP                      RH, percent



ADDITIONAL INFORMATION
Write on reverse side.

OBSERVATION DATE		START TIME		END TIME	COMMENTS
SEC	MIN	0	15	30	
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					

OBSERVER'S NAME (PRINT)	
OBSERVER'S SIGNATURE	DATE
ORGANIZATION	
CERTIFIED BY	DATE

CONTINUED ON	FORM NUMBER						
--------------	-------------	--	--	--	--	--	--

J. Terry Ryder  
Assistant Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: LAC 33:III.6079. Method 22 Visual  
Determination of Visible Emissions**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no expected implementation cost to state and local government units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no expected effect on revenue collections for state or local government units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There is minimal expected cost or benefit to directly affected persons and non-governmental groups. The proposed Method 22 defines a procedure which was undefined in the past. The procedure will minimize confusion and define a method which can be repeated and used as a judgment criteria.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no expected effect on competition or employment.

Mike D. McDaniel, Ph.D.  
Assistant Secretary

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Environmental Quality  
Office of Water Resources**

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001, et seq. particularly R.S. 30:2074, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Water Quality Regulations, LAC 33:IX.708, (Log Number WP05).

This proposed rule provides definitions and effluent limitations for discharges of wastewater associated with oil and natural gas exploration and production activities. Applicable guidelines related to spill response and to housekeeping practices have been set forth to eliminate unauthorized discharges. This amendment also establishes effluent guidelines for the discharge of produced water, drill cuttings and drilling fluids, stormwater runoff, and reserve and production pit closures.

These proposed regulations are to become effective on March 20, 1991, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be held on January 24, 1991, at 1:30 p.m. in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed regulations. Such comments

should be submitted no later than Monday, January 28, 1991, at 4:30 p.m., to David Hughes, Enforcement and Regulatory Compliance Division, Box 44066, Baton Rouge, LA 70804 or to the Commerce Building, 333 Laurel Street, Sixth Floor, Baton Rouge, LA 70801. Commentors should reference this proposed regulation by the Log Number WP05. Copies of the proposed regulations are also available for inspection at the following locations from 8 a.m. until 4:30 p.m.

Department of Environmental Quality, Commerce Building, Sixth Floor, 333 Laurel Street, Baton Rouge, LA 70801.

Department of Environmental Quality, 804 31st Street, Monroe, LA 71203.

Department of Environmental Quality, State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101.

Department of Environmental Quality, 1150 Ryan Street, Lake Charles, LA 70601.

Department of Environmental Quality, 2945 North I-10 Service Road West, Metairie, LA 70002.

Department of Environmental Quality, 100 Eppler Road, Lafayette, LA 70505.

J. Terry Ryder  
Assistant Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: LAC 33:IX.708: Oil and Gas Exploration and  
Production (Amendments)**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Revenue from fees associated with UIC permits will support state personnel costs associated with implementation of the proposed rule. No additional costs will be incurred by local governmental units. Estimated personnel costs of \$138,950 will be required the first year for new personnel.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
A study conducted for the petroleum industry by Walk, Haydel and Associates estimates a loss of \$186 million in state revenue to be distributed over four years as implementation occurs. However, this figure results from overestimating the cost of produced water (PW) injection. The amendments will enhance environmental quality by reducing degradation of fish and wildlife habitat, resulting in revenue gains from improved fishing, hunting, and tourism in the state.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There will be some loss in profits to producing segments of the petroleum industry and gains to industries associated with drilling injection disposal wells. Economic benefits will result from improved fishing, hunting, and non-consumptive recreation in the region. Based on prior production rates and PW volumes, disposal cost is estimated at 5.4 percent of gross industry income. This includes injection of PW in regions unaffected by the proposed amendments. The petroleum industry will be affected in that new means of PW disposal may be needed.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition may decrease as operators which cannot meet additional costs terminate operations. Some loss of employment may result as unprofitable operations are terminated. This may be offset by employment resulting from construction, operation, and maintenance of injection wells.

Maureen O'Neill  
Assistant Secretary

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Environmental Quality  
Office of Water Resources**

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001, et seq. particularly R.S. 30:2074.B.(1), and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Water Quality Regulations, LAC 33:IX.1105, 1109, 1113, 1115, 1121, and 1123, (Log Number WP04).

These regulations will correct typographical errors, use designations, and bacterial criteria. They will also clarify policy exceptions to man-made watercourses and naturally dystrophic waters and add metals criteria to §1113.C.6 Numerical Criteria, Table 1. Corrections and additions are also proposed in order to comply with federal regulations.

These proposed regulations are to become effective on March 20, 1991, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be held on January 24, 1991, at 1:30 p.m. in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than Friday, January 25, 1991, at 4:30 p.m., to David Hughes, Enforcement and Regulatory Compliance Division, Box 44066, Baton Rouge, LA, 70804 or to the Commerce Building, 333 Laurel Street, Sixth Floor, Baton Rouge, LA 70801. Commentors should reference this proposed regulation by the Log Number WP04. Copies of the proposed regulations are also available for inspection at the following locations from 8 a.m. until 4:30 p.m.

Department of Environmental Quality, Commerce Building, Sixth Floor, 333 Laurel Street, Baton Rouge, LA 70801.

Department of Environmental Quality, 804 31st Street, Monroe, LA 71203.

Department of Environmental Quality, State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101.

Department of Environmental Quality, 1150 Ryan Street, Lake Charles, LA 70601.

Department of Environmental Quality, 2945 North I-10 Service Road West, Metairie, LA 70002.

Department of Environmental Quality, 100 Eppler Road, Lafayette, LA 70505.

J. Terry Ryder  
Assistant Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Surface Water Quality Standards**

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

There will be no costs to the state in implementing these revisions to the state Surface Water Quality Standards. Some local municipal facilities may experience a slight increase in operating costs depending on the metals discharges of business and industrial facilities into their treatment facilities. However, most of these costs, if any, can be passed on to the business and industrial facilities in question.

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

There will be no effect on revenue collections in implementing these revisions except possibly at the local level where municipal facilities may need to raise fees charged to business and industrial customers to cover their added costs, if any are incurred.

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

The revisions to the Surface Water Quality Standards include criteria for five metals that are required by federal regulation. The state developed metals criteria, however, are more representative of Louisiana waters and any costs to implement them will be less than federally developed and imposed criteria. Practicing better waste management of metals in wastewater including the use of source reduction can help reduce increased treatment costs if any are incurred. The state metals criteria will complement federal regulations on biotoxicity testing of effluents.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no appreciable effect on competition and employment in the short run; however, achieving quality through more certain guidelines can promote industrial development and increase employment in the long run.

Maureen O'Neill  
Assistant Secretary

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Trustees of the Firefighters'  
Pension and Relief Fund for the  
City of New Orleans**

A public hearing will be conducted by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans. The location, date and time of the hear-

ing are as follows: Date: Thursday, December 6, 1990; Time: 10 a.m.; Place: 329 So. Dorgenois Street, New Orleans, LA 70119.

The purpose of this hearing is to consider the adoption of rules and regulations for Payment of Death Benefits in accordance with R.S. 49:950 et seq. and R.S. 33:2101 et seq. The rules which will be considered concern the following subjects:

RULE I. Definitions of the terms of the Rules

RULE II. Beneficiary Designations and Election of Retirement and Death Benefits. The procedure to be followed by the firefighter upon the attainment of retirement: the requirement that designation of a beneficiary and a change of beneficiaries be in writing, the requirement that the survivor's birth certificate be furnished whenever a retirement benefit election includes a survivor annuity, and the procedures for the payment of a death benefit when the firefighter dies without designating a beneficiary.

RULE III. Calculation of Death Benefits

Procedures concerning the calculation of the present value of the death benefit payable as a result of the participant's death prior to retirement, and the authority and assumptions of the Fund's Actuary.

RULE IV. Preretirement Death Benefits

Explanation of the payment of death benefits payable to the designated beneficiary or surviving spouse where applicable upon the on duty or off duty death of the participant prior to retirement.

RULE V. General Provisions

The provisions that a spouse or parent may receive only one pension. The provision that neither a retiree nor a surviving spouse shall receive a pension less than \$300 per month. The provision that once a firefighter has retired and an election of the optional benefit under §2117.4 is made, the form of benefit nor the designated joint annuitant may be changed; that is such optional benefit is elected then the benefit of joint annuity shall not exceed the actuarial value of the participant's benefit, and that no lump sum benefit is payable unless the benefit is a refund of the participant's own contributions or under §2114(B).

Any interested party may submit data, views, or arguments orally or in writing concerning these rules. This hearing is being conducted pursuant to the authority granted to the board in R.S. 49:953 and R.S. 33:2101 et seq. By direction of the board, any interested party may make inquiries concerning the adoption of these rules to Bernard V. Nicolay, Secretary-Treasurer of the Board of Trustees, 329 So. Dorgenois Street, New Orleans, LA 70119.

Bernard V. Nicolay  
Secretary-Treasurer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Payment of Death Benefits**

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

The only estimated implementation cost which is anticipated will be the cost of printing and distributing copies of the proposed rules and regulations to persons making a request for a copy of such Rules and Regula-

tions. Copying cost (if every participant in the Firefighters' Pension and Relief Fund requested one copy) is estimated at \$262.92.

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

Adoption and implementation of the rules and regulations for payment of death benefits should not have any effect on revenue collection of state or local governmental units.

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

Adoption and implementation of the rules and regulations for payment of death benefits should not have any effect on cost and/or economic benefits to any person or entity.

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

Adoption and implementation of the rules and regulations for payment of death benefits should not have any effect on competition and employment.

Sean R. Dawson  
Fund Counsel

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Office of the Governor  
Division of Administration  
Office of Contractual Review**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), R.S. 39:1490(B) and R.S. 39:1521, notice is hereby given that the Office of the Governor, Division of Administration, Office of Contractual Review intends to amend LAC 34.V. Chapter 1. This rule revokes Sections 103, 106, 124, 133, and Appendix E of the earlier rules and regulations of this office. LAC 34.V. Chapter 1, Sections, 103, 106, 124, 133 and Appendix E will be amended to read as follows:

**Chapter 1. Procurement of Professional, Personal, Consulting and Social Services**

**Subchapter A. General Provisions**

**§103. Definitions and Classes of Contractual Services**

The following services shall be contracted out in accordance with these regulations:

A. *Personal Services* means work rendered by individuals which requires use of creative or artistic skills, such as but not limited to graphic artists, sculptors, musicians, photographers, and writers, or which requires use of highly technical or unique individual skills or talents, such as, but not limited to, paramedics, therapists, handwriting analysts, foreign representatives, and expert witnesses for adjudications or other court proceedings. A *foreign representative* shall mean a person to represent the Department of Economic Development in such foreign country.

B. *Professional Service* means work rendered by an independent contractor who has a professed knowledge of some department of learning or science used by its practical application to the affairs of others or in the practice of an art founded on it, which independent contractor shall include but

not be limited to lawyers, doctors, dentists, veterinarians, architects, engineers, landscape architects, accountants, and claims adjusters. A profession is a vocation founded upon prolonged and specialized intellectual training which enables a particular services to be rendered. The word "professional" implies professed attainments in special knowledge as distinguished from mere skill. For contracts with a total amount of compensation of \$50,000 or more, the definition of "professional service" shall be limited to lawyers, doctors, dentists, veterinarians, architects, engineers, landscape architects, accountants, claims adjusters, and any other profession that may be added by regulations adopted by the Office of Contractual Review of the Division of Administration.

C. *Consulting service* means work, other than professional, personal, or social service, rendered by either individuals or firms who possess specialized knowledge, experience, and expertise to investigate assigned problems or projects and to provide counsel, review, design, development, analysis, or advice in formulating or implementing programs or services, or improvements in programs or services, including but not limited to such areas as management, personnel, finance, accounting, planning, data processing, and advertising contracts, except for printing associated therewith.

The term "consulting service" includes the procurement of supplies and services by a contractor without the necessity of complying with provisions of the Louisiana Procurement Code when such supplies and services are merely ancillary to the provision of consulting services under a contingency fee arrangement, even though the procurement of such supplies or services directly by a governmental body would require compliance with the Louisiana Procurement Code. Supplies or services ancillary to the provision of consulting services are those supplies or services which assist the contractor in fulfilling the objective of his contract where the cost for such supplies and services is less than the cost of providing consulting services, as determined by the using agency. No contract for consulting service as defined in this Subparagraph shall be entered into unless it has been approved in advance by the Joint Legislative Committee on the Budget.

D. *Social service* means work rendered by a person, firm, corporation, organization, governmental body, or governmental entity in furtherance of the general welfare of the citizens of Louisiana, including but not limited to the following objectives:

1. Rehabilitation and Health Support

Services rendered by a contractor with special knowledge or service available to assist individuals to attain or maintain a favorable condition of physical and/or mental health. These services include but are not limited to health-related counseling; alcohol or drug abuse training and treatment; training to support emergency medical services; services to support family planning; counseling, delinquency prevention; genetic disease evaluation and counseling, community-based medical support services; evaluation and training for physically/mentally handicapped; and other services in support of same.

2. Habilitation and Socialization

Services rendered by a contractor with special knowledge to assist specified client groups to enhance their self-sufficiency or alleviate their dependency and/or isolation from the community. Services include but are not limited to

day care; work and training; early intervention for the mentally retarded, developmentally delayed, or physically handicapped; transportation for service access; homemaker, home management, and housing improvement services; in-home and out-of-home respite care; socialization services for low income and other special needs groups; nursing home ombudsman; nutritional, employment, case management, senior center activities, or other services to aid independent living by the elderly, and training and community planning services for same.

3. Protection for Adults and Children

Services rendered by a contractor to provide therapeutic intervention for adults or children who are in danger of or threatened with danger of physical or mental injury, neglect, maltreatment, extortion, or exploitation, including victims of family violence. These services include but are not limited to community planning for neglect/abuse; adoption; substitute care; education and training; crisis intervention type services; emergency shelter for victims of rape/family violence or services in support of same; and training and valuation services for same.

4. Improvement of Living Conditions and Health

Services rendered by an authorized contractor with special knowledge or services available to assist individuals to attain or maintain favorable conditions in which to live. These services include but are not limited to:

- a. distribution of foodstuffs either purchased or that are made available from government-owned commodities;
- b. determining the needs of the poor, and development of programs to distribute the available resources;
- c. determining the needs of the poor and identifying programs to alleviate these poverty conditions;
- d. providing services to respond to the educational/employment needs of eligible individuals in the communities needing these services. The primary purpose of this service is to provide the participating individuals with the skills necessary for them to advance socially, academically, and occupationally; and
- e. providing training for and evaluation of any of the above services.

5. Evaluation, Testing, and Remedial Educational Services for Exceptional Handicapped or Learning Disabled Nonpublic School Students.

Services rendered by a contractor with special knowledge or services available to provide special educational and related services for exceptional or handicapped students voluntarily enrolled in approved nonpublic schools of Louisiana who are not otherwise provided with such services through either their local school program or through other services afforded to them by local school boards or other public agencies. These services may include but are not limited to identification, assessment, appraisal, and evaluation of exceptional or handicapped children; development of individualized education programs; and the providing of instructional and supportive services to such eligible students in accordance with the provisions of R.S. 17:1941, et seq. (Act 754 of 1977) and P.L. 94-142 and their regulations.

E. *Performance-based energy efficiency contract* means a contract for energy efficiency services and equipment in which the payment obligation for each year of the contract is either: (1) set as a percentage of the annual energy cost savings attributable to the services or equipment under the contract, or (2) guaranteed by the person under

contract to be less than the annual energy cost savings attributable to the services or equipment under the contract.

Any state agency, board, or commission may enter into a performance-based energy efficiency contract for services and equipment. Any such agency, board, or commission shall contact the Division of Administration for assistance in preparation of the requests for proposals, analysis of the proposals, and development of the contract. The contract shall be considered a consulting services contract.

Performance-based energy efficiency contracts shall be awarded through a request for proposal process. Any performance-based energy efficiency contract entered into shall be for a period not to exceed 10 years and shall contain a guarantee of energy savings.

F. Interagency contracts between governmental entities as defined in R.S. 39:1484(23) for any of the services enumerated in A, B, C, D, or E above shall be governed by these regulations, except that contracts between boards of higher education and their respective institutions shall be exempt.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 39:1490(B).

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:455 (June 1984), amended LR 17:

#### §106. Contracts for \$10,000 or Less

A. The director of the Office of Contractual Review may, in accordance with R.S. 39:1488, 1490B(3), and 1508, delegate to other state-using agencies certain responsibilities in the review and approval process of professional, personal, consulting and social service contracts, to specifically include contracts for professional, personal, consulting and social services for \$10,000 and under. Such delegations of authority may be made upon written request by the head of the using agency and shall be provided for in a written Memorandum of Agreement between the Office of Contractual Review and each using agency receiving such a delegation. All provisions of law and of these regulations not delegated remain applicable. Upon execution of the Memorandum of Agreement as herein provided, such delegation of authority shall remain in full force and effect, until it may be cancelled in writing, by the director of the Office of Contractual Review.

B. A contract meeting the definition of "small purchase" under R.S. 39:1508 may be approved by the agency director without the necessity of forwarding a copy to the Office of Contractual Review. The agency shall maintain a file for all small purchase contracts. This file shall be available for inspection by the director of the Office of Contractual Review or his designee upon request.

C. The using agency shall submit a quarterly report to the Office of Contractual Review. This report shall contain a listing of all small purchase contracts to include: the name of contractor, amount of contract, specific nature of services rendered, date of contract, and total dollar amount of all small purchase contracts entered into by the using agency for that quarter. If no such contracts have been entered into during this period, a report shall still be submitted notifying the Office of Contractual Review of same. See Appendix E for format of report.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 39:1490(B).

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Division of Administration, Office of Contractual

Review, LR 10:455 (June 1984), amended LR 17:

#### §124. Exempt Occupations

The following list of occupations shall be construed as falling within the definition of medical, nursing or allied health fields given in R.S. 39:1498.2. Personnel employed in these fields would therefore be exempt from the prohibition contained in R.S. 39:1498(4) which disallows personal, professional, consulting or social service contracts between the state of Louisiana and state employees:

- Audiologist
- Dental Assistant
- Dentist
- Electroencephalograph Technician
- Emergency Medical Technician
- Hospital Chaplain
- Inhalation Therapist
- Medical Laboratory Technologist
- Accredited Medical Records Technician/Administrator
- Nurse Anesthetist
- Occupational Therapist
- Optometrist
- Osteopath
- Pharmacist
- Psychologist
- Physical Therapist
- Physician
- Podiatrist
- Practical Nurse
- Professional Dietitian
- Psychiatrist
- Radiologic Technologist
- Radioisotope Technologist
- Registered Nurse
- Rehabilitation Counselor
- Respiratory Therapy Technician
- Respiratory Therapy Technologist
- Social Worker
- Speech Pathologist
- Ultrasonography Technologist

Other specialists as may be included later by the director of the Office of Contractual Review.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 39:1490(B).

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:455 (June 1984), amended LR 17:

#### §133. Multi-Year Contracts

All contracts in excess of one year shall be submitted to the Office of Contractual Review with written reasons why a multi-year contract is needed. Justification of multi-year contracts shall be submitted in accordance with R.S. 39:1514 in compliance with the delegation of authority from the commissioner of administration.

Any contracts which cross fiscal years should contain a funding-out clause in accordance with R.S. 39:1514.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 39:1490(B).

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:455 (June 1984), amended LR 17:



**Appendix E. Quarterly Report on  
Small Purchase Contracts**

Mrs. Bonita B. Brown, Director  
Office of Contractual Review  
Division of Administration  
Box 94095  
Baton Rouge, LA 70804-9095  
Ms. Brown:

During the quarter ending \_\_\_\_\_ the following contracts for \$10,000 or less were approved by the Department of \_\_\_\_\_.

Contract Date	Contractor	Purpose or Service Rendered	Contract Amount
			Total _____

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 39:1490(B).

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:455 (June 1984), amended LR 17:

Inquiries concerning the proposed rule changes should be made to Bonita B. Brown, Director, Office of Contractual Review at (504) 342-7097 or in writing to Office of Contractual Review, Box 94095, Baton Rouge, LA 70804-9095, before February 15, 1991.

Bonita B. Brown  
Director

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Revised Regulations for the Procurement of Professional, Personal, Consulting and Social Services**

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

There are no implementation costs to any state or local agency. There will be savings to the Office of Contractual Review by postponing any increase in staff.

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

There is no effect on revenue collections by the state or local governments.

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

Persons having personal, professional, consulting or social service contracts with the state should experience a decreased processing time for the approval of their contracts.

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

These rules will have no effect on competition or employment.

Bonita B. Brown  
Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Board of Board Certified Social Work Examiners**

The Louisiana State Board of Board Certified Social Work Examiners hereby announces its intent to adopt the following rule.

**Title 46  
PROFESSIONAL AND OCCUPATIONAL STANDARDS  
Part XXV. Certified Social Workers**

**Chapter I. General Provisions**

**§119. Fees**

The fees charged in connection with a board certified social work license shall be as follows:

- A. Examination Fee ..... \$90
- B. Registration Fee ..... 50
- C. Registration Fee for Examination Retakes ..... 25
- D. Re-Examination Fee ..... 90
- E. Renewal Fee ..... 40
- F. Fee for Returned Checks ..... 15
- G. Fee for Mailing List of Licensees ... 2½¢ per label plus postage and handling
- H. Directory Fee ..... 10
- I. Reissuance of lost or destroyed certificate ..... 15
- J. Copy Fee for documents ..... 25¢ per page plus postage and handling
- K. Fee for board's publications (Social Work Practice Act, Rules and Regulations, Guide for Supervision) ..... \$2 plus postage and handling
- L. Brochure Fee (BCSW Brochure) ..... 10¢ per copy plus postage and handling
- M. Fax Transmissions ..... \$2 for first page, \$1 per additional page

All fees are non-refundable.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:2712.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Human Resources, Board of Certified Social Work Examiners, LR 10:204.

Interested persons may submit written comments or objections until 11 a.m. on January 28, 1991, to Victoria L. Hippard, Chairperson, Louisiana State Board of Board Certified Social Work Examiners, Box 345, Prairieville, LA 70769. The board will hold a public meeting to discuss the rule at 11 a.m. on Tuesday, January 15, 1991 in the Mineral Board Hearing Room, First Floor, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

Victoria L. Hippard  
Chairperson

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Fees**

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

The estimated cost to the Louisiana State Board of Board Certified Social Work Examiners will be approximately \$1,592 for the fiscal year 1990-91 to implement

the rule. There will be no additional cost for the fiscal years 1991-92 and 1992-93. The funds are available in the board's 1990-91 operating budget which is comprised of self-generated funds.

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

The Louisiana State Board of Board Certified Social Work Examiners will collect approximately \$1,400 in increased fees from the proposed rule for the fiscal years: 1990-91, 1991-92 and 1992-93. The testing service, the American Association of State Social Work Boards will collect an additional \$12,000 from the increase in the examination fee for the fiscal years: 1990-91, 1991-92 and 1992-93. The examination fees are paid direct to the testing service by candidates and do not appear on the board's operating budget or Financial Statement.

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

The estimated cost to applicants for the Board Certified Social Work License will be \$12,000 for the fiscal years: 1990-91, 1991-92 and 1992-93 due to the increase in the examination fee by the national testing service.

Licensees, applicants and the general public will be affected by the fees for NSF checks, duplicating fees, publication fees and fees for fax transmissions. The board estimates the increase for these categories will be approximately \$1,400 for the fiscal years: 1990-91, 1991-92 and 1992-93.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and/or employment resulting in the adoption of this rule.

Suzanne L. Pevey  
Executive Secretary

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Board of Medical Examiners**

Notice is hereby given, in accordance with R.S. 49:950, et seq. that the Louisiana State Board of Medical Examiners, pursuant to the authority vested in the board by R.S. 37:1270(B)(6), and R.S. 37:1292, intends to amend its rules governing proficiency certification of privately-employed radiologic technologists, to modify the criteria applicable to board approval of courses of study. The proposed amendments are set forth hereinafter. Inquiries concerning the proposed rule amendments may be directed in writing to: Delmar Rorison, Executive Director, Louisiana State Board of Medical Examiners, at the address set forth below.

Subsection B of §2911 of Part XLV of Title 46 of the Louisiana Administrative Code shall be amended so that, as amended, said Subsection shall provide as follows:

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL STANDARDS**

**Part XLV. Medical Professions**

**Subpart 2. Licensing and Certification**

**Chapter 29. Private Radiologic Technologists**

**Subchapter A. General Provisions**

**§2911. Application for Approval of Course of Study**

\* \* \*

B. To obtain board approval, the proposed course of study must include:

1. specific didactic education including courses or subject matter instruction in:

- a. an introduction to radiologic technology;
- b. medical ethics;
- c. radiation safety and protection; and
- d. patient care and patient positioning; and

2. a clinical practicum, taken concurrently with or following completion of the curriculum identified in Subsection (B)(1) of this rule, which shall involve direct training of the employee by a physician or licensed radiologic technologist for at least five hours per week for not less than eight weeks.

3. Repeal.

4. Repeal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), 1292.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 13:576 (October 1987), amended LR 17:

Interested persons may submit data, views, arguments, information or comments on the proposed rule, in writing, to the Louisiana State Board of Medical Examiners, at Suite 100, 830 Union Street, New Orleans, LA 70112-1499. Written comments must be delivered to the board within 30 days from the date of this notice. A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument or public hearing must be made in writing and delivered to the board within 15 days from the date of this notice.

Delmar Rorison  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Certification of Privately-Employed  
Radiologic Technologists**

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

While any estimate is necessarily speculative, the board anticipates that the proposed amendment may result in additional application processing costs of \$1,750 for FY 1990-91, \$3,500 for FY 1991-92, and \$1,750 for FY 1992-93.

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

Any increase in expenditures resulting from the proposed amendments will be fully offset by an increase in revenues attributable to application processing fees. Accordingly, it is estimated that the amendment may result in additional application fee revenues of \$1,750 for FY 1990-91, \$3,500 for FY 1991-92, and \$1,750 for FY 1992-93.

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

Persons otherwise eligible for proficiency certification as radiologic technologists would be relieved of much of the time and expense burden implicated by semester long college-level courses. It is impossible to estimate the savings in costs represented, however, as no such courses have ever been offered by any institution of higher learning in this state.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The rule amendment may serve to lower the barriers to entry for persons desiring to be employed as radiologic technologists by physicians and to expand the market for such health care personnel, reducing the cost of employment to individual physician practitioners. The board has no basis on which to quantify this effect. The amendments will have no effect on the public sector.

Delmar Rorison  
Executive Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Board of Medical Examiners**

Notice is hereby given, in accordance with R.S. 49:950, et seq. that the Louisiana State Board of Medical Examiners, pursuant to the authority vested in the board by R.S. 37:1270(B)(6), and R.S. 37:3351-3361, intends to amend its rules governing the licensure and temporary licenses for respiratory therapists and respiratory therapy technicians, to rescind the limitation on the number of examinations an applicant for respiratory therapy licensure may take and to conform the rules respecting temporary licenses to the statutory amendments effected by Acts 1989, No. 211. The proposed amendments are set forth hereinafter. Inquiries concerning the proposed rule amendments may be directed in writing to: Delmar Rorison, Executive Director, Louisiana State Board of Medical Examiners, at the address set forth below.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL STANDARDS**

**Part XLV. Medical Profession**

**Subpart 2. Licensing and Certification**

**Chapter 25. Licensure Qualification, Temporary License**

**§2507. Requirements for Licensure of Respiratory Therapist**

A. To be eligible and qualified to obtain a respiratory therapist license, an applicant shall:

\* \* \*

4. possess current credentials as a registered respiratory therapist granted by the National Board of Respiratory Care, or its successor organization or equivalent approved by the board, on the basis of written examination.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), R.S. 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:767 (December 1986), amended LR 14:87 (February 1988), LR 15:271 (April 1989), LR 17:

**§2509. Requirements for Licensure of Respiratory Therapy Technician**

A. To be eligible and qualified to obtain a respiratory therapy technician license, an applicant shall:

\* \* \*

4. possess at least one of the following credentials:

a. current credentials as a certified respiratory therapy technician granted by the National Board for Respiratory Care, or its successor organization or equivalent approved by the board, on the basis of written examination; or

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), R.S. 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:767 (November 1986), amended LR 14:87 (February 1988), LR 15:271 (April 1989), LR 17:

**§2536. Restriction, Limitation on Examination**

With respect to any written examination administered by the board the successful passage of which is a condition to any license or permit issued under this Chapter, an applicant having failed to obtain a passing score upon taking any such examination four or more times shall not thereafter be considered eligible for licensing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), R.S. 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:767 (November 1986), amended LR 14:87 (February 1988), LR 17:

**§2547. Temporary Licenses and Permits**

A. The board may issue an 18-month temporary license as a respiratory therapist or respiratory therapy technician under the following terms and conditions.

1. To be eligible for an 18-month temporary license as a respiratory therapist or respiratory therapy technician, an applicant shall:

a. be qualified for licensure under §2507(A) or §2509(A), save for having taken and passed a required licensing examination;

b. have successfully completed a respiratory care educational program approved by the American Medical Association; and

c. have taken, or made application to take, the required written examination and be awaiting the administration or and/or reporting of scores thereon.

2. A temporary license issued under this Subsection shall be effective for not more than 18 months and shall, in any event, expire and become null and void on the earlier of:

a. the date on which the board takes action on the application following notice of the applicant's scores on the licensing examination; or

b. the first date of the examination if the applicant fails to appear for or complete the examination.

3. Upon expiration of a temporary license issued under this Subsection by virtue of the applicant's failure to achieve a passing score on the licensing examination, the temporary license may be renewed by the board for one additional period not to exceed 18 months. A temporary license

so renewed shall expire and become null and void at the expiration of one year from the date of renewal if the temporary license holder has not, on or prior to such date applied to re-take the licensing examination. Any such renewed temporary license shall also expire and become null and void on the earlier of:

a. the date on which the board takes action on the application following notice of the applicant's scores on the licensing examination; or

b. the first date of the examination if the applicant fails to appear for or complete the examination.

B. The board shall issue a temporary license as a respiratory therapy technician, effective for a period not to exceed one year, to an applicant who, on and as of June 26, 1989, held a temporary license issued by the board pursuant to R.S. 37:3357(E)(2) and who, on and as of such date and continuously thereafter to and including the date of application, was enrolled in a respiratory therapy technician educational program approved by the American Medical Association. A temporary license issued under this Subsection may be renewed once, for a period not to exceed one year, provided that at the time of expiration of the initial temporary license, the temporary license holder continues to be enrolled in such an approved educational program. An initial or renewed temporary license issued under this Subsection shall in any event expire and become null and void on any date that the holder concludes or terminates his or her enrollment in such an approved educational program.

C. The board may grant a permit to practice, effective for a period of 60 days, to an applicant who has made application to the board for a license as a respiratory therapist, who provides satisfactory evidence of registration by the National Board for Respiratory Care pursuant to written examination administered by the NBRC, and who is not otherwise demonstrably ineligible for licensure under §2506 of these rules. A permit issued under this Subsection may not be extended or renewed beyond its initial term.

D. The board may grant a permit to practice, effective for a period of 60 days, to an applicant who has made application to the board for a license as a respiratory therapy technician, who provides satisfactory evidence of having successfully completed a respiratory care educational program approved by the American Medical Association, and who is not otherwise demonstrably ineligible for licensure under §2509 of these rules. A permit issued under this Subsection may not be extended or renewed beyond its initial term.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), R.S. 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:767 (November 1986), amended LR 15:271 (April 1989), LR 17:

Interested persons may submit data, views, arguments, information or comments on the proposed rule, in writing, to the Louisiana State Board of Medical Examiners, at Suite 100, 830 Union Street, New Orleans, LA 70112-1499. Written comments must be delivered to the board within 30 days from the date of this notice. A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument or public hearing must be made in writing and delivered to the board within 15 days from the date of this notice.

Delmar Rorison  
Executive Director

## Fiscal and Economic Impact Statement For Administrative Rules

### Rule Title: Respiratory Therapy Licensure, Temporary Licenses

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

It is not anticipated that the proposed rules amendments will result in any material or significant additional costs to the Board of Medical Examiners.

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

It is not anticipated that the proposed rules amendments will have a material or significant effect on the board's revenue collections.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

It is not anticipated that implementation of the proposed rules amendments will have a material effect on costs, paperwork or workload of persons holding licenses, permits and registrations issued by the board.

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

It is not anticipated that the proposed rules amendments will have any impact on competition or employment in either the public or private sector.

Delmar Rorison  
Executive Director

David W. Hood  
Senior Fiscal Analyst

## NOTICE OF INTENT

### Department of Health and Hospitals Board of Medical Examiners

Notice is hereby given, in accordance with R.S. 49:950, et seq. that the Louisiana State Board of Medical Examiners (board), pursuant to the authority vested in the board by R.S. 37:1270(B) and the provisions of the Administrative Procedure Act, intends to amend its rules governing the initiation, investigation and adjudication of administrative complaints providing cause under law for the suspension, revocation or other disciplinary action against licenses, permits, certifications and registrations issued by the board, LAC 46:XLV, Subpart V, Chapter 99. The proposed amendments are set forth below. Inquiries concerning the proposed amendments may be directed in writing to: Delmar Rorison, Executive Director, Louisiana State Board of Medical Examiners, at the address set forth below.

Subsection A of §9903(A) of Chapter 99, Subpart V of LAC 46:XLV shall be amended so that, as amended, said Subsection shall read and provide as follows:

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part XLV. Medical Profession

#### Subpart 5. Rules of Procedure

### Chapter 99. Adjudication

#### §9903. Complaint

A. Proceedings to adjudicate an administrative enforcement action shall be initiated by the filing of a written

administrative complaint with the board. The complaint shall be signed by the investigating officer appointed and designated by the board with respect to the subject matter of the complaint and shall name the accused licensee as respondent in the proceedings.

\* \* \*

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1270(B).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:507 (June 1990), amended LR 17:

Interested persons may submit data, views, arguments, information or comments on the proposed rules, in writing, to the Louisiana State Board of Medical Examiners, at Suite 100, 830 Union Street, New Orleans, LA 70112-1499. Written comments must be submitted to and received by the board within 30 days from the date of this notice. A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument or public hearing must be made in writing and received by the board within 15 days from the date of this notice.

Delmar Rorison  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Rules of Procedure  
(Administrative Adjudications)**

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

It is not anticipated that the proposed rule amendment will result in any additional costs to the Board of Medical Examiners.

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

It is not anticipated that the proposed rule amendment will have any effect on the board's revenue collections.

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

It is not anticipated that implementation of the proposed rule amendment will have any effect on costs, paperwork or workload of persons holding licenses, permits and registrations issued by the board.

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

It is not anticipated that the proposed rule amendments will have any impact on competition or employment in either the public or private sector.

Delmar Rorison  
Executive Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, proposes to

adopt the following rule in the Medical Assistance Program.

**SUMMARY**

In the absence of federal regulations specifying the permissible members of the Medicaid filing unit, the bureau continues to define reasonable filing units in conjunction with technical assistance from the Health Care Financing Administration.

The bureau is expanding its definition of reasonable filing units in conjunction with HCFA's recommendation, to provide for inclusion of only categorically eligible recipients who would be in the AFDC filing unit, if eligible, in the budget unit of a parent, qualified relative, or family member for the Medically Needy Program.

The needs of the categorically eligible recipient should be considered in the parent or legal guardian's budget unit for eligibility purposes, without removing them from their certification as a categorically needy unit. §1902(a)(10)(C) of the Social Security Act defines medically needy as any group of individuals described in §1905(a) who are not described in Subparagraph (A) (which includes both the required and optional categorically needy individuals). Therefore, individuals eligible for categorical Medicaid cannot be medically needy individuals. Under current policy, this prohibited the inclusion of these categorically eligible recipients in the parent or legal guardian's Medically Needy determination.

After consultation with HCFA, it was determined that sufficient latitude exists in the regulations to include the categorically eligible recipients in the Medically Needy budgetary unit for the parent or legal guardian's medically needy determination. The needs are therefore included in the determination of the parent or legal guardian's eligibility, but the recipients are eligible for Medicaid as a separate categorically needy filing unit. This rule was previously adopted under emergency rulemaking provisions of R.S. 49:953(B) effective October 1, 1990 and published in the *Louisiana Register* Vol. 16, No. 10, page 841 on October 20, 1990.

**PROPOSED RULE**

A parent, legal guardian, or family member who is ineligible for inclusion in his/her family's categorical certification may be considered for an AFDC-related Medically Needy certification, with the categorically eligible recipients included in the budgetary unit. Any medical liabilities for the categorically related recipients not covered by a third party, to include Medicaid, shall be used to offset any excess income.

Interested persons may submit written comments to the following address: Carolyn Maggio, Office of the Secretary, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. She is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule will be held on January 25, 1991 in the Department of Transportation and Development Auditorium, 1201 Capitol Access Road, Baton Rouge, LA 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.

David L. Ramsey  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: AFDC-related Medically Needy Certificate  
for Family Members**

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

The fiscal impact resulting from this proposed rule cannot be projected. Consideration of the categorically related recipients in the financial eligibility determination for Medically Needy applicants will apply only to those AFDC-related households in which a stepparent, minor's unmarried parent, alien sponsor or sibling with income greater than the AFDC income limit is ineligible for inclusion with other family members.

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

The fiscal impact resulting from this proposed rule cannot be projected.

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

Former AFDC households in which a family member is prohibited by federal regulations from inclusion in the categorical certification will be affected. For those households meeting this criteria, if any, Medically Needy Medicaid coverage for the applicant will become available. The fiscal impact resulting from this proposed rule cannot be anticipated.

**IV. ESTIMATED EFFECT ON COMPETITION AND EM-  
PLOYMENT (Summary)**

This proposed rule will have no impact on competition or employment.

Carolyn O. Maggio  
Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, proposes to adopt the following rule in the Medical Assistance Program.

**SUMMARY**

Currently, the Medical Assistance program utilizes a dispensing fee survey methodology in establishing the dispensing fee for pharmacy providers. Under this methodology, every three years the agency selects participating providers through use of a random sample in order to collect data upon which adjustment of the dispensing fee is based. In order to ensure examination of pharmacies in various areas of the state and representative of various types of operations, it is necessary that examinations of pharmacies in an assortment of geographic locations and types of operations be represented. To this end, participation of providers is mandatory.

This proposed rule clarifies that mandatory participation in the survey process carries the specific remedy of re-

moval from Title XIX participation. Failure to cooperate in this procedure will mean that the provider will not be allowed to continue as a provider of pharmacy services until a survey document is properly completed and submitted to the bureau.

**PROPOSED RULE**

Failure to cooperate in the Louisiana Dispensing Fee Survey by a provider shall result in removal from participation as a provider of pharmacy services under Title XIX. Any provider removed from participation shall not be allowed to re-enroll until a dispensing fee survey document is properly completed and submitted to the bureau.

Interested persons may submit written comments to the following address: Carolyn Maggio, Office of the Secretary, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. She is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule will be held on January 25, 1991 in the Department of Transportation and Development Auditorium, 1201 Capitol Access Road, Baton Rouge, LA 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.

David L. Ramsey  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Mandatory Participation in Dispensing Fee  
Survey**

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

This rule will have no effect on state expenditures.

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

This rule will have no effect on revenue collections.

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

This rule is a clarification of existing policy which is not expected to result in costs or economic benefits to pharmacy providers.

**IV. ESTIMATED EFFECT ON COMPETITION AND EM-  
PLOYMENT (Summary)**

This proposed rule will have no impact on competition or employment.

Carolyn O. Maggio  
Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, proposes to

adopt the following rule in the Medical Assistance Program.

#### SUMMARY

Under the provisions of Title XIX of the Social Security Act and Louisiana's State Plan Agreement with the federal government, medical services are provided to eligible individuals by participating practitioners.

Participation by provider practitioners is entirely voluntary. Standards for participation require, among other things, that the participating provider agree to charge no more for services to eligible recipients than is charged on the average for similar services to others, and accept as payment in full the amount reimbursed by the bureau. Providers are prohibited from seeking additional payment from the recipient, except on certain Spend-Down Medically Needy claims.

In order to ensure the health and safety of eligible individuals, the bureau is clarifying its policy concerning the provisions of medical services.

Under this rule, practitioners will continue to be allowed to limit the number of Medicaid patients served. However, practitioners shall not be allowed to pick and choose which covered procedures will be billed to Medicaid and which covered procedures will be charged to the patient. The purpose of this rule is to prevent practitioners from requiring Medicaid patients to make cash payments for care prior to acceptance for treatment reimbursed under Title XIX.

Adoption of this measure is necessary to protect the health and welfare of the Medicaid population.

#### PROPOSED RULE

Practitioners who participate as providers of medical services shall bill Medicaid for all covered services performed on behalf of an eligible individual who has been accepted by the provider as a Medicaid patient.

Interested persons may submit written comments to the following address: Carolyn Maggio, Office of the Secretary, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. She is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule will be held at 9:30 a.m. January 25, 1991 in the Department of Transportation and Development Auditorium, 1201 Capitol Access Road, Baton Rouge, LA. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

David L. Ramsey  
Secretary

#### Fiscal and Economic Impact Statement For Administrative Rules

##### Rule Title: Providers Billing for All Covered Services

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

The fiscal impact resulting from adoption of this proposed rule cannot be projected. There is no data upon which to base estimates of the frequency or financial impact of requiring providers to bill Medicaid for all goods and services rendered to a Title XIX patient whom he/she has accepted. While there have been specific complaints from recipients that they were requested to pay for some covered services and others were billed to Medicaid,

there are no statistics upon which to base the frequency or financial impact of this practice. No appreciable impact is anticipated from this rule because many or all of the patients involved are unable to pay for medical care and seek treatment from another provider who submits all covered services to Medicaid for reimbursement.

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

The fiscal impact resulting from this proposed rule cannot be projected.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Practitioners who participate as providers of medical services will be required to bill Medicaid for all covered services performed on behalf of eligible patients accepted by a provider. This may cause providers who do not currently adhere to such a policy to change their billing procedures. Because many or all Medicaid patients involved are unable to pay and therefore seek treatment from another provider, the overall statewide impact on the program is estimated to be negligible.

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

This proposed rule will have no impact on competition or employment.

Carolyn O. Maggio  
Director

David W. Hood  
Senior Fiscal Analyst

#### NOTICE OF INTENT

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, proposes to adopt the following rule in the Medical Assistance Program.

#### SUMMARY

On February 20, 1990, the Supreme Court of the United States invalidated the Social Security Administration (SSA) regulations for determining the disability of a child applicant for SSI (*Sullivan v. Zebley et al.* No. 88-1377).

Until SSA develops new regulations for the determination of disability for a child, SSA has issued an interim standard for making such determinations. Until the publication of revised SSA regulations, the state is mandated to utilize the SSA interim standard in determining Medicaid eligibility of disabled children in three broad classifications: 1) all new applicants after February 20, 1990, 2) all applicants for SSI benefits who have a claim pending at any level of administrative review (initial, reconsideration, administrative law judge hearing, appeals council, or reopening), and 3) all applicants who request that the state reconsider a denied Medicaid application because of the Supreme Court's decision.

The Health Care Financing Administration has determined that an administrative emergency exists during which the state will not be considered out of compliance if action on a disabled child claim is not made within 90 days because of

adherence to HCFA instructions. This decision was based on the unusual circumstances in the *Zebley* decision, the potential of a very large retroactive population, and the need for SSA to develop new medical, functional, and developmental criteria to evaluate disability for children.

The interim standard provides, in general, that adjudicators fully consider a child's functional limitations when evaluating the severity of impairment. In no circumstances shall a child be found "not disabled" solely because he or she does not have an impairment that meets a listing, or does not have an impairment or combination of impairments that equals a listing. When determining whether a child's impairment "meets" or "equals" a listing, adjudicators must consider the overall functional consequences of the impairment(s) upon the child's daily living activities and age-appropriate behavior. For any child whose impairment(s) does not "meet" or "equal" a listed impairment, it shall be determined whether the impact of the impairment(s) on the child's ability to function is comparable in severity to that which would make an adult unable to engage in substantial gainful activity. Individualized functional assessments shall be made including ones that also incorporate such additional factors as environmental limitations, pain, treatment and therapy which interfere with daily living activities, side effects of medication, periods of incapacity and hospitalization, and other relevant factors identified in Social Security Rulings (SSRs) 85-15 and 85-16. Functional assessments from treating sources and evidence from parents, caregivers, and teachers and other professionals who have observed and have knowledge of the child's functional limitations shall be utilized. This evidence shall be considered in conjunction with all other relevant evidence. Where an individualized functional assessment shows that the child is comparably restricted in his or her ability to engage in activities of daily living or behaviors appropriate to the child's age, the child will be considered disabled. This rule is necessary to ensure compliance with the Supreme Court decision in *Sullivan v. Zebley et al*, and to avoid sanctions from HCFA. This rule was previously adopted under emergency rulemaking provisions of R.S. 49:953(B) effective July 24, 1990 and published in the *Louisiana Register* Vol. 16, No. 8 on August 20, 1990.

#### PROPOSED RULE

The policy for determination of disability in children during the period pending promulgation of final federal regulations shall be the Social Security Administration interim standard.

Provisions concerning eligibility determination will be applied as follows:

- For new applicants with no pending SSI application or controlling determination, the interim standard shall apply. Current policies concerning timely determination of eligibility and retroactive eligibility for Medicaid policies shall apply. Until further notice, listing of impairments and method for evaluating disabled children previously applicable do not apply.
- For SSI applicants with pending claims at any level of review, Medicaid determinations shall be deferred until SSA has made a determination. Current policy regarding the retroactive eligibility period for Medicaid applies.
- Applicants who ask that the state reconsider a Medicaid denial because of the Supreme Court's decision, but have not requested any action concerning a prior SSI denial of

childhood disability shall be referred to SSA for a determination of SSI disability criteria.

Interested persons may submit written comments to the following address: Carolyn Maggio, Office of the Secretary, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. She is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule will be held on January 25, 1991 in the Department of Transportation and Development Auditorium, 1201 Capitol Access Road, Baton Rouge, LA 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.

David L. Ramsey  
Secretary

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: SSI Interim Disability Standards for Children Under 18

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Cost to state government is estimated to be \$222,827 for FY 90/91, \$233,039 for FY 91/92, and \$247,022 for FY 92/93.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
It is anticipated that federal financial participation will increase by \$638,748 in FY 1990/91, \$680,125 in FY 1991/92, and \$720,932 in FY 1992/93.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
It is estimated that an additional 15 percent of all children who apply for SSI under the interim standards will become eligible for cash payment and medical benefits. Total estimated medical benefits to these children is expected to be \$861,575 for FY 90/91, \$913,164 for FY 91/92 and \$967,954 for FY 92/93.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
This proposed rule will have no impact on competition or employment.

Carolyn O. Maggio  
Director

David W. Hood  
Senior Fiscal Analyst

#### NOTICE OF INTENT

#### Department of Health and Hospitals Office of Public Health

In accordance with provisions of the Administrative Procedure Act, the Department of Health and Hospitals, Office of Public Health, Safe Drinking Water Program proposes to adopt the Surface Water Treatment Rule effective March 20, 1991. The proposed rule once adopted will allow the



state of Louisiana to be in compliance with the United States Environmental Protection Agency Regulations promulgated pursuant to the Federal Safe Drinking Water Act P.L. 93-523 and 99-339.

Copies of the proposed rule are available for review at Office of Public Health Regional Offices located in Thibodaux, New Orleans, Baton Rouge, Lafayette, Lake Charles, Alexandria, Shreveport, Monroe and the Office of the State Register in Baton Rouge, until January 20, 1991. Interested persons may submit written comments on the proposed rule changes to the following: William J. Hughes, Acting Chief Engineer, Office of Public Health, Box 60630, New Orleans, LA 70160. Comments must be submitted by January 20, 1991.

David L. Ramsey  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Surface Water Treatment Rule**

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

The estimated costs to the state for implementation of the surface water treatment rule are \$108,000 in FY 90-91; \$112,000 in FY 91-92 and \$116,000 in FY 92-93.

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

It is anticipated that there will be no increase and/or decrease in revenue collections.

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

It is estimated that 84 local governmental units and an estimated 166 non-government owned systems will be affected in order to be in compliance with this rule. The proposed action will directly affect all persons who consume water from public water supplies which utilize surface water or ground water under the influence of surface water. The increased surveillance over public water supplies will assure the drinking water is safe for human consumption. There is no effect on costs to the consumer unless the water supply is not in compliance with the rule and additional treatment facilities are required to be built.

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

Competition will be created among individuals who apply for the four OPH positions to implement this rule. Competition will also be created among various consultants who will contract with the public water supplies affected by this rule.

Joel L. Nitzkin, M.D., D.P.A.  
Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Insurance  
Commissioner of Insurance**

The Department of Insurance advertises its intent to revise Insurance Department Rule 10 regarding the continuing education requirements needed to maintain eligibility as an insurance agent in the state of Louisiana. The rules will also establish the criteria to be met in order to qualify as an approved continuing education program to provide continuing education services to insurance agents seeking to maintain a valid agent's license in the state of Louisiana.

Interested parties may submit written comments on the proposed rule revision until 4:30 p.m., January 29, 1991 at the following address: Joseph Shorter, III, Deputy Commissioner of Management and Finance, Box 94214, Baton Rouge, LA 70804-9214.

A public hearing will be held to obtain comments from interested parties. The public hearing will be held in Baton Rouge, LA at the Insurance Building Hearing Room located at 950 N. Fifth Street at 2:00 p.m. on January 30, 1991.

Douglas D. "Doug" Green  
Commissioner of Insurance

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Continuing Education Requirements**

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

Implementation of Continuing Education Requirements for insurance agents will not result in additional expenditures for the Department of Insurance.

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

Implementation of the Continuing Education Requirements will generate revenue in the amount of \$15,000 based on review of 60 programs at \$250 each in FY 90-91.

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

Programs certified will pay a fee of \$250 for their certification. Individuals seeking certification will most likely pay fees estimated at \$50 to \$250 to programs offering continuing education services.

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

Implementation of these rules will create opportunities for proprietary schools to provide services to persons seeking to maintain their agent's license in good standing. Many insurance companies and trade associations will also be active providers. The number of jobs created in the private sector cannot be determined at this time.

Douglas D. "Doug" Green  
Commissioner of Insurance

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Natural Resources  
Office of Conservation  
Docket No. 90 - 181**

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Louisiana Office of Conservation has initiated rule-making procedures to adopt Hazardous Liquids Pipelines Enforcement regulations.

A public hearing will be held at 9 a.m. on January 28, 1991, in the Conservation Auditorium, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

A copy of the proposed rule may be obtained from the Office of Conservation at the above address or at the Office of the State Register, 900 Riverside North (Room 512, Capitol Annex Building), Baton Rouge, LA.

Written comments should be submitted no later than January 28, 1991, to Commissioner J. Patrick Batchelor, Office of Conservation, Box 94275, Baton Rouge, LA 70804-9275.

J. Patrick Batchelor  
Commissioner

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Hazardous Liquids**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no additional implementation costs to the state. Hazardous liquid pipeline regulations are currently being enforced by the State Office of Conservation without formally promulgated enforcement regulations, with the same resources currently being utilized. Local governments will not be affected.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The enforcement procedures do not directly affect state revenue collections. The cost of hearings, though, will continue to be charged to pipeline companies involved in hearings, as authorized in R.S. 30:21. Local governments will not be affected.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There will be no additional costs to pipeline companies and enforcement of existing pipeline regulations will continue to be carried out.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no anticipated effect on competition and employment.

J. Patrick Batchelor  
Commissioner

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Natural Resources  
Office of the Secretary**

The secretary of the Department of Natural Resources hereby gives notice that the notice of intent in the October, 1990 *Louisiana Register* (LR 16:898) is withdrawn, and, in accordance with the Administrative Procedure Act, R.S. 49:950-968, he intends to adopt rules pursuant to the Fishermen's Gear Compensation Fund, R.S. 56:700.1 (LAC 43:1. Chapter 15)

**Title 43  
NATURAL RESOURCES  
Part I. Office of the Secretary**

**Chapter 15. Fishermen's Gear Compensation Fund  
§1517. Rules for labeling equipment, tools, materials, and containers used by the oil and gas industry within Louisiana coastal waters.**

A. For the purposes of this regulation, the term "waters of the Coastal Zone" means those rivers, streams, lakes, and all other water courses within the boundaries of the Louisiana Coastal Zone, R.S. 49:214.24.

B. Materials, equipment, tools, containers, and other items used in the waters of the coastal zone which are of such shape and configuration that they are likely to snag or damage fishing devices shall be handled and marked as follows:

- 1. All loose material, small tools and other objects shall be kept in marked containers when not in use or before transport in waters of the coastal zone.
  - 2. All cable, chain, tires or wire segments shall be recovered after use and securely stored.
  - 3. Skid-mounted equipment, portable containers, spools or reels, materials on the reels, and drums shall be labeled with the owner's name prior to use or transport in waters of the coastal zone.
  - 4. All labels shall clearly identify the owner and shall be durable enough to resist the effects of environmental conditions to which they are exposed.
- C. Each incident of items lost overboard shall be reported initially by telephone to the Department of Natural Resources (504) 342-0122 during regular business hours, and also on a standard form to be provided by the Department of Natural Resources.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:700.5.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 17:

Written comments regarding the rules may be submitted no later than February 20, 1991, and may be mailed to: Department of Natural Resources, Fishermen's Gear Compensation Fund, Box 94396, Baton Rouge, LA 70804.

Ron Gomez  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: "Labeling Tools and Equipment"**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The Department of Natural Resources will incur some

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Administrative Rules on Fire Protection**

minor administrative costs associated with reports of any items lost overboard. To the extent the labels allow commercial fishermen to locate and receive compensation from the owners of lost items, claims on the state Fishermen's Gear Compensation Fund may be reduced. Local governments will not be affected.

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

There is no anticipated effect on state or local government revenue collections as a result of these regulations.

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

These regulations are essentially the same as federal regulations which apply to operations in the Outer Continental Shelf area. However, some small firms which operate only in state waters will now have to mark their tools and equipment, and report items lost overboard. This cost can not be estimated but is not likely to be substantial.

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

There is no anticipated effect on competition or employment as a result of these regulations since they apply to all oil and gas firms operating in state coastal waters and the cost of labeling is not likely to be substantial.

Mary Mitchell  
Undersecretary

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Public Safety and Corrections  
Office of State Fire Marshal**

In accordance with the provisions of R.S. 49:950 et seq., of the Louisiana Administrative Procedure Act, under the authority of R.S. 40:1651 et seq. (Act 268 of the 1990 Louisiana Regular Legislative Session), the Department of Public Safety and Corrections, through the Office of State Fire Marshal hereby gives notice of its intent to adopt L.A.C. 55:V:3001 et seq. for the establishment of minimum equipment and competency requirements for businesses which engage in installation and servicing portable fire extinguishers or planning certifying, installing, or servicing fixed fire extinguisher systems or fire detection and alarm systems. The proposed rules further provide for certification, licensing, permitting, and testing requirements and related fees.

The proposed rules may be viewed at the Office of State Fire Marshal, 5150 Florida Boulevard, Baton Rouge, LA. Interested persons may submit written comments on the proposed rules to Jack Oliver at 5150 Florida Boulevard, Baton Rouge, LA 70806.

A public hearing on these proposed rules will be held on Friday, January 25, 1991 in the conference room of the Office of State Fire Marshal, 5150 Florida Boulevard, 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.

V.J. Bella  
State Fire Marshal

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

The implementation costs to this state for administering these rules which regulate the business of leasing, renting, selling, installing and/or servicing portable fire extinguisher systems and the planning, certifying, installing and/or servicing fixed fire extinguisher systems and fire detection and alarm systems are estimated to be \$188,700 for FY 1990/91. There is no foreseeable implementation costs for local governmental units.

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

The Office of State Fire Marshal anticipates collecting \$188,700 in Fiscal Year (FY) 1990/91, \$141,700 in FY 1991/92, and \$141,700 in FY 1992/93 from fees generated from certifying, licensing and permitting of firms and/or employees engaged in the business of installing or servicing portable fire extinguishers, planning, certifying, installing and/or servicing fixed fire extinguisher systems or fire detection and alarm systems.

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

These rules establish certification, licensing and permitting fees for businesses that will engage in the installing and/or servicing of portable fire extinguisher systems, planning, certifying, installing and/or servicing fixed fire extinguisher systems and fire detection and alarm systems that will cost this industry \$188,700 in FY 1990/91. These rules further establish minimum insurance, equipment and competency standards, the impact of which cannot be estimated.

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

These rules establish reasonable minimum standards and certification and licensing costs, which should not affect competition or employment.

Rex McDonald  
Undersecretary

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Social Services  
Rehabilitation Services**

The Department of Social Services, Rehabilitation Services, proposes to adopt the Three-Year Plan for Independent Living Rehabilitation Services. These regulations are required by 34 CFR Part 365.2, and EDGAR 76.104 and .106(a) for the Fiscal Year 1990-93 Three-Year Plan.

**PROPOSED RULE**

Effective October 1, 1990, the Three-Year State Plan for Independent Living Rehabilitation Services will follow the federal guidelines as required. Input was received by the Independent Living Advisory Committee and Independent Living Advisory Council.

A copy of the Three-Year State Plan is available for review by the public at the Louisiana Rehabilitation Services office located at 1755 Florida Boulevard in Baton Rouge and at the office of the State Register, 900 Riverside North, Baton Rouge, LA.

A public hearing will be held at the Louisiana Rehabilitation Services office at the address listed above on January 23, 1991 at 10 a.m.

May Nelson  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Three-Year Plan For Independent Living Rehabilitation Services**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no anticipated implementation costs or savings.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Louisiana Rehabilitation Services has sufficient funds to provide client services and administer the program as Act 21 was approved by the Louisiana Legislature.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
Louisiana Rehabilitation Services has \$200,000 of federal funds and \$22,222 of state general funds to provide services to individuals with severe disabilities on a first come, first serve basis.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no proposed change in competition and employment in the public and private sectors.

Alton Toms  
Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Transportation and Development  
Board of Registration for Professional Engineers and  
Land Surveyors**

In accordance with R.S. 49:950, et seq., notice is hereby given that the State Board of Registration for Professional Engineers and Land Surveyors intends to revise the Louisiana Administrative Code as follows:

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL STANDARDS  
Part LXI. Professional Engineers and  
Land Surveyors**

**Chapter 9. Branches of Engineering  
§902. Branches Added**

\* \* \*

A. Nuclear - 1991

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:693.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 17:

Interested persons may submit written comments or offer amendments to the proposed rules to the board office at 1055 St. Charles Avenue, Suite 415, New Orleans, LA 70130, at any time prior to January 17, 1991. The board proposes to consider and take action on the adoption of these rules at a meeting in its office at 11 a.m. on January 22, 1991.

Paul L. Landry, P.E.  
Executive Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Title 46, Part LXI, Branches Added**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
None.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There are no estimated effects on competition and employment.

Paul L. Landry, P.E.  
Executive Secretary

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Transportation and Development  
Board of Registration for Professional Engineers and  
Land Surveyors**

In accordance with R.S. 49:950, et seq., notice is hereby given that the State Board of Registration for Professional Engineers and Land Surveyors intends to revise the Louisiana Administrative Code as follows:

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL STANDARDS  
Part LXI. Professional Engineers and  
Land Surveyors**

**Chapter 17. Rules Governing the Use of Seals  
§1701. Seal Rules**

\* \* \*

C. 2. Specifications, reports, design calculations and information - In the case of specifications of multiple pages, the first or title page of each document shall be sealed and

signed by the registrant or registrants involved. Subsequent revisions shall be dated and initialed by the registrant in responsible charge whose seal and signature appears on the first or title page. In the case of a firm, partnership or corporation, the registrant in responsible charge shall sign and seal the title or the first sheet.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:696.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 8:112 (April 1982), amended LR 12:692 (October 1986), LR 16:772 (September 1990), LR 17:

**Chapter 21. Rules of Professional Conduct**  
**§2103. Registrants**

\* \* \*

C. 2. Except as permitted by §1701(H), registrants shall not seal the work of or take the professional responsibility for any documents related to engineering or land surveying not performed by the registrant or under registrant's complete direction and control.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:698.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:648 (December 1981), amended LR 11:950 (October 1985), LR 16:772 (September 1990), LR 17:

Interested persons may submit written comments or offer amendments to the proposed rules to the board office at 1055 St. Charles Avenue, Suite 415, New Orleans, LA 70130, at any time prior to January 17, 1991. The board proposes to consider and take action on the adoption of these rules at a meeting in its office at 11 a.m. on January 22, 1991.

Paul L. Landry, P.E.  
Executive Secretary

**Fiscal and Economic Impact Statement**  
**For Administrative Rules**

**Rule Title: Title 46, Part LXI, Seal Rules, Registrants**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
None.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There are no estimated effects on competition and employment.

Paul L. Landry, P.E.  
Executive Secretary

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Transportation and Development**  
**Flood Control and Water Management Division**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Department of Transportation and Development intends to adopt the below listed interim rules. "Regulations for Submission of Proposal - Port Construction and Development Program," in accordance with the provisions of Act 452 of the 1989 Regular Session.

**PORT CONSTRUCTION AND DEVELOPMENT PRIORITY**  
**PROGRAM INTERIM RULES AND REGULATIONS FOR**  
**SUBMISSION OF PROPOSALS FOR**  
**FUNDING IN FY 91-92**

The Louisiana Department of Transportation and Development will evaluate requests for port project funding under the Port Construction and Development Priority Program for FY 1991-92. The evaluations shall be comprehensive and the department has developed a special methodology for this purpose. Funding of the construction program is subject to final approval by the state legislature, as stipulated in Act 452 of the 1989 Regular Session of the Legislature.

**PREREQUISITES FOR SUBMISSION**

The following prerequisites for submission should be carefully reviewed in order to determine whether your project can be considered for funding this year:

1. In order to be eligible for funding consideration, an application prepared by the port authority in accordance with the instructions contained in Exhibit "A" must be received by the Department of Transportation and Development by 4 p.m. on November 1, 1990. This application must be supplemented by filing a completed document prepared in accordance with these rules and regulations by 4 p.m. on December 3, 1990.
2. A project is that activity as defined herein that derives benefits. It may be composed of components that, all together, require up to three consecutive years to implement. The amount of funds needed each year shall be shown on the application. The funds needed shall be divided into state funds, port authority funds, and other funds, if applicable.
3. Each port must submit verifiable evidence that local cost-sharing funds equal to 25 percent of the cost of the project are in hand or are readily available. Funds obtained from federal sources may also be used. No state funds can be used as local cost-sharing funds.
4. Land acquisition shall be eligible for funding only when it is an integral component of a larger project and critical to the development of the project. An application must be developed which presents costs and benefits for the total project.
5. Port improvements funded through the Port Construction and Development Priority Program shall be built, installed, and/or implemented only on port-owned lands or public lands.
6. The responsibility to provide complete, accurate, and documented data on each project, and defined herein, rests solely with the port submitting the proposal for funding.
7. If a port submits more than one project for funding, the port must prioritize these projects. Due to time constraints and the total number of projects submitted, the evalu-

ation process may be restricted to only the top two priority projects per port.

8. Any cost overrun on any project for any reason will be the sole responsibility of the local port that submitted the project for funding.

9. Funding from the Port Priority Program shall be limited to the construction, improvement, capital facility rehabilitation, and expansion of publicly owned port facilities including intermodal facilities and maritime-related industrial park infrastructure developments, such as wharves, dock cargo capital equipment, utilities, railroads, roads, and buildings which can be shown to be integral components of any port project submitted for funding.

10. Funding from the Port Priority Program will not be integrated with or used for the state sponsorship (state matching basis for federal appropriation) for new construction and/or maintenance dredging on Corps of Engineers sponsored navigable waterways.

11. Funding from the Port Priority Program will be shared on a proportional 2:1 ratio between deep draft and shallow draft ports. Any balance in either fund will be rolled over to the other category.

12. All projects must be developed sufficiently to allow award of construction contract within one year of funding.

#### GENERAL APPROACH

In order to make a proper allocation of funds among the port project requests, it is necessary to have a clear understanding, for each project, of its expected net benefits to the state. The term "net benefits" means the difference between total costs and benefits associated with the proposed project (the "with project" condition) vs. those which would occur if the project were not undertaken (the "without project" condition).

For example, if the port project goes forward, there is usually a higher level of facility costs, mostly for construction. This is offset by the benefits including a reduced level of other costs (vessel operating costs, cargo handling costs, maintenance costs, etc.); there may also be increased economic activity, improved (or worsened) environmental consequences, etc.

All of these benefits are relative, i.e., they are based on the spread between what would happen with the new project vs. what would happen without the new project. In other words, to determine the benefits of any proposed project, it is necessary to evaluate the cargo flow projection, transportation cost savings, impact on other Louisiana ports, etc., without the project as well as with the project. Only then can the costs and gains under both scenarios be compared. The difference is the net benefit to be derived from the project.

In order for the Port Construction and Development Priority Program to be able to adequately assess benefits we are asking the applicants to meet the requirements listed herein.

#### APPLICATION FORMAT

The following items must be addressed and documented in order to make the necessary evaluations. Please be certain that the information you are presently providing addresses the following.

##### I. Instructions for Format of Title Page

The title page of the application shall be as follows:

a. Parish - In the upper right hand corner of the page, indicate the name of the parish in which the port is located.

B. Project Name - Directly below the parish, enter the

project name. The name will be used in all future references to the project.

C. Application Title - The title "application to the Louisiana Port Construction and Development Priority Program" should be centered in the upper one-third of the page.

d. Name of Port Authority - Below the title, provide the name of the sponsoring port authority, address, telephone and fax numbers, and contact person.

E. Legislative Delegation - In the lower one-third of the page, provide the names and district numbers of the senators and representatives within whose districts the proposed project appears.

F. Preparer - If different from the contact person, provide the name and telephone number of the person who prepared this application.

G. Date - Centered at the bottom of the page, state the month and year in which the application was submitted.

##### II. Project Description

A. The nature and goals of the project to include a concise description of the project.

B. Anticipated construction period (beginning and the end) by project phases, if applicable (refer to prerequisite No. 2).

C. Indicate status (preliminary or final) of construction plans and provide a copy of the plans.

D. Engineering report (preliminary or final) with itemized unit cost of project and recurring maintenance costs.

E. Layout of existing and proposed facilities.

F. Port master plan and project conformance with the master plan, if available.

III. Forecast of Demand and Demonstration of Immediate Need

A. Total cargo and revenue cargo handled last five years by type (bulk, break-bulk, neo-bulk, containers) and volumes.

B. Forecasts of the cargo which would use the project, including type and volume for at least 10 years in the future with presentation of market analysis and justification of market share.

C. Major origins/destinations of forecasted cargoes.

D. Letters of commitment from users (if available and not confidential).

E. List of prospective industrial tenants (if available and not confidential).

F. Provide a copy of your port's financial statements for the last five years.

G. Any additional factors supporting justification of project.

##### IV. Benefits to the State

A. Describe the with and without project condition and identify the cost and benefit impacts in moving from the without to the with project conditions.

B. The impact of the project on other ports in the state, (e.g., diversion of cargoes or industrial activities, etc., from other state's ports).

C. By what route the goods would move if the project isn't built (via another facility at the port, via another port in Louisiana, via a port outside Louisiana, via a non-water transport means)?

D. The difference in shipping costs of the goods with the project as compared with shipping costs without the project.

E. Future facility operating costs with/without the project (e.g., labor, utilities).

F. Port revenue with and without project.

G. What new industrial development would result from the project; without the project, where would this development otherwise occur?

H. How many permanent new jobs would be created and/or existing jobs retained in the port as a result of the project, how many industrial jobs, how much total payroll for both; without the project, where would these jobs otherwise be created?

I. Other benefits resulting from the project.

J. Tabulate the project's costs and benefits.

V. Other information

A. Sources of funding, including local share; an estimate of expenditures made to date for the projects which represent continuation of previously initiated improvements.

B. List necessary permits, indicate status of permit acquisition, and indicate project compliance with these requirements.

C. Is your 25 percent local share available? Each application must include a resolution similar to the draft resolution. (Exhibit "B")

D. If multi-year program is necessary, summarize your anticipated investment schedule for full completion of the proposed project and prioritize your projects.

VI. Attachments

A. Resolution

B. Construction plans

C. Engineering report

D. Layout of facility

E. Other attachments, as needed

Note that, for a valid analysis, the "project" to be analyzed must be properly defined. The analysis must cover the whole project, not just a part (e.g., a construction of a bulkhead to support a subsequent yard development must be analyzed in terms of the costs and benefits of the total development; an analysis of the bulkhead alone, in this case, would be meaningless.) Similarly, each distinct project must be analyzed separately; it is not valid to aggregate distinct projects (e.g., an elevator and a general cargo dock) into a single analysis.

With respect to rehabilitation projects, presumably the benefit relates to the fact that if the facilities are allowed to continue deteriorating the operating costs will increase, capacity will diminish, and, eventually, the facilities will go out of service and cause some disruption. The applicant should document this disruption and its net cost and lost employment (the avoidance of which is the benefit). If the applicant wishes to assert that the full value of the services lost to the port should be credited as a benefit to the proposed project, it should also document that the business would otherwise leave the state; if it would move elsewhere in the state, then the benefit would be the higher costs necessary at the other state location.

In order for your project to be considered for funding, submit the data requested as follows:

TO: Louisiana Department of Transportation and Development, Ports Construction and Development Priority Program, Room 401, Box 94245, Baton Rouge, LA 70804-9245.

BY: 4 p.m. on November 1, 1990.

WHAT: An original and three copies of each application and attachments.

If you need assistance in clarifying the information that is requested, you may contact Dot McConnell at (504) 379-1473.

## EXHIBIT A

### PORT CONSTRUCTION AND DEVELOPMENT PRIORITY PROGRAM

Instructions for the November 1, 1990 Application Submittal  
The following information must be submitted to DOTD by 4 p.m. November 1, 1990:

1. a title page prepared in accordance with the instruction that appear on page 4 of the "Interim Rules and Regulations";

2. a brief discussion to describe the proposed project, project area, anticipated benefits and demonstration of immediate need;

3. preliminary information relating to the project design and cost estimate.

The information submitted at this time can be very preliminary. The purpose of this submittal is to comply with the provisions of Act 452. For funding consideration in FY 91-92, you must supplement this application by filing a complete document prepared in accordance with the Port Construction and Development Priority Program "Interim Rules and Regulations" by 4 p.m. December 3, 1990.

## EXHIBIT B

### RESOLUTION

A Resolution authorizing the (port authority) to prepare and submit an application to the Louisiana Ports Construction and Development Priority Program for assistance in the implementation of a ports improvements project; providing for the necessary documentation of the need for the ports improvement; and providing for other matters in connection therewith.

WHEREAS, (port authority) has a need for ports improvements; and

WHEREAS, (port authority) desires to apply for state matching funds pursuant to Chapter 47 of Title 34 of the Louisiana Revised Statutes of 1950, as amended, to implement a project to improve its port operation and the (port authority) is fully aware of its obligations under said Statute and the requirements of the interim guidelines; and

WHEREAS, (port authority) is a political body duly organized and existing under the laws of the state of Louisiana and is eligible to apply for funds under said Statute,

NOW, THEREFORE, BE IT RESOLVED by the (port authority) as follows:

Section 1. That at the appropriate time and upon approval of funding assistance and prior to commencement of work on the project (port authority) agrees to execute an Agreement and a Statement of Sponsorship pursuant to the Statute.

Section 2. That (authorized representative) (title) is hereby designated Authorized Representative for (port authority) to effect the preparation of an application to the Louisiana Ports Construction and Development Priority Program for funding assistance of a port improvement project.

Section 3. That said authorized representative's responsibilities shall pertain to technical matters only and shall not include any official act on behalf of the (port authority).

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Presiding Officer

\_\_\_\_\_  
(Port Authority)

#### I. EVALUATION ANALYSIS

In determining a score to prioritize the request for funds, the following factors will be considered:

Technical feasibility  
Financial feasibility  
Economic impacts  
Environmental and other impacts  
Management of port

##### A. Technical Feasibility

Indicators of technical feasibility are as follows:

- completeness of project design;
- appropriate consideration of alternatives;
- compatibility of project to port's master plan;
- level of detail of preliminary plans must be adequate to allow award of a construction contract within a year but still allow input from the department;
- item of work as shown in the cost estimate are at a level of detail that may be readily verified.

##### B. Financial Feasibility

The primary factor in determining financial feasibility is the benefit cost ratio. Other elements are as follows:

- how verifiable are projects of revenue and expenses;
- supporting documentation;
- risk factors.

##### C. Economic Impacts

The economic impacts are to analyzed by the following:

- the number of permanent jobs created or saved by the port improvement after construction;
- the annual payroll to accommodate these new permanent jobs (may be included in the benefits).

##### D. Environmental and Other Impacts

The parameters used to evaluate the environmental and other impacts are as follows:

- no adverse impact on significant historical, archaeological, geological features, or environmentally sensitive areas;
- no wetland loss;
- letters of support from legislative delegation;
- no letters of objection.

##### E. Management of Port

The primary factor in appraising the management of the port is the average return on investment for the last five years.

#### II. DISTRIBUTION OF FUNDS

The distribution of program funds shall be based on a one-tier system. There shall be a division between deep draft ports and shallow draft ports.

##### A. Deep Draft Ports

Two-thirds of the Louisiana Ports Construction and De-

velopment Priority Program funds shall be allocated to deep draft ports. However, no more than 30 percent of the total amounts of funds available to finance a project in the deep draft port funding group shall be allocated to any single project in a given fiscal year. No port may receive more than 50 percent of the total funds available for allocation to the deep draft port funding group in a given fiscal year.

##### B. Shallow Draft Ports

Shallow draft ports shall be allocated one-third of the program funds. No more than 30 percent of the total amount of funds available to finance a project in the shallow draft port funding group shall be allocated to any single project in a given fiscal year. No port may receive more than 50 percent of the total funds available for allocation to the shallow draft funding group in a given fiscal year.

##### C. Redistribution Procedure

If there are insufficient approved applications in a funding group to utilize the program funds in that funding group, then the remaining funds shall be redistributed on a pro rata basis to the other funding groups within its tier. If excess funds remain, they will be redistributed to the other tier. For example, any excess funds in a shallow draft port funding district shall be redistributed to the deep draft ports funding group.

All interested persons so desiring shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this notice of intent to: Dot McConnell, Division of Flood Control & Water Management, Box 94245, Baton Rouge, LA 70804-9245.

Neil Wagoner  
Secretary

#### Fiscal and Economic Impact Statement For Administrative Rules

#### Rule Title: Port Construction and Development Priority Program Rules and Regulations

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

Monies which are accruing to the Port Construction and Development Priority Program through the Transportation Trust Fund will be allocated to projects which have met the requirements of these revised interim rules and regulations and have been evaluated and prioritized in accordance with them. The specific funding level is dependent on the legislative appropriation which appears in the cash portion of the Capital Outlay Bill.

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

None.

##### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON- GOVERNMENTAL GROUPS (Summary)

It is anticipated that this program will provide a significant economic benefit to the maritime industry in Louisiana. By assisting ports with their infrastructural needs, inducements will be provided for new clients and a growing labor force.



IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

None.

Neil Wagoner  
Secretary

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the state Employees Group Benefits Program intends to adopt an amended fee schedule, effective November 1, 1990.

A copy of the amended fee schedule can be viewed at the office of State Employees Group Benefits Program, 5825 Florida Blvd., Baton Rouge, Louisiana.

Comments or objections will be accepted, in writing, by the executive director of the State Employees Group Benefits Program until 4:30 p.m. on February 18, 1991, at the following address: Tommy D. Teague, Acting Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804.

Tommy D. Teague  
Acting Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Medical Fee Schedule**

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

According to our consulting actuary, the Martin E. Segal Company, implementation of this rule change will produce approximately \$2,738,120 in first year savings to the State Employees Group Benefits Program. These savings will impact the extent of future insurance premium increases which will result in future savings to other state or local governmental units.

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

Implementation of this rule change will have no effect on the revenue collections of state or local governmental units.

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

The plan members of the State Employees Group Benefits Program will be directly affected by the implementation of this rule change as this rule adjusts the amounts payable for certain fee schedule codes.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be impacted by this proposed rule change.

Tommy D. Teague  
Acting Executive Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

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

The Department of Wildlife and Fisheries, Wildlife and Fisheries Commission hereby gives notice of its intent to amend the rules pertaining to Free Fishing Days, Freshwater, as follows:

**Title 76**

**WILDLIFE AND FISHERIES**

**Part VII. Fish and Other Aquatic Life**

**Chapter 1. Freshwater Sport and Commercial Fishing**

**§151. Free Recreational Fishing Days**

In accordance with Act 301 of the 1987 Louisiana Legislature, it is the intent of the Wildlife and Fisheries Commission to declare the weekend of the first full week of June each year as Free Recreational Fishing Days in Louisiana to coincide with National Fishing Week each year. On the two above mentioned free fishing days, residents and non-residents may exercise the privilege of a licensed recreational fisherman without purchase of any otherwise necessary recreational fishing license.

Interested parties may submit their views in writing to Bob Dennie, Information and Education Administrator, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:302.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 17: (1991).

Jimmy Jenkins  
Chairman

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Free Fishing Days, Freshwater**

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

There will be no implementation cost generated by enactment of this rule.

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

The proposed rule is estimated to have no negative effect on revenue collection. Hopefully, it will promote an interest in the sport of fishing.

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

The proposed rule will have no cost or economic benefits to affected persons.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will have no effect on competition and employment.

Bettsie Baker  
Undersecretary

David W. Hood  
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishing

§339. Free Recreational Fishing Days

In accordance with Act 301 of the 1987 Louisiana Legislature, it is the intent of the Wildlife and Fisheries Commission to declare the weekend of the first full week of June each year as Free Recreational Fishing Days in Louisiana to coincide with National Fishing Week each year. On the two above mentioned free fishing days, residents and non-residents may exercise the privilege of a licensed recreational fisherman without purchase of any otherwise necessary recreational fishing license.

Interested parties may submit their views in writing to Bob Dennie, Information and Education Administrator, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:302.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 17: (1991).

Jimmy Jenkins  
Chairman

Fiscal and Economic Impact Statement  
For Administrative Rules

Rule Title: Free Fishing Days, Saltwater

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no implementation cost generated by enactment of this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The proposed rule is estimated to have no negative effect on revenue collection. Hopefully, it will promote an interest in the sport of fishing.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The proposed rule will have no cost or economic benefits to affected persons.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
The proposed rule will have no effect on competition and employment.

Bettsie Baker  
Undersecretary

David W. Hood  
Senior Fiscal Analyst

# Potpourri

POTPOURRI

Department of Economic Development  
Office of Financial Institutions

Judicial Interest Calculation

Pursuant to the authority granted by La. Civil Code Article 2924(B)(3), as amended by Act 774 of 1989, the commissioner of Financial Institutions has determined the rate of judicial interest for the period beginning January 1, 1991 and ending December 31, 1991 to be 11 percent, in accordance with the formula mandated by Article 2924(B)(3).

The terms "prime rate" and "reference rate" shall be deemed synonymous for purposes of this calculation. Prime rate is the rate of interest established by a bank for its most favored corporate clients in commercial loan transactions.

The "prime rate" or "reference rate" for Chase Manhattan Bank, N.A., Manufacturers Hanover Trust Company of New York, Morgan Guaranty Trust Company of New York, Bank of America National Trust and Savings Association, and Citibank, N.A., was 10 percent at each institution on October 1, 1990.

La. Civil Code Article 2924(3)(a) mandates that "[t]he effective judicial interest rate for the calendar year following the calculation date shall be one percentage point above the average prime or reference rate of the five financial institutions named in this Paragraph."

The effective judicial interest rate for the calendar year beginning on January 1, 1991 shall be 11 percent.

This calculation and its "publication in the *Louisiana Register* shall not be considered rule-making, within the intentment of the Administrative Procedure Act, R.S. 49:950 et seq., and particularly R.S. 49:953", thus, neither a fiscal impact statement nor a "notice of intent" is required.

Fred C. Dent  
Commissioner

POTPOURRI

Department of Natural Resources  
Office of the Secretary  
Fishermen's Gear Compensation Fund

In accordance with the provisions of R.S. 56:700.1 et seq., notice is given that 53 claims in the amount of \$114,058.50 were received in the month of November 1990, 36 claims in the amount of \$86,341.12 were paid, and three claims were denied.

Loran C. coordinates of reported underwater obstructions are:

28561	46864
27538	46928
28590	47044
29022	46957
27924	46551
29116	46821
27732	46886
28262	46824
28859	46807
26667	46978
28660	47048
27766	46878
28272	46875
27325	46943
27550	46923
29024	46942
27843	46861
26882	46967
26748	46999
29119	46828

Anyone may obtain a list of claimants, and amounts paid, by submitting a request to Fishermen's Gear Compensation Fund, Box 94396, Baton Rouge, LA 70804, or by telephone (504) 342-0122.

Ron Gomez  
Secretary

**CUMULATIVE INDEX  
(Volume 16, Number 12)**

**1990**

<i>Pages</i>	<i>Issue</i>
3— 73 .....	January
81— 181 .....	February
185— 274 .....	March
284— 361 .....	April
369— 468 .....	May
477— 567 .....	June
575— 655 .....	July
667— 735 .....	August
747— 809 .....	September
820— 911 .....	October
921— 1020 .....	November
1032— 1111 .....	December

**AGRICULTURE AND FORESTRY**

**Agricultural and Environmental Sciences, Office of**

- Advisory Commission on Pesticides
  - Application restrictions, 480ER
- Apiary Program, 359P
- Citrus Canker quarantine, 909P
- Crop pests, diseases
  - Sweetpotato weevil quarantine, 422N, 600R
- Plant diseases, 139N, 294R
- Horticulture Commission
  - Landscape Architecture exam, 180P
  - Retail floristry exam, 180P, 468P, 731P
- Quarantine
  - Amendment, 909P
  - Annual, 358P
- Seed Division
  - Certification fee, 629N, 847R
  - Labeling, 239N, 492R
- Structural Pest Control Commission
  - Fumigation, 1070N

**Agricultural Finance Authority**

- Securitized Program, 925ER, 930ER, 977N

**Animal Health Service, Office of**

- Pet Turtles, 1035ER

**Forestry, Office of**

- Indian Creek Rec. Area, 777N
- Meeting, 731P
- Stumpage values, 16R, 970N

**Livestock Sanitary Board**

- Auction market records, 630N
- Contagious diseases, 391R
- Definitions, 323N, 391R
- Livestock admittance, 391R, 630N
- Livestock auction market, 391R, 631N
- Livestock dealer, 632N
- Livestock sale/purchase, 632N
- Sale of cattle by dealer, 632N
- Swine backtag, 391R
- Swine entering state, 391R
- Swine Pseudorabies testing, 391R

**Marketing, Office of**

- Market Commission
  - Contractor's obligations, 240N, 393R
  - Strawberries, 1072N

**CIVIL SERVICE**

**Civil Service Commission**

- Amends rules, 778N
- Eligibles, certification, 862N
- Merit increases, 240N
- Military leave, 863N
- Preferred reemployment list, 40N
- Preferred reemployment list-pay, 84ER, 862N
- Provisional appointment, 862N

**CULTURE, RECREATION AND TOURISM**

**Cultural Development, Office of  
Arts Division**

- Grant Program application, 699N

**State Museum, Office of**

- Building rental, 295R

**State Parks, Office of**

- Fees, 779N, 1051R

**ECONOMIC DEVELOPMENT**

**Architectural Examiners, Board of**

- Candidate answers, 540N, 848R
- Examination review, 540N, 848R
- Gross floor area, 41N, 393R, 493R
- Licensing law, 540N, 848R
- Reversing grades, 540N, 848R

**Certified Shorthand Reporters,**

**Board of Examiners of**

- Certification, 241N, 393R, 863N
- Continuing education, 863N
- Examinations, 241N, 393R
- Fees, 863N

**Commerce and Industry, Office of**

- Enterprise Zone Program, 1073N
- Finance Division
  - Louisiana labor, 1073N
- Income tax credits, 372ER
- LA Capital Companies Tax Credit Program, 633N, 762R
- LA Industrial Training, 372ER, 634N, 762R

**Cosmetology, Board of**

- Cosmetologists, 141N

**Economic Development Corporation**

- Small Business Linked Deposit Loan, 187ER

**Financial Institutions, Office of**

- Credit Unions, 867N
- Director's exam requirements, 17R
- Judicial interest rate, 72P, 1110P
- Licensing law exemptions, 541N
- Limited function, 42N, 200R
- Private offering exemptions, 542N, 677R

**CR—Committee Report**

**EO—Executive Order**

**ER—Emergency Rule**

**FA—Fee Action**

**L—Legislation**

**N—Notice of Intent**

**P—Potpourri**

**PFA—Proposed Fee Action**

**PPM—Policy and Procedure Memorandum**

**R—Rule**

**Licensing Board for Contractors**

Classifications, 325N, 601R  
 Contractor record keeping, 325N, 601R  
 Examination exemption, 326N, 601R  
 Initial applicants, 326N, 327N, 601R  
 License requirements, 327N, 601R  
 Reciprocity, 327N, 601R

**Racing Commission**

Access by commissioners, 373ER, 424N, 763R  
 Apprentice Jockey, 1074N  
 Arabian horse racing, 112R  
 Blood/urine sample, 243N, 603R  
 Cellular telephones, 1074N  
 Definitions, 1075N  
 Deposit for expenses, 373ER, 424N, 763R  
 Disqualified horse, 748ER, 869N  
 Fax transmission, 748ER, 869N  
 First aid room, 373ER, 425N, 763R  
 Glossary of Terms, 752ER  
 Horse drugged, 373ER, 425N, 764R  
 Jockey fee schedule, 112R  
 License compliance, 1080N  
 License renewal, 1077N  
 License required for activities, 374ER, 426N, 764R  
 Licensees; advertising, 202R  
 Masking agents, 242N, 374ER, 427N, 764R  
 Matters Not Covered, 1078N  
 Maximum overweight, 1078N  
 Mixed races; distance, 203R  
 Monetary interests, 374ER, 427N, 764R  
 NSF checks, 1077N  
 Notification of change, 870N  
 Paddock inspection, 1079N  
 Pari-Mutuel machines, 748ER, 868N  
 Pari-Mutuel tickets, 749ER, 870N, 1079N  
 Past Performance Publication, 1082N  
 Permitted medications, 375ER, 428N, 765R  
 Possession of drugs, syringes, needles, 375ER, 428N  
 765R  
 Race date, 749ER  
 Registration of horse, 749ER, 870N  
 Rider named on two horses, 749ER, 871N  
 Simulcast audio transmission, 750ER, 872N  
 Simulcast video transmission, 750ER, 872N  
 Stable name, 375ER, 429N, 765R  
 Statistics, 1081N  
 Subpoenas/hearing notice, 750ER, 873N  
 Testing for alcohol abuse, 751ER, 874N  
 Testing for dangerous substance abuse, 85ER, 142N,  
 394R, 575ER, 701N, 751ER, 874N  
 Totalization, 1082N  
 Tote Forms, 752ER, 875N  
 Video preservation, 1080N  
 Violations, 375ER, 428N, 765R

**Real Estate Appraisal Subcommittee**

Education Certification, 783N, 1055R  
 Residential Certification, 323N, 493R

**Real Estate Commission**

Advertising, 42N  
 Licensees, 42N  
 Licensees' names, 4ER  
 Renewal requirements, 542N, 680R  
 Trade names, 4ER

**Used Motor Vehicle and Parts Commission**

Motor vehicle trade shows, 113R

**EDUCATION****Council for Development of French in LA**

Bilingual writing, 246N

**Elementary and Secondary Education, Board of**

8(g) Annual Program, budget, 243N, 495R  
 8(g) Policy Manual, 43N, 203R, 296R, 579ER, 638N,  
 851R  
 Administrative Leadership Academy, 481ER, 635N,  
 850R  
 Agriculture I, II, 429N, 680R  
 Alternate Post-Baccalaureate Certification, 430N, 680R  
 Annual Special Education Program, 635N, 849R  
 Bulletin 741  
 ACT Composite Score, 820ER, 978N  
 Algebra/Geometry integrated, 244N, 496R  
 Algebra, Introduction to, 204R  
 Chronological age waivers, 143N, 396R  
 Computer literacy, 143N, 396R  
 Electives required to graduate, 203R  
 Flexible class schedules, 432N, 680R  
 Hazardous waste policy, 204R  
 High school equivalency diplomas, 668ER, 783N,  
 1055R  
 Librarian employment scale, 668ER, 784N, 1055R  
 Nonpublic school standards, 547N, 577ER, 765R  
 Pupil/Teacher ratio, 86ER, 246N, 496R  
 School Administrators' Handbook, 576ER, 702N,  
 956R, 978N  
 Substance abuse, 820ER, 979N  
 Summer school, nonpublic, 485ER, 542N, 636N,  
 849R  
 Summer school, public, 485ER, 636N, 849R  
 Bulletin 746  
 Children First Legislation, 485ER, 637N, 849R  
 Health, physical education, 432N, 681R  
 Reading certification, 433N, 681R  
 School psychological services, 433N, 681R  
 Temporary teaching assignment, 486ER, 639N,  
 752ER, 850R  
 Vo-tech personnel, 543N, 766R  
 Bulletin 1134  
 Library Media, 578ER, 704N, 956R  
 Bulletin 1196  
 Food Service Program, 486ER, 638N, 956R  
 Bulletin 1213  
 School bus standards, 578ER, 705N, 784N, 956R,  
 1055R  
 Bulletin 1566  
 Pupil progression, 375ER, 544N, 766R  
 Bulletin 1599  
 American History Curriculum, 204R

**CR—Committee Report****ER—Emergency Rule****L—Legislation****P—Potpourri****PPM—Policy and Procedure Memorandum****EO—Executive Order****FA—Fee Action****N—Notice of Intent****PFA—Proposed Fee Action****R—Rule**

Bulletin 1706  
 Noncategorical preschool handicapped, 245N, 496R  
 Special Education Advisory Council, 86ER, 245N,  
 381ER

Bulletin 1794  
 Textbook adoption, 578ER, 705N, 706N, 930ER,  
 956R, 957R

Bulletin 1822  
 Post-secondary curriculum outlines, 329N, 604R  
 706N, 957R, 979N

Bulletin 1868  
 BESE personnel manual, 578ER, 707N, 930ER, 957R  
 Drug Testing, 669ER, 785N, 1055R  
 Vo-tech salary schedule, 670ER, 671ER, 786N,  
 1056R

Bulletin 1877  
 LTIP-LaTEP, 579ER, 708N, 821ER, 958R, 980N

Bulletin 1882  
 Administrative Leadership Academy, 481ER,  
 635N, 850R

Certification fee, 4ER, 44N, 297R  
 Children First Legislation, 485ER, 637N, 849R  
 Circular 665, employees, 486ER, 637N, 850R, 876N  
 Drug free schools, 544N, 766R  
 Drug testing, 669ER, 785N, 1055R  
 Education Majors, 545N, 767R  
 Expenditure of funds, 142N, 395R  
 Food Service Program  
 Financial management, accounting handbook,  
 486ER, 638N, 956R  
 High school diplomas, 189ER, 330N, 605R  
 Honors Curriculum, 114R  
 Kindergarten Developmental Screening,  
 Cycle II, 284ER, 434N, 682R  
 Kindergarten Developmental Screening,  
 review, 284ER, 435N, 682R  
 Kindergarten Developmental Screening,  
 transition year, 284ER, 435N, 682R  
 LEAP composition test, 189ER, 330N, 605R  
 Louisiana Administrative Code, 144N, 297R  
 LTIP/LaTEP, 579ER, 708N, 821ER, 958R, 980N  
 Migrant Ed State Plan, 486ER, 637N, 850R  
 Noncertified school personnel, 670ER, 785N, 1056R  
 Nonpublic School Standards, 285ER, 328N  
 Nonpublic school waiver request, 436N, 786N, 1056R  
 Nonpublic summer school, 381ER, 485ER, 767R  
 Nutrition/Training Program, 23R  
 Policy deletion, 204R  
 Post-Baccalaureate Scholarship, 114R, 548N, 767R  
 Principal certification, 114R  
 Psychological Services Providers, 203R  
 School management software, 579ER, 709N, 958R  
 Special Ed Program, 486ER  
 Student count certification, 144N, 397R  
 STAR, 579ER, 709N, 958R  
 Teacher certification, hearing, visually  
 impaired, 434N, 680R  
 Teacher tuition exemption, 579ER, 638N, 851R  
 Temporary teaching assignments, 486ER, 639N, 752ER,  
 850R  
 VTIE tuition exemption, 550N, 768R  
 Vocational education program plan, 549N, 767R

Vo-tech  
 Funds, 331N, 605R  
 Regional Advisory Council, 115R  
 Salary schedule, 670ER, 671ER, 786N, 1056R  
 Tuition, 551N, 672ER, 768R, 787N  
 Unclassified personnel salary, 116R  
 Waivers of minimum standards, 116R

**Proprietary School Commission**

Branch school, 334N, 603R  
 Bulletin 1443, 334N, 551N, 603R, 768R  
 Licensure renewal, 333N, 603R  
 Student Complaint Procedure, 1083N

**Student Financial Assistance  
 Commission**

Cure Procedure, 983N  
 Guarantee Fee Schedule, 982N  
 LPM's, 254N, 959R  
 Loan consolidation rate, 981N  
 Name change, 981N  
 PLUS/SLS interest rate, 982N

**ELECTIONS AND REGISTRATION DEPARTMENT**

Voter registration, 439N, 606R

**EMPLOYMENT AND TRAINING**

**Barber Examiners, Board of**

Repeal, repromulgate rules, 876N, 1038ER

**Employment Security, Office of**

Repeal, repromulgate rules, 877N, 1038ER  
 Types of employment, 5ER, 247N, 609R  
 Unemployment claims, 44N  
 Work registration, 44N, 608R  
 Workers' Comp. benefits, 732P

**Labor, Office of**

Apprenticeship  
 Repeal, repromulgate rules, 878N, 1038ER  
 Community Services Block Grant, 45N, 204R, 787N  
 JTPA  
 Repeal, repromulgate rules, 878N, 1038ER  
 Minor labor, 381ER, 837ER  
 Repeal, repromulgate rules, 879N, 1038ER  
 Private Employment Service  
 Repeal, repromulgate rules, 879N, 1038ER  
 Public hearing, 909P

**Plumbing Board**

Definitions, 1039ER  
 Enforcement fee, 23R  
 Licenses, 23R, 1039ER  
 Repeal, repromulgate rules, 884N, 931ER

**Review Board of**

Repeal, repromulgate rules, 877N

**Workers' Compensation, Office of**

Claims Section  
 Repeal, repromulgate rules, 881N  
 Drug testing, 86ER, 442N, 851R

**CR—Committee Report**

**ER—Emergency Rule**

**L—Legislation**

**P—Potpourri**

**PPM—Policy and Procedure Memorandum**

**EO—Executive Order**

**FA—Fee Action**

**N—Notice of Intent**

**PFA—Proposed Fee Action**

**R—Rule**

Fiscal Responsibility Unit  
 Repeal, repromulgate rules, 882N  
 Fraud Section  
 Repeal, repromulgate rules, 883N  
 Hearing officers, 46N, 297R, 984N  
 Hospital reimbursement, billing, maintenance,  
 984N  
 Medical fee schedule, 91ER, 189ER, 552N, 710N  
 788N, 880N  
 Safety requirement, 881N  
 Second Injury Board  
 Repeal, repromulgate rules, 883N  
 Utilization Review, 837ER, 985N

## ENVIRONMENTAL QUALITY

### Air Quality and Radiation Protection, Office of Air Quality Division

Asbestos in buildings, 145N, 397R, 789N, 1056R  
 Bulk gasoline, 46N, 443N, 609R  
 Deterioration prevention, 443N, 612R  
 General Control Device (AQ16), 989N  
 General Provisions, 23R  
 Liquid Storage Tanks (AQ20), 1084N  
 Organic compound emission, 23R, 116R  
 Organic solvents, 119R  
 Public hearing, 732P  
 Toxic air pollutant (AQ12), 986N  
 Toxic air pollutant list, 73P, 274P  
 Visible emissions (AQ29), 1085N  
 Volatile organic compounds, 444N, 959R

### Legal Affairs and Enforcement, Office of Regulatory Agenda, 360P, 910P Secretary, Office of

Revolving Loan Fund, 654P

### Solid and Hazardous Waste, Office of Hazardous Waste Division

HSWA Cluster I, 48N, 220R  
 HSWA Cluster I-A, 248N, 398R  
 HW22, 790N, 1057R  
 HW23, Geotechnical Amendment I, 552N, 682R  
 HW24, Geotechnical Amendment II, 791N, 1057R  
 Land disposal of waste, 220R  
 Land disposal prohibitions, 48N, 221R  
 Non-HSWA Cluster IV, 249N, 399R  
 Non-HSWA Cluster V, 444N, 614R  
 Rule amendments, 47N, 217R  
 Underground storage tanks, 445N, 614R  
 Waste Codes relisting, 250N, 399R

### Water Resources, Office of

Monitoring well construction, 567P  
 Oil and gas exploration, production, 1088N  
 Surface Water, 1089N  
 Water Pollution Control Division  
 Dioxin contamination, 1039ER

## EXECUTIVE ORDERS

BR 89-38—Prohibits outdoor advertising signs on I-49 temporarily, 3  
 BR 89-39—Expands membership on Governor's Task Force on Shrimp Management, 3  
 BR 89-40—Grants private activity bond allocations, 3

BR 90-01—Amends BR 89-35 that established the Calcasieu Estuary Environmental Task Force, 83  
 BR 90-02—Wooddale Towers office building purchase/renovation project, 83  
 BR 90-03—Creates a Transportation Infrastructure Evaluation Committee, 83  
 BR 90-04—Amends BR 90-03 expanding membership of Transportation Infrastructure Evaluation Committee, 187  
 BR 90-05—Authorizes inmate labor to renovate fire alarm system at Angola, 284  
 BR 90-06—Creates Governor's Interagency Task Force on Flood Prevention and Mitigation, 479  
 BR 90-07—Creates an Aviation Advisory Committee, 480  
 BR 90-08—Establishes Governor's Advisory Commission on Military Affairs, 575  
 BR 90-09—Creates Governor's Oil Spill Prevention and Contingency Task Force, 667  
 BR 90-10—Outdoor advertising signs, 668  
 BR 90-11—Establishes the Louisiana Criminal Justice Information Systems Policy Board, 747  
 BR 90-12—Use of inmate labor at the Louisiana Correctional Industrial School, DeQuincy, Louisiana, 747  
 BR 90-13—Amends BR 90-11 regarding the Louisiana Criminal Justice Information Systems Policy Board, 820  
 BR 90-14—Amends BR 88-40 regarding the Advisory Board for Native Americans in Louisiana, 820  
 BR 90-15—Creates Task Force to establish Office of Disability Affairs Policy Board, 925  
 BR 90-16—Rescinds BR 89-28, Louisiana Gaming Commission, 1032  
 BR 90-17—Establishes new Louisiana Indian Gaming Commission, 1032  
 BR 90-18—Establishes Martin Luther King, Jr. Holiday Commission, 1032  
 BR 90-19—Amends BR 90-7 to expand membership of Aviation Advisory Committee, 1033  
 BR 90-20—Assigns responsibility for implementation and execution of the Governor's Corrections Plan, 1033  
 BR 90-21—Creates the Governor's Commission of Pan American Affairs, 1034  
 BR 90-22—Designates a state clearinghouse for submission of Economic Development Plans, 1034  
 BR 90-23—Amends BR 89-11 and BR 89-39 to expand membership of Governor's Task Force on Shrimp Management, 1034

## FIREFIGHTERS' PENSION AND RELIEF FUND City of New Orleans

### Board of Trustees

Adjudication, 335N, 497R, 685R  
 Application, 335N, 497R, 685R  
 Death Benefits, 1089N  
 Definitions, 335N, 497R, 685R  
 Domestic relations orders, 335N, 501R  
 Organization, 335N, 497R, 685R

**CR—Committee Report**

**ER—Emergency Rule**

**L—Legislation**

**P—Potpourri**

**PPM—Policy and Procedure Memorandum**

**EO—Executive Order**

**FA—Fee Action**

**N—Notice of Intent**

**PFA—Proposed Fee Action**

**R—Rule**

## GOVERNOR'S OFFICE

### Division of Administration

Commissioner's Office  
Incentive award, 29R  
PPM No. 49  
Travel regulations, 582ER, 710N, 965R  
Community Development Section  
LCDBG Final Statement, 121R, 221R, 990N  
Contractual Review, Office of  
Professional, personal, consulting, social services,  
1090N  
Federal Property Assistance  
Plan of operation, 556N, 690R  
Property Assistance Agency  
Penalties, 887N  
Property Control, 887N  
Risk Management, Office of  
Law Enforcement Officers and Firemen's  
Survivor Board, 251N, 400R  
Medical Review Panel, 885N  
Structured settlement, 447N, 614R  
Workers' Comp. fee schedule, 253N, 401R  
Workers' Comp., maritime claims, 252N, 401R  
Telecommunications Management, Office of  
Repeal, repromulgate rules, 885N  
Uniform Payroll, Office of  
Payroll deductions, 146N, 180P, 402R

### Elderly Affairs, Office of

GOEA Manual, 888N  
Nutrition Services, 337N, 505R  
Service procurement, 190ER, 336N, 503R

### Special Commission on Education Services (Also See Education Department, Student Financial Commission)

Institutional participation, 49N, 301R  
LPM's, 254N, 959R  
Policy and Procedure Manual, 5ER, 49N, 254N, 301R  
Reconciliation and pro rata refund, 446N, 615R  
Scholarship application/eligibility, 50N, 301R  
SLS, interest payments, 254N, 503R

### Wetland Conservation, Restoration Task Force

Plan (FY 90-91), 382ER, 448N, 615R

### Women's Services, Office of

Marriage license fees, 151N, 302R

## HEALTH AND HOSPITALS

### Dentistry, Board of

Dental assistant duties, 255N, 505R  
Examination fee, 273PFA, 566FA  
Infectious waste, 256N, 506R  
License, 273PFA, 566FA  
Nurse duties, 257N, 507R  
Permit, 273PFA, 566FA

### Embalmers and Funeral Directors, Board of

Embalming, 556N, 769R  
Examination, 180P, 655P, 889N, 1019P

### Human Services, Office of

Jefferson Parish Mental Health, Substance Abuse, 53N,  
234R  
Mental retardation regions, 31R

### Medical Examiners, Board of

Adjudication, 258N, 507R

Athletic trainer education, 262N, 510R  
Physician/Surgeon license, 264N, 513R  
Procedure Rules, 1096N  
Radiologic technologists, 1094N  
Respiratory therapy, 1095N

### Nursing, Board of

Annual meeting date, 1007N  
Clinical facilities, 133R  
Continuing education, 643N, 1058R  
Education Program, 449N, 690R  
License lapsed, 642N, 1060R  
License reinstatement, 641N, 1060R  
Preceptor, 792N  
Preceptorship experience, 793N  
Preceptorship Learning, 793N, 794N  
Relicensure, 643N, 1058R

### Nursing Home Administrators, Board of Examiners for

Certificates, 557N, 855R  
Change notification, 890N  
Definitions, 258N, 409R  
Licenses, 557N, 855R  
Nurse Aide Program, 837ER, 890N

### Practical Nurse Examiners, Board of Faculty/staff, 133R

### Professional Counselors, Board of Examiners of Definitions, 151N, 302R

### Psychologists, Board of Examiners of Continuing Education, 640N, 769R

### Public Health, Office of

AIDS drug, 557N, 692R  
AZT eligibility category, 386ER  
Coliform, 1008N  
Family Planning Program  
Fee adjustment, 338N, 525R  
Head injury, 1007N  
HIV/AIDS Services, 910P  
Mechanical wastewater treatment plants, 156N, 302R  
Private water well, 716N, 971R  
Sanitary Code  
Chapter IX, definitions, 265N, 410R  
Chapter IX, food, drug, cosmetic, 265N, 414R  
Infectious waste, 55N, 303R  
Seafood, 717N  
Sewage/refuse, 838ER, 1008N  
Surface water treatment, 1100N  
Vital Records  
Death certificate, 152N, 307R  
Pregnancy, induced termination, 56N, 236R  
WIC Program, 655P

### Secretary, Office of

Adult day care licensing, 797N, 1061R  
Block Grants, 643N, 771R  
Hospital interim pay adjustment, 910P  
Long term care rates, 910P

*CR—Committee Report*

*ER—Emergency Rule*

*L—Legislation*

*P—Potpourri*

*PPM—Policy and Procedure Memorandum*

*EO—Executive Order*

*FA—Fee Action*

*N—Notice of Intent*

*PFA—Proposed Fee Action*

*R—Rule*



## MAP

AFDC, transition period, 343N, 532R  
AFDC, medically needy certificate, 1097N  
Ambulance transport, 558N, 692R  
Burial space interest, 285ER, 360P  
Buy-in for disabled, 339N, 526R  
Civil fines, 5ER, 10ER, 156N, 158N, 310R, 315R  
Class B day care, 340N, 526R  
Closed restricted drug formulary/pharmacy program coverage, 91ER, 157N, 310R  
Computer matching, 191ER, 340N, 531R  
Disabled children, 1041ER  
Dispensing fee survey, 1098N  
FQHC, 673ER, 795N, 1019P, 1042ER  
Facility need review, 341N, 567P, 620R, 895N  
Facility reimbursement based on Medicare, 94ER  
Health Centers, 286ER  
Home/Community based services waiver, 191ER  
Hospital Plans Review, 718N, 971R  
Inpatient operating cost, 735P  
LTC facilities, reimbursement, 160N  
MR/DD waiver, 451N, 488ER, 587ER, 621R, 645N  
Medicare Catastrophic Coverage, 58N, 237R  
Mental Retardation/Developmental Disabilities case management, 93ER, 312R  
Nurse practitioners, 342N, 531R  
Nursing facility management, 13ER  
Nursing home reform, 798N, 1061R  
Obstetrical, pediatric payment, 286ER  
Pharmacy Program, 672ER, 722N, 972R  
Pharmacy reimbursement; dispensing fee, 194ER  
Poverty children, age 6, 285ER, 451N, 620R  
Poverty pregnant women/infants, 285ER, 461N, 621R  
Pregnant women, income reporting, 92ER, 160N, 316R  
Pregnant women, risk assessment, 673ER, 1042ER  
Prenatal care, 57N, 92ER, 237R  
Prescription drug reimbursement, 59N, 313R, 693R  
Providers billing, 1098N  
Purchasing approval, 31R  
Rate adjustments, 360P  
Resident trust fund, 12ER, 161N, 317R  
Resources transfer, 63N, 95ER, 238R  
Sanction authorization, 274P  
Spousal impoverishment, 62N, 95ER, 238R  
SN/TDC per diem, 1012N  
SSI disability standards, 674ER, 1099N  
Stepparents, 1044ER  
Temporary management, 162N, 317R  
Transitional Medicaid for those losing AFDC, 196ER  
Transportation reimbursement, 342N, 532R  
Traumatic brain injury, 96ER  
Medicaid Program  
AIDS test, 165N, 318R  
Anesthesiology services, 753ER  
Breathing equipment, 344N, 532R  
COBRA  
Pay and Chase, 838ER  
Collection procedure, 1011N  
EPSDT  
Health education, 587ER, 719N, 972R  
Limitations, 387ER, 723N  
Maintenance services, 752ER

Medical equipment, 386ER, 721N, 755ER, 972R  
Service limits, 754ER, 973R  
Therapy maintenance, 387ER, 720N, 752ER, 971R  
Vision/hearing screening, 388ER, 724N, 756ER, 973R

F and V assistance category, 840ER  
Hospital disproportionate share payment, 839ER  
1020P

ICF I, ICF II, SNF name change, 732P  
ICF/MR certification, 165N, 320R  
ICF/MR rates, 734P  
Income-producing property, 388ER, 462N, 621R  
Infants, high-risk, 288ER, 458N  
MR/DD waivers, 488ER, 587ER, 621R, 645N, 771R  
Non-IV-E (state subsidy) children, 319R  
Nursing facility rate adjustment, 840ER, 1010N  
PAP certification 841ER  
Pharmacy dispensing fee, 755ER  
Pregnant women, at-risk, 286ER, 454N, 1042ER  
Pregnant women, high-risk, 290ER, 456N  
Prenatal Service, 291ER, 462N  
Prescription dispensing fee, 292ER  
Rural hospital reimbursement, 842ER  
SNF/TDC Program, 756ER  
Third party liability claims, 487ER

### **Social Work Examiners, Board of**

Fees, 1093N

### **Speech Pathology, Board of Examiners for**

Aides, assistants, helpers, 409R  
Ethics Code, 891N  
Procedures, 893N

### **Veterinary Medicine, Board of**

Animal euthanasia technician, 52N  
Rule adoption, 50N, 222R  
Supervision, 52N

## **INSURANCE**

### **Commissioner of Insurance**

Chiropractic charges, 1013N  
Continuing education, 646N, 855R, 1101N  
Group health insurance, 897N  
Interlocal risk management, 345N, 621R  
Louisiana Health Care Associates, 1044ER  
Medical Supplemental Insurance, 898N  
Medicare  
Insurance Program, 96ER  
Minimum Standards Model Act, 897N  
Supplement Insurance, 896N  
Workplace safety, 646N

## **JUSTICE**

### **Attorney General, Office of**

Electronic video bingo, 166N, 197ER

**CR—Committee Report**

**ER—Emergency Rule**

**L—Legislation**

**P—Potpourri**

**PPM—Policy and Procedure Memorandum**

**EO—Executive Order**

**FA—Fee Action**

**N—Notice of Intent**

**PFA—Proposed Fee Action**

**R—Rule**

## LOUISIANA ADMINISTRATIVE CODE UPDATE

### Administrative Code Update

January, 1989 - December, 1989, 70  
January, 1990 - March 1990, 357  
April, 1990 - July, 1990, 730  
August 1990 - October 1990, 1019

## LOUISIANA LEGISLATURE

### Legislative Fiscal Office

Fiscal Impact Statements, 1020P

## NATURAL RESOURCES

### Coastal Restoration and Management, Office of

Coastal use permits, 348N, 625R

### Conservation, Office of

Drug testing, 134R, 532R  
Hazardous liquids pipeline, 800N, 1102R  
Statewide Order 29-B, 464N, 855R

### Mineral Resources, Office of

Fees, 801N, 1062R

### Secretary, Office of

Bohemia Spillway, 266N, 414R  
Fishermen's Gear  
Adjudication, 267N, 416R  
Claims, 74P, 180P, 274P, 360P, 468P, 567P, 655P  
735P, 808P, 911P, 1020P, 1110P  
Equipment labeling, 898N, 1102N  
Fee notice, 167N, 320R  
Hearing examiner, 267N, 416R  
Small claims, 267N, 416R

## PUBLIC SAFETY AND CORRECTIONS

### Corrections Services

Adult offender telephone use, 268N, 536R  
Administrative remedy, 899N  
Air traffic, 559N, 693R  
Death penalty, 1013N  
Funeral attendance, 560N, 693R  
Nepotism, 269N, 537R  
Work release, 1015N

### Fire Marshal, Office of

Administrative Rules, 1103N  
Building permits, 320R  
Electrical power connection, 349N  
Fire and alarm system, 931ER  
Meeting schedule, 361P  
Plans, specifications, 320R  
Remanufactured housing, 31R, 388ER

### Liquefied Petroleum Gas Commission

Amendments, 803N, 1063R  
Cylinder Inspection, 694R

### Pardons, Board of

Applications, 802N, 1062R

### Private Security Examiners, Board of

Repromulgates rule, 179CR

### State Police, Office of

Bingo, Keno, raffle, 900N  
Electronic video bingo, 1016N  
Right-to-Know, 725N, 974R

## REVENUE AND TAXATION

### Tax Commission

Appraisal level, 361P  
Commercial improvements, 361P  
Real/Personal property 804N, 1063R  
Stumpage values, 16R, 977N

## RIVER PORT PILOT COMMISSIONERS

### Port of New Orleans

Apprenticeship, 198ER, 270N, 416R  
Drug and alcohol, 198ER, 270N, 416R

## SOCIAL SERVICES

### Community Services, Office of

Emergency Shelter Grant, 181P, 270N, 538R  
LIHEAP, 465N, 626R, 911P  
LIHEAP, HEA, 350N, 538R  
SSBG funds, 350N, 772R  
Weatherization Assistance Program, 167N, 320R

### Eligibility Determinations, Office of

AFDC Program, Transitional child care, 64N, 238R  
Child Support Enforcement Services  
Immediate income assignment, 33R  
Job Opportunities, Basic Skills Training, 466N, 626R  
Mandatory award guidelines, 34R  
Confidentiality, 168N, 321R  
Food Stamp Program  
Allotment benefits, 15ER  
Computer matching-due process, 169N, 321R  
Initial month's benefits, 169N, 321R

### Family Support, Office of

AFDC  
Unemployed parent, 647N, 772P  
JOBS, 466N, 626R, 804N, 842ER, 1046ER, 1064R

### Rehabilitation Services

Independent living, 1103N  
State Use Law, 727N, 976R  
Three-year State Plan, 728N, 976R

### Secretary, Office of

Child care home registration, 903N  
Child day care, 757ER

## STATE

### Uniform Commercial Code

Central Registry; Farm Products, 1046ER  
Fees, 1050ER  
IRS Tax Liens, 842ER  
Secured transactions, 170N

## TRANSPORTATION AND DEVELOPMENT

### Aviation Division

Airport construction, 352N, 538R

*CR—Committee Report*

*ER—Emergency Rule*

*L—Legislation*

*P—Potpourri*

*PPM—Policy and Procedure Memorandum*

*EO—Executive Order*

*FA—Fee Action*

*N—Notice of Intent*

*PFA—Proposed Fee Action*

*R—Rule*

**Flood Control and Water Management Division**

Port Construction and Development Priority  
489ER, 564N, 695R, 941ER, 1105N

**Maintenance and Field Operations**

Roadside vegetation, 1017N

**Professional Engineers and Land Surveyors,****Board of Registration for**

Certification, registration, 561N, 772R  
Corporations, Firms, 561N, 772R  
Definitions, 561N, 772R  
Engineering Branches, 1104N  
Examinations, 561N, 772R  
Professional conduct, 561N, 772R  
Property boundary, 648N, 1064R  
Seal rules, 561N, 772R, 1104N

**Sabine River Compact Administration**

Meeting, 911P

**Secretary, Office of**

Gasohol/ethanol, 759ER

**Utility and Permit Section**

Right-of-way, 805N, 1069R

**TREASURY****Bond Commission**

Line of Credit, 15ER, 293ER, 760ER

**Louisiana Housing Finance Agency**

Emergency low-income housing tax, 389ER, 653N

**State Employees Group Benefits Program,****Board of Trustees of the**

Addisonian Pernicious Anemia, 177N, 418R  
Ambulance services, 271N, 418R  
Claims, deadline for filing, 65N, 419R  
COBRA, 178N, 352N, 420R, 627R  
Contributions, 177N, 419R  
Emergency room deductible, 565N, 776R  
HMO - Pre-existing conditions, 65N, 419R  
LSU-PPO, 272N, 419R  
Medical fee schedule, 66N, 137R, 421R, 945ER,  
1109N  
Military reservists, 843ER, 905N  
Plan document, 353N, 627R  
Post doctoral fellows, 806N, 1069R  
Preferred provider organization, 67N, 421R  
Utilization review, 177N, 419R, 565N, 776R

**Teachers' Retirement System**

Salary reports, 176N

**Treasurer, Office of**

Time certificates of deposit, 137R

**WILDLIFE AND FISHERIES****Fisheries, Office of**

Pompano and Black Drum, 67N, 322R

**Wildlife and Fisheries Commission**

Alligator season, 36R, 590ER, 728N, 945ER, 1070R  
Atchafalaya Basin, 843ER  
Black Bass, 38R, 1017N, 1018N  
Black Drum, 15ER, 72CR, 112ER, 467N, 599ER, 698R  
Canada Goose, 954ER  
Cobia, 846ER, 908N  
Commercial landings, 38R  
Deer Management Program, 761ER, 807N, 906N  
Ducks, Coots, Geese hunting season, 675ER

Finfish, 1051ER

Fish and wildlife values, 38R

Fox/coyote, 843ER, 907N

Free fishing days, 354N, 538R, 1109N, 1110N

Freshwater Trout, 807N

Furbearer trapping season, 40R, 729N, 846ER

Hunting seasons, 355N, 539R

New Orleans area, 761ER, 907N

Jewfish, 599ER, 730N, 1070R

King Mackerel, 492ER, 846ER, 908N, 954ER

Migratory game birds, 676ER

Oyster season, 676ER, 846ER, 955ER

Oyster seed ground, 653N, 776R

Saltwater sport/commercial fishing, 356N, 539R

Sanctuaries, Calcasieu, Sabine Lakes, 16ER, 68N,  
421R

Shrimp season, 356N, 540R, 955ER

Chandeleur Sound, 390ER

Spring inshore, 200ER, 390ER

White shrimp, 599ER

Zone II, 69N

Zone III, 16ER, 69N

Spanish Mackerel, 846ER, 908N

Spotted Seatrout, 390ER

Sturgeon, 179N, 421R

**Secretary, Office of**

Shell dredging, 361P

*CR—Committee Report*

*ER—Emergency Rule*

*L—Legislation*

*P—Potpourri*

*PPM—Policy and Procedure Memorandum*

*EO—Executive Order*

*FA—Fee Action*

*N—Notice of Intent*

*PFA—Proposed Fee Action*

*R—Rule*



D

D

D



D

D

D

