



EDWIN W. EDWARDS
GOVERNOR

State of Louisiana
DIVISION OF ADMINISTRATION
OFFICE OF THE STATE REGISTER

RAYMOND J. LABORDE
COMMISSIONER OF ADMINISTRATION

NOTICE

TO: Owners of Louisiana Administrative Code, Volume 14, 1st edition, 1988, containing Solid Waste, Water Quality, and Underground Storage Tanks regulations.

FROM: Nancy Midkiff, Director, Office of the State Register

DATE: March 2, 1992

RE: ENVIRONMENTAL REGULATIONS

Please be advised that, because of an increase in the number and length of regulations in Volume 14, it became necessary to divide this volume into three separate code books (each available through the Office of the State Register), as described below:

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CONTENTS

I. EXECUTIVE ORDERS

EWE 92-3—Creates the Governor's Advisory Council on Drug-Free Schools and Communities and defines certain duties . . .	227
EWE 92-4—Creates and defines certain personnel and duties of the Office of Permits	227
EWE 92-5—Creates a Task Force on African Trade, Finance and Development to market the state's products, goods, services and technologies to Africa	228
EWE 92-6—Creates the Louisiana Interagency Action Council for the Homeless, designating agency representation and defining certain functions.	228
EWE 92-7—Prohibits sex discrimination by any state agency in employment practices and policies, in providing services, in purchasing services or in awarding service contracts	229
EWE 92-8—Authorizes the secretary of the Department of Transportation and Development, with approval of the State Bond Commission, to issue Series 1992 Bonds not to exceed \$46,000,000 to fund Project 1992	230
EWE 92-9—Establishes a Land Acquisition Task Force and defines certain responsibilities and duties	231
EWE 92-10—Authorizes a substance abuse policy and awareness program applicable to state employees.	231
EWE 92-11—Establishes an Office of Maritime Advisor and defines certain duties and functions of the office.	232
EWE 92-12—Appoints the senior advisor in the Office of Maritime Advisor	232
EWE 92-13—Establishes the Occupational Information Coordinating Committee (LOICC) and assigns its responsibilities	233
EWE 92-14—Authorizes inmate labor to be used to replace roofing at Hunt Correctional Center facilities	233
EWE 92-15—Establishes the position of Special Assistant to the Governor for Health Care and Hospitals and defines certain duties and functions of the position	234
EWE 92-16—Creates and defines certain duties and functions of the Executive Board on Aging.	234
EWE 92-17—Creates the Emergency Response Commission and designates certain duties	235
EWE 92-18—Rescinds BR 91-25 and directs adjustments of appropriations for expenditures to achieve a balanced budget in the current fiscal year.	236

II. EMERGENCY RULES

Agriculture and Forestry Department:	
Office of Agricultural and Environmental Sciences, Horticulture Commission—Landscape architect-examination fees	240
Economic Development Department:	
Office of Commerce and Industry—Environmental criteria for rating tax exemptions (LAC 13:I.2101-2111).	240
Education Department:	
Board of Elementary and Secondary Education—Bulletin 741-Computer literacy requirements.	240
Bulletin 1196-Food and Nutrition Program	241
Bulletin 1508-Infants and toddlers with disabilities	241
Health and Hospitals Department:	
Office of the Secretary, Bureau of Health Services Financing—Medicaid reimbursement for non-ambulance transportation. . . .	243
Social Services Department:	
Office of Family Support—JOBS-Project Independence/Aid to Families with Dependent Children (AFDC) (LAC 67:III.1181 and 2903).	244
Food Stamps-Household concept (LAC 76:III.1941)	245
Treasury Department:	
Board of Trustees of the State Employees Group Benefits Program—Surcharge for participant employer.	246
Wildlife and Fisheries Department:	
Office of the Secretary—Chandeleur Sound-Special Pink Shrimp Season	246

III. RULES

Agriculture and Forestry Department:	
Agricultural and Environmental Sciences—Emergency procedures related to pesticides (LAC 7:XXIII.Chapter 131)	247
Horticulture Commission—Retail florist examination, licensure, permitting (LAC 7:XXIX.Chapter 151)	249
Economic Development Department:	
Board of Architectural Examiners—Continuing Education Accreditation (LAC 46:I.1117)	250
Office of Commerce and Industry, Finance Division—Capital Companies Tax Credit Program (LAC 13:I.701, 703 and 717)	251
Restoration Tax Abatement (LAC 13:I.Chapter 13)	252
Education Department:	
Board of Elementary and Secondary Education—Bulletin 741-ACT/SAT scores	255
Home study students-books and materials.	255
Postsecondary Vocational-Technical personnel salaries	256
Employment and Training Department:	
Office of Workers' Compensation—Utilization Review process (LAC 40:I.2715).	257
Environmental Quality Department:	
Office of Air Quality and Radiation Protection, Air Quality Division—Method 26-Determination of hydrogen chloride emissions from stationary sources (AQ55) (LAC 33:III.6088)	258
Particulate emission standards-steel plants (AQ43) (LAC 33:III.3337)	262
Governor's Office:	
Office of Elderly Affairs—Grievance hearings-State Ombudsman (LAC 4:VII.I273)	265
Long-term care Ombudsman (LAC 4:VII.1229).	267

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Veterans Affairs—Louisiana War Veterans' Home (LAC 4:VII.937)	269
Health and Hospitals Department:	
Board of Examiners of Professional Counselors—Mental health counseling (LAC 46:LX.Chapter 7 and 8)	269
Board of Pharmacy—Continuing education (LAC 46:LIII.Chapter 7)	273
Office of Public Health—Tanning facilities and equipment	274
Insurance Department:	
Commissioner of Insurance—Regulation .31-Insurance holding company procedures	274
Natural Resources Department:	
Office of the Secretary—Coastal restoration project construction ranking (LAC 43:I.Chapter 8)	281
Public Safety and Corrections Department:	
Office of State Police—Charitable bingo, keno, raffle and casino nights (LAC 55:I.Chapters 17 and 20)	283
Revenue and Taxation Department:	
Office of the Secretary, Sales Tax Division—Reporting local sales and use tax (LAC 61:II.101)	287
Social Services Department:	
Office of the Secretary—Child Care and Development Block Grant Program and Title IV-A At-Risk Child Care Programs (LAC 67:I.101)	288
Wildlife and Fisheries Department:	
Wildlife and Fisheries Commission—Collection of Mayhaw Fruit (LAC 56:III.107)	290
Fish and wildlife values (LAC 76:I.315)	290
Lake Bruin-Commercial fishing season (LAC 76:VII.125)	294
Lake Providence-Gill nets and trammel nets (LAC 76:VII.163)	294
IV. NOTICES OF INTENT	
Agriculture and Forestry Department:	
Office of Forestry—Reforestation of public lands (LAC 7:XXXIX.Chapter 209)	295
Economic Development Department:	
Office of Commerce and Industry—Environmental criteria for rating tax exemptions (LAC 13:I.2101-2111)	296
Education Department:	
Board of Elementary and Secondary Education—Bulletin 741-American Sign Language	297
8(g) Annual Program and Budget	297
Institute/Regional Management Center calendars (LAC 28:I.1525)	300
Procedures (E) Pilot Programs in Special Education (LAC 28:I.313)	300
Bureau of Continuing Education—Bulletin 1619-Professional Improvement Program (PIP)	301
Student Financial Assistance Commission:	
Office of Student Financial Assistance—Policy to stop payment on award checks	301
Release of midyear scholarship awards	302
Tuition Assistance Plan application deadline	302
Tuition Assistance Plan billing procedures	303
Environmental Quality Department:	
Office of Air Quality and Radiation Protection, Division of Air Quality—Emission standards-Polymer manufacturing industry (AQ47) (LAC 33:III.3815)	303
Radiation Protection Division—Naturally Occurring Radioactive Material (NORM) (NE04) (LAC 33:XV.Chapter 14)	304
Governor's Office:	
Office of Elderly Affairs—Area agency on aging-Priority services (LAC 4:VII.Chapters 11 and 12)	305
Health and Hospitals Department:	
Board of Dentistry—Dental hygienists (LAC 46:XXXIII.Chapter 7)	307
Dental specialist, credentials—professional competence and ethics (LAC 46:XXXIII.Chapter 3)	308
Display of License (LAC 46:XXXIII.104)	310
Fees and costs (LAC 46:XXXIII.Chapter 4)	311
Hepatitis B Virus and Human Immunodeficiency Virus (LAC 46:XXXIII.Chapter 12)	312
Office of Public Health—Sanitary Code-Plumbing, Chapter XIV	314
Insurance Department:	
Commissioner of Insurance—Rule 12-transmittal of information	316
Social Services Department:	
Office of Community Services—Child protective services prioritization	316
Transportation and Development Department:	
Office of the Secretary, Public Transportation—Railroad traffic speed restrictions (LAC 70:IX.Chapter 7)	319
Treasury Department:	
Board of Trustees of the Teachers Retirement System—Deferred Retirement Option Plan (DROP)	321
Deferred Compensation Commission—Restated Plan	323
Wildlife and Fisheries Department:	
Wildlife and Fisheries Commission—Resident game hunting season 1992-93	323
V. POTPOURRI	
Environmental Quality Department:	
Office of Solid and Hazardous Waste, Hazardous Waste Division—Fee amendment petition denial	324
Health and Hospitals Department:	
Board of Medical Examiners—Public hearing-Hepatitis B Virus (HBV) and Human Immunodeficiency Virus (HIV) (LAC 46:XLV.Chapter 67)	325
Public hearing-Obesity medications (LAC 46:XLV.Chapter 69)	325
Natural Resources Department:	
Office of the Secretary, Fisherman's Gear Compensation Fund— Claims	325
Social Services Department:	
Office of Community Services—Emergency Shelter Grants Program (ESGP)	326

Executive Orders

of Louisiana, at the Capitol, in the City of Baton Rouge, on this third day of February, 1992.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 92 - 3

WHEREAS, the use of illicit drugs remains a serious and intractable problem in our society; and

WHEREAS, the United States has the highest rate of teenage drug use of any industrialized nation; and

WHEREAS, the tragic consequences of drug use and alcohol abuse by students are felt not only by students and their families, but also by their communities and the nation; and

WHEREAS, the Congress of the United States has passed the Drug-Free Schools and Communities Act of 1986 which provides funds to the states to mobilize schools and local organizations in communities throughout the nation in a coordinated program of prevention to bring closer the goal of a drug-free generation and a drug-free society; and

WHEREAS, the coordinated effort can be significantly advanced in Louisiana through the creation of an advisory council to the governor:

NOW THEREFORE I, EDWIN EDWARDS, Governor of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: The Governor's Advisory Council on Drug-Free Schools and Communities is hereby created within the Department of Education.

SECTION 2: The council shall be composed of nine members, each of whom shall be appointed by the governor to serve at his pleasure. The governor shall designate one member to serve as chairman of the council.

SECTION 3: The membership of the council shall include representation of the Office of Prevention and Recovery from Alcohol and Drug Abuse, the Louisiana Commission on Alcohol and Drug Abuse, the state educational authorities, and at least one of the state's colleges and universities.

SECTION 4: The duties of the council shall include but not be limited to the following:

- a. assist in setting priorities for the state's Drug-Free Schools and Communities Act program;
- b. contribute to the design of Requests for Proposals;
- c. review and make recommendations on proposals;
- d. review monitoring reports on grantees;
- e. recommend disposition of contracts in the case of non-complying agencies.

SECTION 5: The Department of Education shall provide such resources, clerical support, and management assistance as may be required to enable the council to carry out its duties.

SECTION 6: No member of the council shall receive per diem or other compensation for the performance of his duties.

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

EXECUTIVE ORDER EWE 92-4

WHEREAS, the Executive Department, through the Department of Environmental Quality, the Department of Natural Resources, the Department of Wildlife and Fisheries, and the Department of Health and Hospitals, works to preserve and protect the health, safety and welfare of the people of Louisiana; and

WHEREAS, the work of these departments is correlative and comprehensive, and necessitates the utilization of numerous permits; and

WHEREAS, there exists an exigency for the coordination and effective use of permits between the departments; and

WHEREAS, the establishment of an Office of Permits within the Executive Department, Office of the Governor, will facilitate service to the people of Louisiana;

NOW THEREFORE I, Edwin W. Edwards, Governor of the state of Louisiana, by virtue of the Constitution and laws of the state of Louisiana, do hereby create and establish an Office of Permits within the Executive Department, Office of the Governor, and do hereby order and direct as follows:

SECTION 1: The Office of Permits is hereby created and established within the Executive Department, Office of the Governor.

SECTION 2: The duties and functions of the Office of Permits include, but are not limited to, the tracking and coordination of the various existing permits utilized by the Department of Environmental Quality, the Department of Natural Resources, the Department of Wildlife and Fisheries, and the Department of Health and Hospitals, as well as the responsibility of accepting and processing new permits through the departments.

SECTION 3: The Office of Permits shall employ three officers, namely coordinator, executive assistant, and deputy liaison officer. These officers shall be appointed by and serve at the pleasure of the governor, who shall also determine their salaries.

SECTION 4: The Office of Permits shall locate in and operate from a state-owned facility.

SECTION 5: The Office of Permits may procure reasonable office personnel and equipment so as to effectively conduct its business.

SECTION 6: All departments, commissions, boards, agencies and officers of the state, or of any political subdivision thereof, are authorized and directed to cooperate with the Office of Permits in implementing the provisions of this executive order.

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

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

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 92 - 5

WHEREAS, the current economic condition of the state requires the exploration of other areas in which Louisiana products, goods, services and technologies can be marketed; and

WHEREAS, over the last decade the emphasis in the current marketplace for Louisiana products has shifted from a local or regional economy, to that of a world marketplace; and

WHEREAS, the continent of Africa has a vast amount of natural resources similar to those found in Louisiana, but requires the services and technologies currently in use in Louisiana to use those resources to their fullest potential; and

WHEREAS, there is currently no one entity in Louisiana charged with the responsibility of coordinating an industry effort to market Louisiana products, goods, services and technologies on the African continent; and

NOW THEREFORE I, EDWIN EDWARDS, Governor of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: There is hereby created within the Executive Department, Office of the Governor, the Louisiana Task Force on African Trade, Finance and Development.

SECTION 2: The purpose of the task force shall be to study and make recommendations to the governor: for the establishment of an ongoing trade relationship with countries on the African continent; to explore and facilitate the export of Louisiana produced goods to the African continent; to introduce Louisiana businesses into the lucrative African markets; to develop and coordinate the establishment of trade offices in Africa; to define specific Louisiana products, services and technologies that are currently needed in Africa; to establish a cultural and tourism exchange program, and other duties as adopted by the task force.

SECTION 3: The task force shall be composed of the following members:

- a. one member representing the oil and gas service industry in Louisiana;
- b. one member representing the agricultural industry in Louisiana;
- c. one member representing the aquacultural industry in Louisiana;
- d. one member representing the banking industry in Louisiana;
- e. one member representing the tourism industry in Louisiana;
- f. two members; one representing the Southern Uni-

versity System, and the other representing the Louisiana State University System;

g. one member who is currently in the business of manufacturing goods in Louisiana;

h. the secretary of the Louisiana Department of Economic Development;

i. two at large members from the general public;

j. one member from the governor's office; and

k. one member currently involved in the export trade business.

SECTION 4: All members shall be appointed by and serve at the pleasure of the governor. The chairman of the task force shall be appointed by the governor.

SECTION 5: On or before April 15, 1992, the task force is to submit to the governor a report of its findings and make recommendations.

SECTION 6: The Office of the Governor shall employ additional staff to assist the task force carrying out its functions and provide office space and funding for the task force to carry out the purposes of this order. All state agencies are directed to cooperate with the task force in carrying out its function and duties.

SECTION 7: The provisions of this order are to be effective upon the signature of the governor and shall remain in effect until amended, modified or rescinded by the operation of law.

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

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 92 - 6

WHEREAS, the number of homeless persons and families in the nation and this state has increased in recent years; and

WHEREAS, the causes of homelessness are many and complex and homeless individuals have diverse needs; and

WHEREAS, effective use of the state's resources and programs to alleviate the plight of homeless persons requires coordination of efforts by interested persons, agencies and organizations, both public and private, including participation at the federal, state and local levels;

NOW THEREFORE I, EDWIN EDWARDS, Governor of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: There shall be created the Louisiana Interagency Action Council for the Homeless.

The council shall consist of:

1. one representative from each of the following agencies, appointed by the secretary, assistant secretary, executive director or chairman of each respective agency:

A. Department of Health and Hospitals, Bureau of Health Services Financing;

B. Department of Health and Hospitals, Office of Public Health;

C. Department of Health and Hospitals, Office of Human Services (one representative each from the Divisions of Mental Health, Mental Retardation and Substance Abuse);

D. Department of Social Services, Office of Community Services (one representative each from the Divisions of Child and Welfare and Grants Management);

E. Department of Social Services, Rehabilitation Services;

F. Department of Social Services, Office of Family Support;

G. Department of Employment and Training;

H. Department of Education;

I. Louisiana Housing Finance Agency;

J. Office of Elderly Affairs;

K. Office of Veterans Affairs;

L. Governor's Office of Women's Services;

2. one member of the Drug Policy Board (or appropriate board/commission in the area of drug prevention and treatment), appointed by the governor;

3. three members representing providers of services to the homeless, appointed by the governor;

4. two members representing local government agencies, appointed by the governor;

5. two members representing local advocacy groups for populations affected by homelessness;

6. two members of the State Legislature (one member of the House of Representatives, designated by the Speaker of the House, and one member of the Senate, designated by the president of the Senate), appointed by the governor;

7. one member representing the governor's executive office.

A member shall serve at the pleasure of the appointing official or until termination of the member's employment with the entity the member represents.

The council shall meet at least quarterly but as necessary to conduct its activities.

The agencies, departments and entities represented on the council may provide technical assistance and support as are available and deemed necessary by the council. The council shall elect a chairperson and vice chairperson from among its members.

SECTION 2: The Interagency Action Council for the Homeless shall:

1. conduct an annual assessment and evaluation of service needs and resources for the homeless of the state;

2. research and assist in the development of funding resources for homeless services;

3. insure that services for all homeless persons of the state are appropriately planned and coordinated thereby reducing duplication among programs and activities by state agencies and other providers of services. The council shall participate in the development of all planning related to the McKinney Act;

4. monitor and evaluate assistance to homeless persons provided by all levels of government and the private sector and make or recommend policy changes to improve such assistance;

5. assure flow of information among separate service providers, government agencies and appropriation authorities;

7. disseminate timely information of federal, state or

private resources available to assist the homeless population;

8. consult and coordinate all activities with the Federal Interagency Council for the Homeless, HUD and all other federal agencies that provide assistance to the homeless;

9. submit an annual report of its activities to the governing bodies of the agencies represented on the council;

10. at least 30 days prior to the opening of the legislative session, the council shall submit a report to the governor and the legislature recommending improvements to the service delivery system for the homeless. The report shall also detail any actions taken by the council to improve the provision of services for the homeless. The report may also include recommendations to improve the operation of the council.

SECTION 3. This executive order shall remain in effect until amended, rescinded or terminated by operation of law.

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

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 92 - 7

WHEREAS, a portion of the population of our state is subject to potential harassment and discrimination on the basis of sexual orientation; and

WHEREAS, the result of this potential harassment and discrimination is the denial to some Louisianians of rights, privileges or benefits solely on the basis of personal matters; and

WHEREAS, it is inappropriate for government either to encourage or discourage, to condone or condemn in the area of sexual orientation;

NOW THEREFORE I, EDWIN W. EDWARDS, Governor of the state of Louisiana, by virtue of the authority vested in me by the constitution and laws of the state of Louisiana, do hereby order:

SECTION 1: No state agency or department shall discriminate on the basis of sexual orientation against any individual in the provision of any services or benefits by such state agency or department.

SECTION 2: No state agency or department shall discriminate on the basis of sexual orientation against any individual in any matter pertaining to employment by the state, including, but not limited to, hiring, promotion, tenure, recruitment and compensation.

SECTION 3: All contracts for the purchase of services by any state agency or department shall be awarded without discrimination on the basis of sexual orientation of the persons seeking such contracts. Further, all such contracts shall include a provision that the contractor shall not discriminate on the basis of sexual orientation in any matter relating to employment.

SECTION 4: This order shall take effect immediate upon promulgation.

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 seventeenth day of February, 1992.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 92-8

WHEREAS, the Mississippi River Bridge Authority (the "authority") was originally created as a body public and corporate of the State of Louisiana (the "state") under the authority of Act No. 7 of 1952 and was empowered to construct, improve, maintain, repair and operate toll bridges and ferries; and

WHEREAS, the authority has heretofore issued \$65,000,000 of its Bridge Revenue Bonds dated November 1, 1954 (the "1954 Bonds") pursuant to and secured by an Indenture and Deed of Trust dated as of November 1, 1954 (the "Original Indenture") by and between the authority and The First National Bank of Commerce in New Orleans (now First National Bank of Commerce), as trustee, as amended and supplemented by a Supplemental Indenture dated as of June 23, 1989 (the "First Supplemental Indenture") between the authority and the First National Bank of Commerce, New Orleans, Louisiana (the "Trustee"), for the purpose of financing a part of the cost of a bridge across the Mississippi River at New Orleans ("Bridge No. 1") together with such approach structures, ramps, toll plaza and ground level roadways necessary for the operation of such bridge and acquiring certain ferries, which bonds were payable from the revenues (as defined in the indenture); and

WHEREAS, \$3,163,000 of the 1954 Bonds are currently outstanding; and

WHEREAS, the authority was subsequently transferred to and incorporated into the Department of Transportation and Development (the "DOTD") pursuant to the Executive Reorganization Act of Louisiana, as amended, and is now called and operated as the Crescent City Connection Division of the DOTD; and

WHEREAS, under the laws of the state, the secretary of the DOTD (the "secretary") is vested with and granted the right, power and authority to do, perform and exercise for and on behalf of the authority all acts and things required to be done and performed by the authority; and

WHEREAS, all covenants, stipulations, obligations and agreements contained in the Original Indenture by or on behalf of or for the benefit of the authority bind and inure to the benefit of the successor of the authority and any officer, agency or instrumentality to whom or to which any such covenant, stipulation, obligation and agreement shall be transferred by or in accordance with law; and

WHEREAS, Bridge No. 1 was completed in 1958 and has been in operation continuously since that time; and

WHEREAS, the authority, through the DOTD, constructed a new bridge across the Mississippi River at New Orleans ("Bridge No. 2") parallel to and 300 feet apart from the center line of Bridge No. 1, which bridges converge on each side of the Mississippi River (the "river") in an integrated approach system to the point where it could be opened to traffic; and

WHEREAS, Bridge No 2 was opened to traffic in 1989, and both Bridges No. 1 and No. 2 (the "bridges") have been in continuous operation since that time as a unitary bridge facility; and

WHEREAS, all approaches to the Crescent City Connection, the connections to expressways and highways, the ramps and related structures, the lighting, landscaping and other supporting systems appurtenant thereto have not been completed and further, the redecking and strengthening of the main river spans of Bridge No. 1 is necessary for the proper and safe operation of Bridge No. 1 and to bring it to current standards for joint operation with Bridge No. 2; and

WHEREAS, the Louisiana Legislature directed the secretary in Act 315 of 1989 to finance and complete a project consisting of Bridge No. 2, the approach systems to the Bridges, and the renovation of Bridge No. 1 to current standards for its joint operation with Bridge No. 2 (collectively, "Project 1992"); and

WHEREAS, pursuant to Act 402 of 1976, as amended (the "act"), the secretary is authorized, in the name of and on behalf of the authority, to issue revenue bonds to fund the costs of Project 1992 in an aggregate principal amount of \$175,000,000, such bonds to be payable from the income and revenues of the authority, including any tolls which may be imposed on the use of the bridges and moneys from State Highway Fund No. 2 pledged and dedicated to the authority and for the payment of its bonds; and

WHEREAS, no revenue bonds have been issued pursuant to such authorization; and

WHEREAS, the secretary, in the name of the authority, desires to issue not exceeding \$46,000,000 aggregate principal amount of Mississippi River Bridge Revenue Bonds, Series 1992 (the "Series 1992 Bonds") to finance Project 1992, which Series 1992 Bonds are to be issued pursuant to the Original Indenture, as amended by the First Supplemental Indenture and by the Second Supplemental Indenture dated as of April 1, 1992 (the "Second Supplemental Indenture") between the authority and the trustee (said Original Indenture as amended and supplemented by the First and Second Supplemental Indentures being herein called the "indenture"); and

WHEREAS, the authority is authorized to issue additional bonds ranking on a parity with the 1954 Bonds and payable from income and revenues of the authority, including its share of Highway Fund No. 2 moneys, for the purpose of constructing additional Mississippi River crossings, reconstructing and making additions or improvements to Bridge No. 1 and its approaches, upon compliance with the terms and conditions prescribed in the indenture; and

WHEREAS, the Series 1992 Bonds will rank on a parity in all respects with the outstanding Series 1954 Bonds and will be secured to the extent provided in the Indenture, by the pledge thereunder of revenues of the authority which include toll receipts from the Crescent City Connection until July 1, 1994 (their scheduled expiration date) and the moneys from Highway Fund No. 2 pledged and dedicated to

the authority and income earned from investment thereof. After July 1, 1994, the Series 1992 Bonds will be secured by and payable solely from Highway Fund No. 2 moneys pledged and dedicated to the authority and its bonds; and

WHEREAS, the Series 1992 Bonds will not constitute an indebtedness or obligation to which the faith and credit or taxing power of the state, or any state agency or political subdivision of the state is pledged, but are limited obligations of the authority, which is obligated to pay the principal of, premium, if any, and interest on the Series 1992 Bonds only out of the revenues of the authority as provided in the indenture; and

WHEREAS, the act provides that the Series 1992 Bonds shall be authorized by executive order of the governor.

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

SECTION 1. Pursuant to the provisions of the act, the secretary, with the approval of the State Bond Commission, is authorized on behalf of the authority to issue not exceeding \$46,000,000 of the Series 1992 Bonds (upon compliance with the terms and conditions prescribed in the indenture) to rank on a parity with the 1954 Bonds and to be payable from the income and revenues of the authority as described in the Indenture, in order to fund the costs of Project 1992.

SECTION 2: This executive order shall be effective upon signature of the governor.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 18th day of February, 1992.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 92 - 9

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

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

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

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

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

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

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

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

NOW THEREFORE I, EDWIN W. EDWARDS, Governor of the state of Louisiana, do hereby order and direct that a Land Acquisition Task Force be established as follows:

SECTION 1: The Land Acquisition Task Force shall be composed of the secretary of the Department of Wildlife and Fisheries, director of the Office of State Parks, a representative of the Louisiana Wildlife Federation, a representative of the Louisiana Nature Conservancy, the commissioner of administration, a representative of the Sierra Club, one state representative appointed by the governor, one state senator appointed by the governor, two representatives of the governor's office, two members of the Wildlife and Fisheries Commission appointed by the governor, four members at large appointed by the governor, or any of their designees. The governor shall appoint the chairman and vice-chairman.

SECTION 2: The Land Acquisition Task Force shall convene and meet at the instance of the chairman and shall make an initial report to the governor by September 1, 1992.

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

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

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 92 - 10

WHEREAS, the governor and the state of Louisiana have made a commitment to working toward a drug free Louisiana; and

WHEREAS, employees are the state's most valuable resource and the health of employees is paramount to carrying out their responsibilities; and

WHEREAS, substance abuse can have a serious adverse effect on users, their productivity, their health and safety, and their dependents, co-workers and the general public; and

WHEREAS, state government should be a leader in promoting a drug free workforce and preventing substance abuse by employees; and

WHEREAS, the enactment of the Federal Drug Free Workplace Act of 1988 places restrictions on state govern-

ment offices which receive federal grants and contracts and requires them to maintain a drug free workplace;

NOW THEREFORE I, EDWIN W. EDWARDS, Governor of the state of Louisiana, do order and direct as follows:

SECTION 1: The state of Louisiana shall have a goal to increase employee awareness about substance abuse and to achieve and maintain a workplace free of drug and alcohol abuse. The state of Louisiana shall have a policy which:

a. prohibits the illegal use, possession, sale or manufacture of controlled substances by state employees at the worksite or while conducting official state business;

b. prohibits working or reporting to work for the state under the influence of and causing impairment to the state service by use of illegal drugs or alcohol;

c. encourages rehabilitation, when possible, for substance abuse by employees; and

d. promotes substance abuse awareness for state employees.

SECTION 2: The commissioner of administration shall establish and implement the substance abuse policy and awareness program for state employees. The policy and awareness program shall be applicable to all state employees and shall meet the requirements of the 1988 Federal Drug Free Workplace Act.

SECTION 3: All state agencies shall carry out the provisions of the established substance abuse policy and awareness program. Each state agency shall make a good faith effort to maintain a workplace free of substance abuse.

SECTION 4: This order is effective upon signature of the governor.

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

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 92 - 11

WHEREAS, the maritime industry significantly contributes to the economy of Louisiana, thereby enhancing the health, safety, and welfare of the people of Louisiana; and

WHEREAS, the ports of Louisiana process the greatest tonnage of cargo in the world; and

WHEREAS, the Mississippi River, the Gulf of Mexico, as well as all other rivers, tributaries and waterways are integral to the free flow of interstate, intrastate, as well as international commerce in Louisiana; and

WHEREAS, it would be beneficial to have an expert on maritime issues to provide advice and assistance to the governor;

NOW THEREFORE I, EDWIN W. EDWARDS, Governor of the state of Louisiana, by virtue of the constitution and laws of the state of Louisiana, do hereby create and establish an Office of Maritime Advisor within the Executive Department, Office of the Governor, and do hereby order and direct as follows:

SECTION 1: The Office of Maritime Advisor is hereby created and established within the Executive Department, Office of the Governor.

SECTION 2: A position of senior advisor shall be appointed by the governor to serve in the Office of Maritime Advisor. The senior advisor shall serve at the pleasure of the governor, shall not receive a salary for his service, but may be reimbursed for necessary expenses as approved by the Office of the Governor.

SECTION 3: The duties and functions of the Office of Maritime Advisor include, but are not limited to, providing advice and assistance to the governor on maritime issues.

SECTION 4: The Office of Maritime Advisor shall locate in and operate from a state-owned facility.

SECTION 5: The Office of Maritime Advisor may procure reasonable office personnel and equipment so as to effectively conduct its business.

SECTION 6: All departments, commissions, boards, agencies and officers of the state or of any political subdivision thereof are authorized and directed to cooperate with the Office of Maritime Advisor in implementing the provisions of this executive order.

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

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

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 92 - 12

WHEREAS, Executive Order EWE.92-11 created and established an Office of Maritime Advisor within the Executive Department, Office of the Governor; and

WHEREAS, Executive Order EWE 92-11 provided for the appointment by the governor for a position of senior advisor in the Office of Maritime Advisor; and

WHEREAS, Captain C. E. (Joe) Clayton is a person who is highly qualified to act as an advisor to the governor on maritime issues;

NOW THEREFORE I, EDWIN W. EDWARDS, Governor of the state of Louisiana, by virtue of the constitution and laws of the state of Louisiana do hereby order and direct as follows:

SECTION 1: Captain C. E. (Joe) Clayton is appointed as senior advisor in the Office of Maritime Advisor. The senior advisor shall serve at the pleasure of the governor, shall not receive a salary for his services but may be reimbursed for necessary expenses as approved by the Office of the Governor.

SECTION 2: All departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof are authorized and directed to cooperate with the

senior advisor and the Office of Maritime Advisor in implementing the provisions of this executive order.

SECTION 3: This executive order shall be effective upon signature.

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

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 92-13

WHEREAS, under Public Law 97-300 (the Job Training Partnership Act), Public Law 94-482 (the Vocational Education Act), and the Wagner-Peyser Act of 1933, the state is responsible for designing a cost-efficient labor market and occupational supply and demand and educational training support needs of the state; and

WHEREAS, the above-mentioned federal law governing funding for vocational education and job training requires the establishment of a state occupational information coordinating committee to receive federal funds; and

WHEREAS, Section 125(a) of Public Law 97-300, the Job Training Partnership Act, requires the governor to designate an organizational unit to oversee and manage a statewide comprehensive labor market and occupational supply and demand information system;

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

SECTION I: The Louisiana Occupational Information Coordinating Committee (LOICC) is hereby established in the Office of Employment Security.

A. The committee shall be composed of the following statutory members:

1. the director of the division of rehabilitation services within the Department of Social Services;
2. a representative of the state Board of Elementary and Secondary Education;
3. the assistant secretary of the Office of Employment Security within the Department of Employment and Training (administrator);
4. the director of the Job Training Partnership Act program, representing the Governor's State Job Training Coordinating Council;
5. a representative of the Louisiana Department of Commerce representing Economic Development interests.

The LOICC, however is not restricted to the above five members but may have additional associate membership within the framework of its own bylaws.

B. The committee shall be responsible for planning, development and management of a statewide occupational information system. The committee shall coordinate with and serve as liaison to the National Occupational Information Coordinating Council and shall be exclusively responsible for

the coordination of occupational information.

SECTION II: A. The Office of Management and Budget of the Department of Employment and Training shall be the fiscal agent and the Office of Employment Security shall be responsible for oversight of the statewide comprehensive labor market and occupational supply and demand information system.

B. The statutory members of the LOICC and the secretary of the Department of Employment and Training or his designee shall approve the LOICC Basic Assistance Grant proposal submitted to the National Occupational Information Coordinating Committee, shall approve the Louisiana Supply-Demand report prior to its distribution, and shall approve all major contracts for service and any changes in basic operating policy.

SECTION III: Each state department and agency is directed to cooperate with the LOICC.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 25th day of February, 1992.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 92 - 14

WHEREAS, during the 1988 Regular Session the Louisiana Legislature enacted Act 933 relative to correctional facilities inmate labor; and

WHEREAS, said Act, among other things, authorizes the governor to use inmate labor in certain projects or maintenance or repair work; and

WHEREAS, the Act provides that the governor, upon determining that it is appropriate and in furtherance of the rehabilitation and training of inmates, may, by executive order, authorize the use of inmates of a penal or correctional facility owned by the state of Louisiana for necessary labor in connection with a particular project;

NOW THEREFORE I, EDWIN W. EDWARDS, Governor of the state of Louisiana, do hereby order the following:

SECTION 1: That inmate labor be and is hereby authorized to replace the roof of various buildings at Hunt Correctional Center, St. Gabriel, LA, S.P. #08 = 401-89B-1.

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

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 92 - 15

WHEREAS, the Executive Department through the Department of Health and Hospitals, as well as the Office of the Governor, works to preserve and protect the health, safety and welfare of the people of Louisiana; and

WHEREAS, quality health care and its delivery to the people of Louisiana is in significant part a service and responsibility of state government; and

WHEREAS, issues relative to the health care system of Louisiana and its participants, including patients, providers, insurers, educators, and regulators, have become increasingly complex; and

WHEREAS, this administration and the state of Louisiana places the highest value on improving Louisiana's health care institutions, medical schools, and hospitals; and

WHEREAS, there is a need to provide and coordinate information to and among the state medical schools, the hospital systems, the Department of Health and Hospitals, the professional medical community, the legislature of the state of Louisiana, and the Office of the Governor; and

WHEREAS, the establishment of the position of special assistant to the governor for health care and hospitals within the Executive Department, Office of the Governor, will facilitate the coordination and flow of information to and among the state and the medical community;

NOW THEREFORE I, EDWIN W. EDWARDS, Governor of the state of Louisiana by virtue of the constitution and laws of the state of Louisiana do hereby create and establish the position of special assistant to the governor for health care and hospitals within the Executive Department, Office of the Governor, and do hereby order and direct as follows:

SECTION 1: The position of special assistant to the governor for health care and hospitals is hereby created and established within the Executive Department, Office of the Governor.

SECTION 2: The duties and functions of the special assistant to the governor for health care and hospitals shall include, but are not limited to, providing and coordinating information to and among the state medical schools, the hospital systems, the Department of Health and Hospitals, the professional medical community, the legislature of the state of Louisiana, and the Office of the Governor; acting as a liaison between the Department of Health and Hospitals and elected officials, local governments, and private providers of health care; and serving as a representative of the governor on health care matters.

SECTION 3: The special assistant to the governor for health care and hospitals shall be appointed by and serve at the pleasure of the governor.

SECTION 4: The special assistant to the governor for health care and hospitals shall receive a salary as determined by the governor, and may be reimbursed for necessary expenses as approved by the Office of the Governor.

SECTION 5: The special assistant to the governor for health care and hospitals shall locate in and operate from the Department of Health and Hospitals.

SECTION 6: The special assistant to the governor for health care and hospitals may procure reasonable office personnel and equipment so as to effectively conduct its business, as approved by the Office of the Governor.

SECTION 7: All departments, commissions, boards, agencies and officers of the state or any political subdivision thereof are authorized and directed to cooperate with the

special assistant to the governor for health care and hospitals in implementing the provisions of this executive order.

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

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

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 92- 16

WHEREAS, the health, safety, and welfare of the elderly residents of Louisiana are of great concern to the people of Louisiana; and

WHEREAS, under R.S. 46:933, the Louisiana Aging Advisory attempts to meet the needs concerning the aged; and

WHEREAS, there is an enduring crisis for the health, safety, and welfare of the elderly in Louisiana which has not been solved by previous legislation; and

WHEREAS, it would be beneficial to the elderly population of Louisiana to create a board that would fully consider all of their problems and propose solutions to assuage the ramifications of their immediate situations; and

WHEREAS, the creation of this board shall abate disagreements which have surfaced concerning the development and implementation of policies and procedures pertaining to the affairs of the elderly residents of Louisiana;

NOW THEREFORE I, EDWIN W. EDWARDS, Governor of the State of Louisiana, by virtue of the constitution and laws of the state of Louisiana, do hereby create and establish the Louisiana Executive Board on Aging within the Executive Department, Office of the Governor and do hereby order and direct as follows:

SECTION 1: The Louisiana Executive Board on Aging shall consist of members appointed as follows:

a. The president of the Senate shall appoint one member from each of the districts of the Public Service Commission to serve at his pleasure.

b. The speaker of the House of Representatives shall appoint one member from each of the district of the Public Service Commission to serve at his pleasure.

c. The governor shall appoint one member from each of the district of the Public Service Commission to serve at his pleasure.

SECTION 2: Appointments shall be made on the basis of recognized interest in and knowledge of the problems of the aging. In making appointments, the appointing authority shall also take into consideration both the various geographic areas of the state with a view to giving all sections of the state representation on the board and the respective contributions of the legal, medical, religious, social work and educational professions to the welfare of the aging.

SECTION 3: None of the members of the board shall be elected officials or paid employees of the state of Louisiana.

ana. Preference shall be given to persons 60 years of age or older.

SECTION 4: The governor shall have authority to appoint and discharge an executive director and chairman of the board.

SECTION 5: The board shall meet and organize immediately after appointment of the members and, by majority vote, elect a slate of officers, whose duties shall be those customarily exercised by such officers.

SECTION 6: The board shall adopt rules for the transaction of the business and shall keep a record of its resolutions, transactions, findings and determinations. A majority of board members shall constitute a quorum.

SECTION 7: The duties and functions of the Louisiana Executive Board on Aging shall include, but are not limited to, developing and implementing policies and procedures pertaining to the Office of Elderly Affairs; advising the executive director of the Office of Elderly Affairs on matters on policy, rules and regulations; monitoring and coordinating the delivery of services to the elderly of Louisiana; as well as preparing and submitting an annual report to the Legislature and to the governor 60 days prior to the legislative session.

SECTION 8: The board shall adopt rules governing the functions of the office in accordance with the Administrative Procedure Act.

SECTION 9: The board may delegate any portion of its rights, powers and duties to the executive director.

SECTION 10: All departments, commissions, boards, agencies and officers of the state or any political subdivision thereof are authorized and directed to cooperate with the Louisiana Executive Board on Aging in implementing the provisions of this executive order.

SECTION 11: This executive order shall be effective upon signature.

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

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 92 - 17

WHEREAS, the protection and overall well-being of the citizens of this state is of primary importance to this administration and the future of the state is dependent on the same; and

WHEREAS, the Department of Public Safety and Corrections has been designated as the lead agency for the state of Louisiana in the area of Hazardous Materials/Right to Know/Motor Carrier Safety Enforcement; and

WHEREAS, the United States Congress has passed and the President of the United States has signed into law the superfund amendments and Reauthorization Act which requires the governor of each state to appoint an Emergency Response Commission;

NOW THEREFORE I, EDWIN W. EDWARDS, Gover-

nor of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: The Louisiana Emergency Response Commission is created within the Department of Public Safety and Corrections, Public Safety Services.

SECTION 2: The commission shall be composed of 14 members who are designated representatives from the following organizations:

1. one member representing the Department of Public Safety and Corrections;

2. one member representing the the Department of Environmental Quality;

3. one member representing the Office of Emergency Preparedness;

4. one member representing the Department of Agriculture;

5. one member representing the Right-to-Know Unit;

6. two environmental representatives;

7. one member representing the Louisiana Fire Chiefs Association;

8. one member representing the Louisiana State University Firemen Training;

9. one member representing the Louisiana Emergency Preparedness Association;

10. two members representing business and industry;

11. one member representing the media; and

12. one member representing law enforcement.

SECTION 3: Each member appointed by the governor shall serve at the pleasure of the governor. Any vacancy occurring on the commission shall be filed in the manner of the original appointment.

SECTION 4: The duties of the commission are to:

a. designate emergency planning district to facilitate implementation of emergency plans;

b. appoint local emergency planning committees; and

c. approve the local committees' emergency response plans.

SECTION 5: The commission may receive grants, donations, or gifts of money, equipment, supplies, and services from any public or private source to carry out its duties hereunder.

SECTION 6: The governor shall appoint the chairman of the commission and the commission may elect such other officers as it deems necessary.

SECTION 7: The commission shall meet bimonthly and at other times on call of the chairman. A majority of the members shall constitute a quorum for the transaction of business.

SECTION 8: Members shall serve without compensation, and no member shall receive a per diem or reimbursement of personal expenses from public funds.

SECTION 9: This order shall remain in effect until amended or modified by the governor or until terminated by operation of law.

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

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 92-18

WHEREAS, reductions in appropriations for the current fiscal year were directed by Executive Order BR 91-25; and

WHEREAS, the procedural correctness of such reductions has been questioned; and

WHEREAS, after proper consideration these budget reductions should be reconciled in accordance with the law; and

WHEREAS, to avoid incurring a general fund deficit in accordance with R.S. 39:75 further reductions are still necessary;

NOW THEREFORE, I, EDWIN W. EDWARDS, Governor of the state of Louisiana, do hereby rescind Executive Order BR 91-25 as of the date of this signature; and

FURTHERMORE, I, EDWIN W. EDWARDS, Governor of the state of Louisiana, find it necessary to order and direct the following to achieve a balanced budget in the current fiscal year.

SECTION 1: Appropriations for expenditures shall be adjusted for the following budget units in the amounts as shown below:

EXECUTIVE DEPARTMENT

Governor's Commission on Indian Affairs

Budget Unit: 01-8101

1. Reductions in operating expenses \$ 5,015

Department of Military Affairs

Budget Unit: 01-8112

1. Reductions in personal services and operating services \$ 75,000

Office of Women's Services

Budget Unit: 01-8114

1. Reductions in Administrative, Displaced Homemakers and Family Violence Programs \$ 36,603

Office of Elderly Affairs

Budget Unit: 01-8133

1. Elimination of surplus funding unalloted \$ 1,044,666

DEPARTMENT OF STATE

Secretary of State

Budget Unit 04-8139

1. Reduction in ballot printing costs \$ 250,000

DEPARTMENT OF ELECTIONS AND REGISTRATION

Commissioner of Elections

Budget Unit: 04-8144

1. Reduction in elections costs \$ 650,000

DEPARTMENT OF ECONOMIC DEVELOPMENT

Office of Business Development Services

Budget Unit: 05-8249

- 1. Eliminate Information Ombudsman Activity and 4 positions \$ 20,000
- 2. Reduce funding in the Small Business Development Center \$ 57,000
- 3. Savings in office space rent \$ 20,000

Office of Commerce and Industry

Budget Unit: 05-8252

- 1. Eliminate Music Commission Program \$ 10,000
- 2. Eliminate one vacant position in National Marketing \$ 6,700

3. Reduce professional services for Advertising \$ 100,000

DEPARTMENT OF CULTURE, RECREATION AND TOURISM

Office of State Library

Budget Unit: 06-8262

1. Reduce acquisitions and operating services \$ 45,800

Office of State Museum

Budget Unit: 06-8263

1. Reduce travel, operating services and supplies \$ 95,000

Office of State Parks

Budget Unit: 06-8264

- 1. Reduce travel \$ 2,500
- 2. Substitute self-generated for general fund \$ 16,000
- 3. Reduce general fund for contract attorney \$ 12,000

Office of Cultural Development

Budget Unit: 06-8265

- 1. Reduce administration costs of arts grants \$ 22,095
- 2. Reduce general fund due to returned arts grants funds \$ 20,000
- 3. Reduce supplies and travel \$ 12,905

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS

Corrections Administration

Budget Unit: 08-8400

1. Reductions in personal services and other charges \$ 271,374

Office of Youth Development

Budget Unit: 08-8403

1. Reductions in professional services and major repairs and supplanting of general fund with interagency transfers \$ 337,243

Office of State Police

Budget Unit: 08-8419

1. Substitute funding by general fund with self-generated revenues from narcotics section \$ 250,000

Adult Institutions

Budget Unit: 08-8445

1. Supplant general fund with self-generated revenue \$ 237,600

DEPARTMENT OF HEALTH AND HOSPITALS

Office of the Secretary

Budget Unit: 09-8305

- 1. Additional Medicaid collections above those budgeted in state hospitals have been approved for addition to the budget by the joint legislative committee on the budget enabling an offsetting general fund reduction \$ 31,000,000
- 2. Projected surplus in funding provided for upgrade of Louisiana Automated Information System \$ 509,609

DEPARTMENT OF SOCIAL SERVICES

Office of the Secretary

Budget Unit: 10-8357

- 1. Eliminate funding for the new Title IV-A At-Risk Child Care Program \$ 1,460,733

Office of Family Support

Budget Unit: 10-8355

- 1. Projected surplus in funding provided for upgrade of Louisiana Automated Information System \$ 378,081
- 2. Client Payments reduction due to revised caseload and services estimates in the Aid to Families with Dependent Children (AFDC), Child Care, and JOBS programs \$ 4,548,598
- 3. Client Services reduction for miscellaneous administration reduction \$ 1,250,000
- 4. Replace general fund for acquisitions with federal funds \$ 250,000

Office of Community Services

Budget Unit: 10-8370

- 1. Projected surplus in funding provided for upgrade of Louisiana Automated Information System \$ 86,090
- 2. Eliminate funding for services to the South Baton Rouge Development Center \$ 70,000
- 3. Projected surplus in funding for Del A. legal services \$ 270,000

Rehabilitation Services

Budget Unit: 10-8374

- 1. Projected surplus in funding provided for upgrade of Louisiana Automated Information System \$ 45,031
- 2. Projected operating surplus in funding for the Louisiana Commission for the Deaf \$ 30,000
- 3. Projected surplus in funding needed to match available Rehabilitation Section 110 federal funds \$ 55,339

DEPARTMENT OF REVENUE AND TAXATION

Louisiana Tax Commission

Budget Unit: 12-8441

- 1. Reduction in travel \$ 25,000

DEPARTMENT OF ENVIRONMENTAL QUALITY

Office of Legal Affairs and Enforcement

Budget Unit: 13-8854

- 1. Projected savings due to inability to fill vacant positions, operating expenses, and professional services \$ 95,000

DEPARTMENT OF WILDLIFE AND FISHERIES

Office of Fisheries

Budget Unit: 16-8514

- 1. Projected fuel savings \$ 10,000
- 2. Reduce travel expenses \$ 25,000
- 3. General fund to be supplanted with Conservation Funds \$ 250,000

DEPARTMENT OF CIVIL SERVICE

Municipal Fire and Police Civil Service

Budget Unit: 17-8561

- 1. Reductions in various operating expenses \$ 29,263

HIGHER EDUCATION

Southern University - Baton Rouge Budget Unit: 19-8616

- 1. Lab School enrollment adjustments \$ 337,365

Southern University - Shreveport

Budget Unit: 19-8618

- 1. Aerospace Technology Program \$ 200,000

Northwestern State University

Budget Unit: 19-8631

- 1. Telecommunications and Technology Program \$ 524,450

DEPARTMENT OF EDUCATION

Office of Management and Finance

Budget Unit: 19-8678

- 1. Reduce operating services \$ 55,000
- 2. Reduce funding for Bossier Community College Respiratory Therapy Program \$ 31,000

Office of Academic Programs

Budget Unit: 19-8681

- 1. Reduce PIP administration reimbursements to local education agencies \$ 144,000
- 2. Delete funding for Bureau of Instructional Technology \$ 245,000
- 3. Reduce travel, operating services, and supplies in Administration Program \$ 40,000
- 4. Reduce PIP to reflect current year attrition \$ 200,000

Office of Special Education Services

Budget Unit: 19-8692

- 1. Unobligated balance in Tri-Party Contracts \$ 125,529
- 2. Undesignated balance for ChildNet Child Search Coordinators \$ 158,000
- 3. Reduce travel, operating services, and supplies \$ 80,000

Office of Educational Support Services

Budget Unit: 19-8698

- 1. Delete funding for Commission on Promoting Self-Esteem \$ 31,000

Special School District Number One

Budget Unit: 19-8699

- 1. Reduce travel, supplies and personal services \$ 145,000

SPECIAL SCHOOLS AND COMMISSIONS

Louisiana School for the Visually Impaired

Budget Unit: 19-8651

- 1. Reductions in operating expenses \$ 18,027

Louisiana School for the Deaf

Budget Unit: 19-8653

- 1. Reductions in operating expenses \$ 26,000

Louisiana Special Education Center

Budget Unit: 19-8655

- 1. Reductions in operating expenses \$ 19,703

Louisiana Educational Television Authority

Budget Unit: 19-8662

- 1. Delete remaining funding for Non-Licensee stations, New French Program and travel \$ 189,000

Council for the Development of French in La. Budget Unit: 19-8663	
1. Reduce unobligated scholarships	\$ 7,191
VOCATIONAL-TECHNICAL EDUCATION	
Regional Management Center 1 Budget Unit: 19-9700	
1. Reduction in operation services	\$ 84,595
Regional Management Center 2 Budget Unit: 19-9710	
1. Reduction in operating services	\$ 141,011
Regional Management Center 3 Budget Unit: 19-9730	
1. Reduction in operating services	\$ 48,896
Regional Management Center 4 Budget Unit: 19-9740	
1. Reduction in operating services	\$ 99,962
Regional Management Center 5 Budget Unit: 19-9750	
1. Reduction in operating services	\$ 68,974
Regional Management Center 6 Budget Unit: 19-9760	
1. Reduction in operating services	\$ 55,553
Regional Management Center 7 Budget Unit: 19-9770	
1. Reduction in operating services	\$ 51,267
Regional Management Center 8 Budget Unit: 19-9780	
1. Reduction in operating services	\$ 39,723
OTHER REQUIREMENTS	
Division of Administration - Maintenance and Debt Service Appropriation: 20-8977	
1. Residual Office Facilities Corporation funding	\$ 100,000
State Employees' Group Benefits Program Appropriation: 20-8XXX	
1. Residual funding from an appropriation distributed to state agencies and the Min- imum Foundation for a Group Benefits Surcharge	\$ 2,080,377
Retirement Contributions Appropriation: 20-8XXX	
1. Reduction of funding in appropriation to be distributed to state agencies for imple- mentation of employer contribution rates set by the Public Retirement Systems Ac- tuarial Committee; funding for education agencies and the Minimum Foundation Formula will remain; however, the distri- bution to higher education has been re- duced by one third. All agencies shall continue to pay the actuarially estab- lished contribution rates to the Retire- ment Systems	\$ 28,443,553
Cost of Living Adjustments to Retirees Appropriation: 20-8XXX	
1. Reduction of funding in appropriation to be distributed to state agencies for imple- mentation of increased contribution rates	

associated with Act 5 of the Third Ex-
traordinary Session, 1991; funding for ed-
ucation agencies and the Minimum
Foundation Formula will remain; however,
the distribution to higher education has
been reduced by one-third. All agencies
shall continue to pay the actuarially es-
tablished contribution rates to the Retire-
ment Systems \$ 4,617,795

SECTION 1. TOTAL \$ 82,393,216

SECTION 2. In addition to the above detailed reduc-
tions and in accordance with R.S. 39.75C(2) expenditures for
the following budget units are frozen in the amounts shown
below. Because these reductions exceed the 10 percent limi-
tation on my unilateral authority, approval of the joint legisla-
tive committee on the budget shall be sought prior to
implementation of the actual budget reductions.

EXECUTIVE DEPARTMENT

Office of Literacy Budget Unit: 01-8113	
1. Reductions in operating expenses	\$ 22,498
Louisiana Commission on Law Enforcement Budget Unit: 01-8129	
1. Reductions in Unified Crime Reporting and Sentencing Commission Programs	\$ 81,388
Louisiana War Veterans Home Budget Unit: 01-8131	
1. Supplant general fund with federal funds	\$ 308,008
Office of Elderly Affairs Budget Unit: 01-8133	
1. Reduce unexpended funding for Adult Protective Services	\$ 1,200,000
2. Funding for South Baton Rouge Commu- nity Development Association	\$ 192,000

DEPARTMENT OF TREASURY

Office of the Treasurer Budget Unit: 04-8147	
1. Supplant general fund with self- generated revenue	\$ 124,000

**DEPARTMENT OF ECONOMIC
DEVELOPMENT**

Office of Technology, Innovation and Mod- ernization Budget Unit: 05-8250	
1. Eliminate the Office of Technology, Inno- vation and Modernization	\$ 85,000
Office of the Secretary Budget Unit: 05-8251	
1. Reduce professional services for Team- work Louisiana and data processing	\$ 10,000
2. Savings in office space rent	\$ 15,000
3. Eliminate three vacant positions in Man- agement and Finance	\$ 48,523
4. Eliminate two positions in Small Business Bonding Assistance	\$ 442,000
5. Reduce funding for England Authority	\$ 150,000
6. Eliminate one vacant position in Office of Policy Research	\$ 32,000

DEPARTMENT OF CULTURE,
RECREATION AND TOURISM

Office of Litter Control and Recycling
Budget Unit: 06-8269

1. Reduce travel and supplies \$ 16,270

DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONS

Office of State Fire Marshal
Budget Unit: 08-8422

1. Substitute general fund with funding from
the Fire Marshal Fund \$ 2,150,845

DEPARTMENT OF ENVIRONMENTAL
QUALITY

Office of Air Quality and Radiation Protec-
tion
Budget Unit: 13-8851

1. Projected savings due to inability to fill
vacant positions \$ 248,000
2. Reductions in operating expenses \$ 105,000

Office of Water Resources
Budget Unit: 13-8852

1. Projected savings due to inability to fill
vacant positions \$ 252,000
2. Reductions in operating expenses \$ 280,000

Office of Solid and Hazardous Waste
Budget Unit: 13-8853

1. Reductions in operating expenses and
professional services \$ 180,000

Office of Management and Finance
Budget Unit: 13-8855

1. Reductions in operation expenses and
professional services \$ 344,095

DEPARTMENT OF WILDLIFE AND
FISHERIES

Office of the Secretary
Budget Unit: 16-8512

1. Projected fuel savings \$ 10,000
2. Reduce travel expenses \$ 25,000
3. General fund to be supplanted with Con-
servation Funds \$ 400,000

Office of Wildlife
Budget Unit: 16-8513

1. Projected fuel savings \$ 10,000
2. Reduce travel expenses \$ 25,000
3. General fund to be supplanted with Con-
servation Funds \$ 174,600

DEPARTMENT OF CIVIL SERVICE

Ethics Administration
Budget Unit: 17-8562

1. Reductions in various operating ex-
penses \$ 85,252

HIGHER EDUCATION

Board of Regents for Higher Education
Budget Unit: 19-8671

1. Reduction in aid to independent colleges
and universities and Capitation Grants \$ 1,392,565

DEPARTMENT OF EDUCATION

Research and Development
Budget Unit: 19-8691

1. Reduce Teacher Evaluation Pilot funding \$ 1,100,000
2. Reduce professional services in Bureau
of School Accountability \$ 200,000
3. Reduce professional services in Manage-
ment Information Systems (MIS) \$ 40,000
4. Reduce travel, operating services, and
supplies in Administrative Support \$ 30,000
5. Reduce professional services in Bureau
of Evaluation \$ 84,000
6. Curtail student help and eliminate re-
stricted appointments \$ 30,000

Office of Vocational Education
Budget Unit: 19-8693

1. Projected savings due to inability to fill
vacant positions and other administrative
reductions \$ 50,000
2. Reduce travel, supplies, and operating
expenses in Pell Grant Program \$ 20,000

SPECIAL SCHOOLS AND COMMISSIONS

Office of Student Financial Assistance
Budget Unit: 19-8661

1. Projected surplus in Tuition Assistance
Program \$ 1,085,760

SECTION 2. TOTAL \$ 11,048,804

SECTION 3. In addition to the above detailed reduc-
tions and specific freezes, and in accordance with R.S.
39.75C(2), there shall be a freeze on all non-essential gen-
eral fund expenditures for the balance of the current fiscal
year. This prohibition shall include but not be limited to sala-
ries and related benefits, travel, operating services, supplies,
professional services, acquisitions and major repairs. Institu-
tions of higher education are exempt from this section. The
projected savings resulting from this
freeze total \$ 23,026,175

SECTION 3. TOTAL \$ 23,026,175

GRAND TOTAL \$116,468,195

SECTION 4. Budget cuts pursuant to this order shall
become effective March 5, 1992 at 5 p.m.

SECTION 5. If any provision or item of this order or
the application thereof is held invalid, such invalidity shall not
affect other provisions, items or applications of this order
which can be given effect without the invalid provision, item
or application, and to this end the provisions of this order are
hereby declared severable.

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 fifth day of March 1992.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry
Office of Agricultural and Environmental Sciences
Horticulture Commission

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. 3:3801 and 3:3806 adopts the following emergency rule.

Fees for License or Permit and Renewal Thereof

Landscape Architect; Examination Fees

1. The total fee for complete examination for licensure as a landscape architect shall be as follows:

1991 - \$350

2. The fee for examination or re-examination in the various sections of the examination for landscape architect shall be as follows:

	1992
Section 1	\$16
Section 2	\$21
Section 3	\$68
Section 4	\$63
Section 5	\$83
Section 6	\$73
Section 7	\$36
Section 8	\$15

This emergency adoption is necessary in order that the Horticulture Commission may receive and process applications and fees for the Landscape Architect Registration Examination in compliance with the time requirements of the Council of Landscape Architect Registration Boards.

The effective date of this emergency rule is February 13, 1992, and it shall remain in effect for 120 days or until this rule takes effect through the normal promulgation process, whichever is shortest.

Bob Odom
Commissioner

DECLARATION OF EMERGENCY

Department of Economic Development
Office of Commerce and Industry

The Department of Economic Development, Office of Commerce and Industry, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B), to repeal LAC 13:I.2101-2111, entitled "Environmental Criteria for Rating Tax Exemptions." This emergency rule is effective February 26, 1992, for 120 days or

until a permanent rule takes effect through the normal promulgation process, whichever is shortest.

Adoption of this emergency rule is necessary because of the substantial reduction in new capital projects by manufacturers in Louisiana since the adoption of the Environmental Criteria which has resulted in severely reduced job opportunities for Louisiana workers and a reduction in capital investment in the Louisiana economy.

Title 13
ECONOMIC DEVELOPMENT
Part I. Office of Commerce and Industry
Subpart I. Finance

Chapter 21. Environmental Criteria for Rating Tax Exemptions

§2101-2111. Repealed.

Kevin Reilly
Secretary

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Amendment to Bulletin 741 -
Nonpublic School Standards

The Board of Elementary and Secondary Education, at its meeting of February 27, 1992, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953(B) and adopted an amendment to Bulletin 741, Handbook for School Administrators to add the following standard to the nonpublic school standards:

Add Standard 6.090.06 on page 13.1 to state as follows:

6.090.06 By completion of the eighth grade, students shall have received the equivalent of one semester of instruction in Computer Literacy.

Schools shall implement the standard in the 1993-94 school year.

Each school shall determine the grade level and the subject area in which Computer Literacy shall be taught.

The equivalent of one semester of instruction in Computer Literacy is determined as follows:

1. students successfully pass a state proficiency examination in Computer Literacy prior to entry into the eighth grade. (Each school shall determine the grade or grade levels for the administration of the examination.)

OR

2. students receive a minimum of 150 minutes of instruction per week in Computer Literacy for one semester. (This option does not prohibit a school from rotating the daily schedule to fulfill the aggregate time requirement.)

Elementary qualification is required for teachers of students meeting the requirement via a proficiency examination. Teachers of students meeting the requirement via a semester course shall possess the nine college hours of credit as outlined in Bulletin 746 for Computer Literacy Certification.

Emergency adoption is necessary in order that nonpublic schools have sufficient time to implement Computer

Literacy into their program of studies prior to the 1993-94 school year. Effective date of emergency rule is March 20, 1992.

Carole Wallin
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Amendment to Bulletin 1196
Food and Nutrition Programs Policies of Operation

The Board of Elementary and Secondary Education, at its meeting of February 27, 1992, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953(B) and re-adopted an amendment to Bulletin 1196, Food and Nutrition Programs Policies of Operation to add the following:

Responsibility

The responsibility for the administration, operation, and supervision of the School Food Service Program is vested in the education authorities who are responsible for all other phases of the school program. All schools which are under the supervision and regulation of the Board of Elementary and Secondary Education shall furnish lunch to their students. Furthermore, a city or parish school board shall participate in the national school breakfast program if at least 25 percent of the students enrolled in one or more of the schools in the school system are eligible for such program. A program in school food service must be well planned, organized, and administered on national, state, and local levels if it is to function as an integral part of the total school program.

This amendment is re-adopted as an emergency rule in order to continue the present emergency rule until it can become effective as a rule. Effective date of this emergency rule is February 27, 1992.

Carole Wallin
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Revised Criteria for Eligibility and Procedure for Screening, Evaluation and Re-evaluation for Handicapped Infants

The Board of Elementary and Secondary Education exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953(B) and re-adopted as an emergency rule, an amendment to Bulletin 1508, Pupil Appraisal Handbook to delete the section on Handicapped Infant and replace with Eligibility for Infants and Toddlers with Disabilities as stated below.

This amendment to Bulletin 1508 is being re-adopted as an emergency rule in order to continue the revised criteria until it becomes effective as a rule. Effective date of this emergency rule is March 20, 1992.

ELIGIBILITY FOR INFANTS AND TODDLERS WITH DISABILITIES

I. Definition

Infants and toddlers, ages birth through two inclusive (0 - 36 months), and their families meeting Criteria A, B or C.

II. Criteria for Eligibility

Criterion A - Established Medical Conditions: Established medical conditions include those diagnosed physical or mental conditions that have a high probability of resulting in a developmental delay. Examples of established medical conditions are listed below.

1. Children born with genetic disorders, including but not limited to:

a. major chromosomal abnormalities (Trisomy 21, Fragile X, Turner's Syndrome, etc.);

b. single gene defects (PKU, Hypothyroidism, Tuberosous Sclerosis, etc.);

c. anomalies or syndromes of unknown etiology (Spina Bifida, Hydrocephalus, Prader-Willi Syndrome, etc.).

2. Children contracting congenital infections, neonatal infections or postnatal infections that affect the Central Nervous System including, but not limited to: Cytomegalovirus (CMV), Human Immunodeficiency Virus (HIV), Bacterial Meningitis, etc.

3. Children found to have sensory impairments, including but not limited to:

a. visual impairment which, even with correction, significantly interferes with normal development; and

b. hearing impairment, either permanent or fluctuating, which significantly interferes with normal development.

Medical conditions must be determined by a licensed medical doctor. In the case of hearing impairment, a licensed audiologist or licensed medical doctor must make the determination.

Criterion B - Other Biological Factors: Other Biological Factors include those factors which have determined to place children "at risk" of having substantial developmental delays if early intervention services are not provided. These conditions are listed below:

1. birthweight less than 1000 grams or birthweight less than 1250 grams and complicating factors requiring Level Three Neonatal Intensive Care;

2. hypoxic ischemic encephalopathy;

3. intraventricular hemorrhage (Grade III or IV) or periventricular leukomalacia;

4. technology dependence for on-going medically fragile conditions including, but not limited to, ventilator dependence with home oxygen;

5. both exposure to known teratogens or drugs shown to cause birth defects and finding of effects; and

6. chronic or degenerative orthopedic and/or neurologic conditions including, but not limited to: Cerebral palsy, seizure disorders, neuromuscular disorders or post natal catastrophic illness; or conditions arising from a catastrophic event occurring after the neonatal period, such as accidental amputation, encephalopathy with sequelae, etc.

Other biological factors must be determined by a licensed medical doctor.

Criterion C - Developmental Delay: Children who, even without an established medical condition or other biological (at risk) factor as defined in Criterion A or B, are determined to be delayed in one or more of the following areas:

1. cognitive development;

2. physical development, including vision and hearing [eligibility based on vision or hearing problems must be made based on the diagnosis of a licensed medical doctor (vision) or a licensed medical doctor or licensed audiologist (hearing) as stated in Criterion A.];

3. language and speech development;
4. psychosocial development; or
5. self-help skills.

The determination of a developmental delay must be made by a multidisciplinary evaluation team which includes the child's family and qualified professionals, as recognized by the Department of Education. This determination must be based on informed clinical opinion derived from multisource data such as family input, observations, informal assessment procedures and the results of appropriate formal instruments when such instruments are in compliance with the nondiscriminatory procedures as described in this section.

The following is the team decision-making process for determining developmental delays:

A. The multidisciplinary evaluation team will share their findings and observations as well as the implications of these findings on the overall schema of the child and family.

B. Team members must reach a consensus on the following: A positive response on two or more of the following indicates eligibility. A positive response to only one may indicate the need for additional investigative assessment.

1. parental concern over the child's development in any of the developmental areas;
2. results of appropriate formal diagnostic instruments indicate delays in any of the developmental areas;
3. concerns arising from professional observations and informal assessment of the child and the child's interactions with his environment in any of the developmental areas; and
4. review of medical/health and other pertinent history which may indicate problems in any of the developmental areas.

III. Procedures for Screening

Infants and toddlers who are determined eligible for services under Criterion A or B do not require a screening prior to or as part of their evaluation and assessment. A screening may be completed for infants and toddlers who are referred for a suspected developmental delay (Criterion C) to determine if a complete evaluation and assessment is warranted unless the evaluation process is immediately initiated.

The screening must be conducted by qualified personnel in conjunction with the parents. The screening may include a review of family concerns, a review of medical records, a vision and hearing screening and a developmental screening. The determination of screening criteria should reflect the team decision making process for determining eligibility for services. If the multidisciplinary evaluation is not warranted based on screening results, the team may decide to place the child on a progressive screening schedule and quarterly monitoring to determine if services may be required in the future.

IV. Procedures for Evaluation

Any participating agency/provider with qualified personnel may complete all or part of the multidisciplinary evaluation. Multidisciplinary teams will review all available information from participating agencies and resources such as Kid-Med or developmental screening clinic information, with the permission of the parent, to avoid unnecessary du-

plication for the child, family and team members.

A. Applicable definitions for Infant/Toddler evaluations and assessments

1. Evaluation and Assessment - procedures used by appropriate qualified personnel to verify or establish a child's initial and continuing eligibility including determination of the developmental status in the areas of cognitive development, physical development including vision and hearing, language and speech development, psychosocial development and self-help skills as well as collect initial planning information required for the development of the Individualized Family Service Plan (IFSP).

2. Assessment - the on-going procedures used by appropriate, qualified personnel throughout the period of the child's eligibility to identify the child's unique strengths and needs in collaboration with the family; the family's strengths and needs including concerns, priorities, and resources related to enhancing the development of the child; and the nature and extent of the early intervention services that are needed by the child and family to meet the aforementioned needs. On-going assessment is a component of the IFSP and will occur, at a minimum of every six months.

3. Multidisciplinary - the involvement of the family and two or more disciplines or professions in the provision of evaluation and assessment activities.

4. Family - defined according to each family's definition of itself. The child's parent(s) or legal guardian(s) determine who will be considered family and, therefore, be eligible for participation in the evaluation and assessment.

5. Family Assessment - the family's identification of their strengths and needs including concerns, priorities, and resources, only with the approval of the family as related to enhancing the development of their child.

B. Evaluation and Assessment Procedures

Written parental consent must be obtained before conducting the initial evaluation and assessment. Written parental consent must also be obtained prior to conducting the family assessment. The evaluation and assessment must include the following:

1. a review of pertinent records related to the child's current health status and medical history;
2. a Kid-Med (EPSDT) screening or referral for Kid-Med screening for all children eligible for Medicaid if not already performed;
3. an evaluation of the child's level of functioning in each of the following developmental areas: cognitive development, physical development including vision and hearing, language and speech development, psychosocial development and self-help skills;
4. a determination of the child's strengths and needs and the identification of appropriate early intervention services to meet those needs; and
5. the family's identification of their strengths and needs, including concerns, priorities, and resources, only with the approval of the family as related to the enhancement of the child's development.

Any identification of family strengths and needs including concerns, priorities and resources must:

- a. be voluntary on the part of the family. The family must be made aware of the purpose of this process and the fact that their refusal to identify strengths and needs will not affect their child's eligibility for services;
- b. be conducted by personnel trained to utilize appro-

appropriate methods and procedures;

c. be based on information provided by the family through a personal interview in a manner chosen by the family; and

d. incorporate the family's description of their strengths and needs including concerns, priorities, and resources, related to enhancing the child's development.

V. Evaluation Reports

The purpose of the written evaluation report is to summarize the required information obtained during the multidisciplinary evaluation/assessment process which provides the initial planning information required for developing the Individualized Family Service Plan. Parents must be given a copy of the evaluation report and be provided with an interpretation of the evaluation findings.

VI. Re-evaluation

The determination of a child's continuing eligibility for early intervention services is based on the multidisciplinary evaluation/assessment activities of the child and family needs and is accomplished through the Individualized Family Service Plan (IFSP) process.

VII. Timelines

1. Primary referral sources have two working days to make a referral to the child search coordinator in the local educational agency after a child has been identified as possibly in need of services. Primary referral sources include hospitals, physicians, public health facilities, other health care providers, parents, day care programs, local educational agencies, and other social service agencies.

2. The evaluation and initial assessment of each child, the family's identification of their strengths and needs including concerns, priorities, and resources (only with the approval of the family), and the Kid-Med (EPSDT) screening or referral for Kid-Med screening if warranted, must be completed within 45 calendar days upon the receipt of the referral by the child search coordinator.

3. In the event of exceptional circumstances within the family that make it impossible to complete the evaluation and initial assessment within 45 days upon receipt of the referral, the family may request an extension as long as the following procedures occur:

a. the exceptional circumstances must be documented; and

b. an interim IFSP must be developed and implemented to the extent appropriate and agreed upon by the family under presumptive eligibility. Examples of extensions may include extended illness by child or family member, family emergencies, or other extenuating circumstances within the family.

Extensions are available only for the family and at family request. There are no extensions available for evaluation/service provider personnel.

VIII. Nondiscriminatory Procedures

The following nondiscriminatory procedures apply to all evaluations and assessments of infants and toddlers, birth through two inclusive, and their families.

1. Tests and other evaluation materials and procedures must be administered in the native language of the parents or other mode of communication, unless it is clearly not feasible to do so.

2. Any evaluation or assessment procedures and materials that are used must be selected and administered so as not to be racially or culturally discriminatory.

3. Any evaluation or assessment procedures and materials that are used must be selected and administered in a manner appropriate to the child's age, level of functioning, and the sensory and physical status of the child.

4. No single procedure may be used as the sole criterion for determining a child's eligibility for early intervention services.

5. All evaluations and assessments must be conducted by qualified personnel.

Carole Wallin
Executive Director

DECLARATION OF EMERGENCY

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to adopt the following rule in the Medicaid Program. The rule was previously adopted by emergency rulemaking and published in the *Louisiana Register* of November 20, 1991 (Vol. 17, No. 11, p. 1063). This rule is effective for the maximum period allowed under R.S. 49:954(B) et seq.

This rule is to increase reimbursement rates for Medicaid providers of non-emergency, non-ambulance transportation services. This rate increase is in recognition of the increases these providers have faced in insurance, labor and other costs of operation over recent years. It is also designed to reimburse providers for the extra expense of providing services with specialized vehicles for those patients who are non-ambulatory. This rule is necessary to assure compliance with mandatory federal law and regulations which require reimbursement to be reasonable and adequate as well as assure the continued availability of transportation services statewide for non-ambulatory patients.

EMERGENCY RULE

All non-emergency, non-ambulance Medicaid providers of ambulatory transportation services are to receive an increase in their mileage rates from \$.50 per mile to \$.55 per mile. Van services will be reimbursed \$.60 per mile when provided in full size vans equipped with wheelchair lifts, stretcher carriers and two-way communication systems. Pick-up fees for non-ambulatory patients transported by full size vans equipped with wheelchair lifts, stretcher carriers and two-way communication systems are as follows: Two way pick-up will be \$20, and one way pick-up will be \$10. Pick-up fees for second and subsequent non-ambulatory riders will be one half of these rates.

The current pick-up rates will remain the same for ambulatory transportation services. For a provider to receive reimbursement at the van rate, door to door service shall be provided. Door to door services shall include picking-up and delivering a patient to a specific department within a facility. All current vehicle requirements for vans remain in effect.

J. Christopher Pilley
Secretary

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 emergency rule effective March 1, 1992 in the Job Opportunities and Basic Skills (JOBS) Training Program, also referred to as Project Independence, the name of Louisiana's Program, and the Aid to Families with Dependent Children (AFDC) Program.

Emergency rulemaking is necessary to comply with the new payment schedule approved for all child care programs in the Department of Social Services. The effective date of this emergency rule is March 1, 1992.

The Department of Social Services, Office of Family Support, proposes to amend the L.A.C., Title 67, Part III, Subpart 2, Aid to Families with Dependent Children (AFDC) program and Subpart 5, Job Opportunities and Basic Skills Training Program.

Title 67

**DEPARTMENT OF SOCIAL SERVICES
Part III. Office of Family Support
Subpart 2. Aid to Families with
Dependent Children (AFDC)**

Chapter 11. Application, Eligibility, and Furnishing Assistance

**Subchapter E. Transitional Child Care Assistance
§1181. Eligibility Fees and Payments**

* * *

G. Child Care Payments

* * *

3. The Office of Family Support will implement the following Standard Rate Schedule for payment for child care services provided to the children of transitional child care assistance participants. The statewide limit is established as the maximum amount allowable based upon the provider type, age, and the type of care provided.

STANDARD RATE SCHEDULE

Regular Care

CHILD UNDER AGE 2		CHILD AGE 2 AND OLDER		
CLASS A CENTERS	Full Time	Part Time	Full Time	Part Time
	Monthly \$238.30	Monthly \$119.15	Monthly \$216.50	Monthly 108.25
	Weekly 55.00	Weekly 27.50	Weekly 50.00	Weekly 25.00
	Daily 11.00	Daily 5.50	Daily 10.00	Daily 5.00
	Hourly 1.38	Hourly 1.38	Hourly 1.25	Hourly 1.25
ALL OTHER PROVIDERS	Full Time	Part Time	Full Time	Part Time
	Monthly \$216.50	Monthly \$108.25	Monthly \$216.50	Monthly \$108.25
	Weekly 50.00	Weekly 25.00	Weekly 50.00	Weekly 25.00
	Daily 10.00	Daily 5.00	Daily 10.00	Daily 5.00
	Hourly 1.25	Hourly 1.25	Hourly 1.25	Hourly 1.25

All rates herein are established as maximum allowable amounts; payment will be the provider's actual charges or the maximum rate, whichever is less. Daily rates are based on eight hours per day; weekly rates are based on five days per week; monthly rates are based on 4.333 weeks per month. Part-time care is considered to be 20 hours per week or less. Part-week care is considered to be fewer than five days per week, paid at the daily rate.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98, 45 CFR Part 99, 45 CFR Part 255 and 45 CFR Part 257.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Eligibility Determinations in LR 16:238 (March 1990).

* * *

Subpart 5. Job Opportunities and Basic Skills Training Program

Chapter 29. Organization

§2903. Child Care Payment Rates for Project Independence

The Office of Family Support will implement the following Standard Rate Schedule for payment for child care services provided to the children of Project Independence participants. The statewide limit is established as the maximum amount allowable based upon the provider type, age of child, and the type of care provided.

STANDARD RATE SCHEDULE

Regular Care

CHILD UNDER AGE 2			CHILD AGE 2 AND OLDER			
CLASS A CENTERS	Full Time		Part Time			
	Monthly	\$238.30	Monthly	\$119.15	Monthly	\$216.50
	Weekly	55.00	Weekly	27.50	Weekly	50.00
	Daily	11.00	Daily	5.50	Daily	10.00
	Hourly	1.38	Hourly	1.38	Hourly	1.25
ALL OTHER PROVIDERS	Full Time		Part Time			
	Monthly	\$216.50	Monthly	\$108.25	Monthly	\$216.50
	Weekly	50.00	Weekly	25.00	Weekly	50.00
	Daily	10.00	Daily	5.00	Daily	10.00
	Hourly	1.25	Hourly	1.25	Hourly	1.25

All rates herein are established as maximum allowable amounts; payments will be the provider's actual charges or the maximum rate, whichever is less. Daily rates are based on eight hours per day; weekly rates are based on five days per week; monthly rates are based on 4.333 weeks per month. Part-time care is considered to be 20 hours per week or less. Part-week care is considered to be fewer than five days per week, paid at the daily rate. (Example: A Project

Independence participant in a component that is scheduled for three days per week would be eligible for the days of participation only.)

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98, 45 CFR Part 99, 45 CFR Part 255 and 45 CFR Part 257.

Gloria Bryant-Banks
Secretary

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 in the Food Stamp Program.

Emergency rulemaking is necessary to comply with federal regulations at 7CFR 273.7. The effective date of this emergency rule is March 1, 1992.

The Department of Social Services, Office of Family Support, proposes to amend Title 67, Part III, Subpart 3, Food Stamp Program.

Title 67

DEPARTMENT OF SOCIAL SERVICES Part III. Office of Family Support Subpart 3. Food Stamps

Chapter 19. Certification of Eligible Households Subchapter G. Work Requirements §1941. Household Concept

Effective April 1, 1987, the FAM-4 will be revised to reflect the following food stamp program policy revisions.

3. Ending or Avoiding Employment and Training (E&T) or Voluntary Quit Sanctions.

iii. Conciliation is an attempt to reach a resolution of the participant's failure to comply with the employment and training requirement prior to initiation of a sanction (sending advance notice of adverse action.) The purpose of conciliation is to determine the reason the work registrant did not comply with the employment and training requirement and to provide the noncomplying individual with an opportunity to comply prior to the issuance of an NOAA. The conciliation period shall begin the day following the date an individual fails to comply and shall continue for a period not to exceed 30 calendar days. A conciliation letter will be sent to the participant by the contractor provider when conciliation begins.

iv. Conciliation must be initiated by the contract or provider when there is knowledge of the participant's failure to comply; cannot exceed 30 days, and may end sooner if the participant refuses to cooperate in the process; is considered successful when a verifiable act of compliance is performed by the participant or good cause is established. If the conciliation process is not successful, the process of sanctioning shall be initiated.

AUTHORITY NOTE: Promulgated in accordance with 7 CFR 273.7 (c)(2).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security in LR 13:394 (July 1987) and implemented by Emergency Rule effective April 1, 1987, amended by the Department of Health and Hospitals, in LR 15:96 (February 1989) and im-

plemented by Emergency Rule effective October 18, 1988 as published in LR 14:770 (November 1989), amended by the Department of Social Services, Office of Family Support, Emergency Rule effective March 1, 1992 as published in LR 18: (March 1992).

Gloria Bryant-Banks
Secretary

DECLARATION OF EMERGENCY

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

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:953(B), notice is hereby given that the Board of Trustees of the State Employees Group Benefits Program has imposed a surcharge on all participant employers for any retirees and their dependents who do not have Medicare coverage. In imposing this surcharge the Board of Trustees has acted, in accordance with Act 12 of the 1992 Regular Session, and pursuant to its authority granted by R.S. 42:871, et seq., in order to assure adequate funding for the payment of healthcare benefits for employees of the executive, legislative, and judicial branches of state government, and participating school boards and state political subdivisions, and the dependents of such employees, who are covered by the State Employees Group Benefits Program.

EMERGENCY RULE

For the Fiscal Year 1991-92, each participant employer, regardless of the source of funding, is hereby assessed a surcharge in the amount of \$2,271.40 for each retiree and each dependent of such retiree without Medicare coverage as listed on the participant employer's invoice issued April 1, 1991. Said surcharge is due upon adoption of this rule and must be paid in full to the Program within 30 days of receipt of the surcharge invoice.

Failure to pay the surcharge timely shall result in the loss of eligibility of the participant employer, and its employees and dependents, to receive benefits as members of the Program. Said surcharge is due from the participant employer and shall not be assessed to the retiree.

In the implementation of this surcharge, the Board of Trustees has declared that, effective upon adoption of this rule, no school board or state political subdivision authorized by law to participate in the State Employees Group Benefits Program (the Program) shall be a participant employer in the Program until such school board or state political subdivision shall execute and deliver to the Board of Trustees an adoption instrument for participation in the Program. The adoption instrument shall include all terms and conditions required by the Board of Trustees for participation in the Program.

Not later than April 30, 1992, each school board and each state political subdivision now participating in the Program shall execute and deliver to the Board of Trustees an adoption instrument in order to continue participation in the Program. The adoption instrument shall include all terms

and conditions required by the Board of Trustees for participation in the Program.

Any school board or state political subdivision which fails to execute and deliver such adoption instrument on or before April 30, 1992, shall be deemed to have withdrawn from participation in the Program, unless otherwise provided by law.

The Board of Trustees has further amended and re-enacted pertinent provisions of its plan document of benefits, in the following particulars:

Amend and re-enact Article 1, Section I, Subsection (C) of the plan document to read as follows:

C. The term *Participant Employer* as used herein shall mean the legislative and judicial branches of state government and the departments of the executive branch receiving operating funds pursuant to legislative appropriation.

Participant Employer shall also mean a school board (R.S. 17:1223) or a state political subdivision (authorized by law to participate in the Program) which has executed an adoption instrument.

Amend and re-enact Article 1, Section I, Subsection (D) of the plan document to add the legal citation and substitute the word "participation" for the word "entrance" as follows:

D. The term *Adoption Instrument* as used herein shall mean the agreement between a school board or a political subdivision and the Board of Trustees (R.S. 42:871, et seq.) for participation in the Program.

This emergency rule will go into effect on March 20, 1992 and will remain in effect for 120 days.

James R. Plaisance
Executive Director

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Office of the Secretary

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, R.S. 49:968, R.S. 56:497 and the authority granted to the secretary of the Department of Wildlife and Fisheries by the Wildlife and Fisheries Commission in their meeting on February 6, 1992, the secretary of the Department of Wildlife and Fisheries adopts the following rule:

Special Pink Shrimp Season Chandeleur Sound

A special 1992 pink shrimp season has been set for that portion of Chandeleur Sound bounded on the South by the Mississippi River Gulf Outlet (MRGO) and East of a line running from the North side of the MRGO at 29° 40' 40" N. Lat. and 89° 23' 12" W. Long. and Thence N. 65° 09' E. approx. 43970' to Point Chicot Lat. 29° 43' 36" N. Long. 89° 15' 36" W. Thence N. 09° 34' E. approx. 36380' to Point Comfort Lat. 29° 49' 30" N. Long. 89° 14' 20" W. Thence N. 25° 59' E. approx. 28470' to the East point of Mitchell Island Lat. 29° 53' 41" N. Long. 89° 11' 53" W. Thence N. 07° 20' E. approx. 23480' to the East point of Martin Island Lat. 29° 57' 31" N. Long. 89° 11' 14" W. Thence N. 09° 14' E. approx. 31930' to the East point of Brush Island Lat. 30° 02' 42" N. Long. 89° 10' 09" W. Thence N. 01° 05' W. approx. 6160' to Door Point Lat. 30° 03' 43" N. Long. 89° 10' 09" W.

Thence N. 08° 58' W. approx. 35180' to the East point of Isle Au Pitre Lat. 30° 09' 28" N. Long. 89° 11' 04" W. Thence North to the Louisiana Mississippi Boundary.

The season will begin at sunset Monday, March 16 and end at sunrise on Wednesday, April 15. Trawling will only be allowed during the time between official sunset and official sunrise on each day of the special season. Participants in this special pink shrimp season may possess no more than 10 percent by weight, by-catch of other shrimp species. The secretary intends to close the special 1992 pink shrimp season prior to April 15 if there is evidence that the pink season will jeopardize the 1992 spring brown shrimp crop.

Joe L. Herring
Secretary

Rules

RULE

Department of Agriculture and Forestry Agricultural and Environmental Sciences

Under authority of R.S. 3:3203(A), 3:3303(B), and 3:3306(B) and in accordance with the notice of intent published on December 20, 1991, and with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry adopts the following rules and regulations relative to procedures for water protection and emergencies related to pesticides.

Title 7

AGRICULTURE AND ANIMALS

Part XXIII. Pesticides

Chapter 131. Louisiana Advisory Commission on Pesticides

Subchapter Z. Emergency Procedures related to Pesticides

§13179. Definitions

In addition to the definitions listed below, and unless otherwise provided, the definitions in R. S. 3:3202 and LAC 7:13103 shall apply to Subchapter Z of these regulations.

Complaint—any information or report of any pesticide-related problem which could adversely affect human health or the environment.

Emergency—a situation involving pesticides where there is imminent danger to human health or to the environment.

Environment—includes water, air and land and the interrelationship which exists among and between water, air and land and all living things.

AUTHORITY NOTE: Promulgated in accordance with R. S. 3:3203(A).

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Agricultural and Environmental Sciences, LR 18: (March 1992).

§13181. Identification of Emergency

A. Procedure

1. Persons detecting or discovering what they reason-

ably believe to be an emergency involving the use, misuse or storage of pesticides shall immediately contact the Office of Pesticide and Environmental Programs via the 24-hour telephone hotline at (504) 925-3763.

2. Personnel receiving any complaint related to pesticides shall record the information required on department-approved telephone complaint forms.

3. Personnel receiving any complaint that could constitute an emergency shall immediately notify the director.

4. Upon notification, the commissioner shall make a determination as to whether an emergency exists. This determination shall be made as soon as possible. In determining the gravity of the danger, the commissioner shall consider whether the pesticides have resulted in the death of marine life or wildlife and whether the maximum contaminant levels established by §13191 have been exceeded.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203(A).

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Agricultural and Environmental Sciences, LR 18: (March 1992).

§13183. Declaration of Emergency

Upon determining that an emergency exists, the director shall immediately declare in writing that an emergency exists and direct that the following emergency procedures be employed. The director shall notify the appropriate governmental agencies and the media as soon as is practical, and in no case later than eight hours after declaration of emergency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203(A).

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Agricultural and Environmental Sciences, LR 18: (March 1992).

§13185. Response to Emergency

A. Containment. At the earliest possible time, the director shall direct and supervise efforts to accomplish the containment of the emergency.

B. Identification of Pesticide. The pesticide or pesticides involved in the emergency shall be identified. Efforts to identify the pesticide(s) shall include, but not be limited to the following.

1. Labels of containers of the pesticides or other substances involved shall be consulted.

2. The point source or non-point source shall be investigated and if determined, the relevant records and storage areas of that source examined.

3. All emergency reports shall be reviewed by the director's staff.

4. If indicated, an investigation shall be made relative to any recalled, suspended or canceled pesticides.

5. Samples shall be obtained at the earliest possible time and analyzed in accordance with procedures approved by the Association of Official Analytical Chemists and/or other methods approved by the U. S. Environmental Protection Agency.

C. Reporting Requirements. If it is determined that a pesticide emergency has taken place, all appropriate requirements for reporting to the Louisiana Department of Agriculture and Forestry shall be complied with.

D. Investigation. In investigating any possible or known pesticide emergencies, the following information shall be sought and recorded:

1. the date, time and location of the incident;
2. the date and time the incident was reported to the Louisiana Department of Agriculture and Forestry;
3. the Louisiana Department of Agriculture and Forestry employee receiving the report;
4. from whom the report was received;
5. who initiated the investigation, along with the date, time and place the investigation was initiated;
6. the identity and location of any witness(es);
7. the time, place and circumstances under which each witness' statement was taken and whether such statement was confirmed;
8. the time, description and location of any samples taken;
9. the time, description and location of any other physical evidence; and
10. any information obtained, including that obtained through the inspection of records relevant to causation, identity of pesticide, containment, clean-up, and disposal.

E. Remediation

1. At the earliest possible time, the director shall develop a written plan for clean-up and disposal of pesticide waste as necessary to accomplish remediation of the emergency. In developing said plan, the director shall consider at a minimum, the following information if ascertainable:

- a. the location of the land where the pesticide(s) was applied;
- b. the year, month, date and time the pesticide(s) was applied;
- c. the product name(s) used on the registered label, and the scientific name(s);
- d. the inert ingredients contained in the pesticide(s);
- e. the United States Environmental Protection Agency and state registration numbers of the pesticide(s) that were applied;
- f. the crop and site to which the pesticide(s) was applied;
- g. the amount of pesticide(s) applied per acre, or other appropriate measure;
- h. the concentration of pesticide(s) that was applied as well as concentrations in the soil and water to indicate extent of contamination;
- i. the applicator's business name, if any;
- j. the applicator's name, address, and telephone number;
- k. if applied aerially, the direction and velocity of the wind at the time the pesticide(s) were applied; and
- l. possible hazards to human health that may result from the release considering both direct and indirect effects of the pesticide(s) application.

2. The director shall issue appropriate remedial orders as are necessary to accomplish the plan for clean-up and disposal.

F. Health Related Complaints. Any complaint involving a health related emergency shall be handled according to the agreement entered into between the Louisiana Department of Agriculture and Forestry and the Louisiana Department of Health and Hospitals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203(A).

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Agricultural and Environmental Sciences, LR 18: (March 1992).

§13187. Declaration of Termination of Emergency

When remediation is complete or there no longer exists a situation involving imminent danger to human health or the environment, the director shall declare in writing that the emergency has ended. The director shall notify the appropriate governmental agencies and the media as soon as is practical.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203(A).

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Agricultural and Environmental Sciences, LR 18: (March 1992).

Subchapter AA. Water Protection

§13189. Definitions

Base line conditions means the pesticide level found in the water of a site immediately preceding the pesticide application season.

Maximum Contaminant Level means the maximum permissible concentration level of a pesticide in the waters of the state.

Pesticide application season means that period of time during the year that insecticides, herbicides or other pesticides are normally used on agricultural lands in a given area.

Reasonable expectation of a threat means a condition that is probable to lead to substantive injury to human health or the environment.

Threat means a condition that would lead to substantive injury to human health or the environment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3303(B) and R.S. 3:3306(B).

HISTORICAL NOTE: Promulgated by the Louisiana Department of Agriculture and Forestry, LR 18: (March 1992).

§13191. Establishment of Standards for Pesticides in Water

The maximum contaminant level standards as published in 40 C.F.R. Parts 141, 142, and 143 (1991) shall be incorporated as standards for pesticides in waters of the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3303(B) and R.S. 3:3306(B).

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Agricultural and Environmental Sciences, LR 18: (March 1992).

§13193. Procedures for the Determination of Threats

The procedures for determining whether pesticide concentrations exceed maximum contaminant level standards or pose a threat or reasonable expectation of a threat to human health or the environment shall be:

A. The department shall maintain a water monitoring program.

1. Water sample collection sites shall be distributed throughout the state. The locations of said sites shall be selected by criteria including, but not limited to:

- a. those areas that have agricultural land use;
- b. those areas that have water drainage from agricultural lands;
- c. the propensity for runoff due to topography, soil types and other characteristics;
- d. data from aquifer potential maps used to locate well sampling sites in a wide spectrum of the state's aquifers; and
- e. proximity to pesticide application of irrigation wells

or shallow private water wells.

2. The water sampling frequency requirements shall be based upon criteria including, but not limited to:

- a. the pesticide application season in the area of the water collection sample site;
- b. sampling shall be at least monthly during any pesticide application season.

3. Analytical parameters shall be established for each sampling site and shall be based upon, but not limited to, the following criteria:

- a. the major crop(s) grown in the area of the monitoring site;
- b. the pesticide(s) most commonly used on the major crop(s) of the monitoring site area; and
- c. the base line conditions existent prior to the pesticide application season.

4. Base line conditions at each water sampling site shall be established by water sampling and analysis prior to the pesticide application season.

5. The analysis of water samples shall be accomplished in accordance with procedures of the Association of Official Analytical Chemists and/or other methods approved by the U. S. Environmental Protection Agency.

6. The department shall sample and test fish tissues once a year, unless the commissioner determines that more frequent testing is needed.

B. The commissioner shall consider results of the analysis of the samples, the criteria established in R.S. 3:3306(C), and/or other relevant data and shall promptly determine whether a threat or reasonable expectation of a threat to human health or to the environment exists and whether the standards as adopted herein have been exceeded.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3303(B) and R.S. 3:3306(B).

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Agricultural and Environmental Sciences, LR 18: (March 1992).

§13195. Determination of Appropriate Action

A. Upon determination by the commissioner that a threat or reasonable expectation of a threat to human health or to the environment exists or that the maximum contaminant level standards as adopted herein have been exceeded he shall:

- 1. promptly direct that thereafter the Emergency Procedures established by LAC 7:13179 et seq. be employed.
- 2. complete sufficient investigation as to permit appropriate action.

B. In determining appropriate action as to the pesticide involved the commissioner shall consider:

- 1. registration denial;
- 2. stop orders for use, sales or application;
- 3. label changes;
- 4. remedial or protective orders;
- 5. injunctive relief; and
- 6. any other relevant remedies.

C. In determining appropriate action as to the responsible party the commissioner shall consider:

- 1. referral for criminal prosecution;
- 2. referral to the Advisory Commission on Pesticides;
- 3. remedial or protective orders;
- 4. injunctive relief; and
- 5. any other relevant remedies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3303(B) and R.S. 3:3306(B).

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Agricultural and Environmental Sciences, LR 18: (March 1992).

Bob Odom
Commissioner

RULE

**Department of Agriculture and Forestry
Office of Agricultural and Environmental Sciences
Horticulture Commission**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 3:3801 et seq., and pursuant to the Notice of Intent published on December 20, 1991, the Department of Agriculture and Forestry, Horticulture Commission hereby adopts the following amendments to the Horticulture Commission rules and regulations LAC 7:XXIX. Chapter 151.

§15107. Procedures for Application for Examination and Licensure or Permitting

B. Retail Florist

1. Applicants who desire to take the examination for retail florist must file the completed application, together with the fee required under LAC 7:15109.A, at the commission's state office in Baton Rouge no later than 4:30 p.m. on the twentieth working day preceding the scheduled examination date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3801, R.S. 3:3807 and R.S. 3:3808.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Horticulture Commission, LR 8:184 (April 1982), amended LR 14:7 (January 1988), LR 18: (March 1992).

§15109. Fees for License or Permit and Renewal Thereof

B. Landscape Architect

1. The total fee for complete examination for licensure as a landscape architect shall be as follows:

1991 - \$350

2. The fee for examination or re-examination in the various sections of the examination for landscape architect shall be as follows:

1992

Section 1	\$16
Section 2	\$21
Section 3	\$68
Section 4	\$63
Section 5	\$83
Section 6	\$73
Section 7	\$36
Section 8	\$15

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3806, R.S. 3:3805 and R.S. 3:3801.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Horticulture Commission, LR

8:184 (April 1982), amended LR 14:8 (January 1988), LR 18: (March 1992).

§15113. Examination Schedule

A. Retail Florist

1. Examinations for licensure as a retail florist shall be given by the commission at least once during each quarter but may be given more frequently.

2. The commission shall publish the time and location of each examination for retail florist in the issue of the *Louisiana Register* to be published immediately prior to the examination date and shall also disseminate information concerning the scheduled examination to all interested applicants.

3. Re-examination for the written segment of the retail floristry exam will be administered in the commission's state office building in Baton Rouge and in district offices of the Department of Agriculture upon request or at the next scheduled testing site for the retail floristry exam.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3807 and R.S. 3:3801.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Horticulture Commission, LR 8:185 (April 1982), amended LR 14:8 (January 1988), LR 18: (March 1992).

Bob Odom
Commissioner

RULE

**Department of Economic Development
Board of Architectural Examiners**

Under the authority of R.S. 37:144 and in accordance with the provisions of R.S. 49:950 et seq., the Board of Architectural Examiners has amended LAC 46:I.1117 pertaining to continuing education and accreditation therefor. The board is clarifying and simplifying the existing rule, and replacing it with the following:

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part I. Architects

Chapter 11. Administration

§1117. Continuing Education Accreditation

A. The Louisiana State Board of Architectural Examiners at the time of granting a new license, or upon renewal of a license, shall issue a certificate of Board Continuing Education Accreditation to every architect who furnishes satisfactory evidence of having achieved the board's requirements for such continuing education accreditation.

B. The term "Louisiana Board Continuing Education Accredited" or its abbreviation "Continuing Ed. Accredited" followed by the current year, when used by an architect licensed to practice in Louisiana, shall mean that the architect is recognized by the board as having attained continuing education credits currently required by rules of the board. No architect shall use such term during any year in which the architect has not received the accreditation described herein.

C. Qualifying for Board Continuing Education Accreditation.

To qualify for Board Continuing Education Accreditation a candidate must furnish proof of not less than 1.2 Continuing Education Units (CEUs). Only CEUs earned between January 1 and December 31 of the year immediately prior to applying for accreditation will be recognized.

D. Continuing Education Units

1. One CEU is the equivalent of 10 contact hours of instruction. CEUs may be expressed in tenths, e.g., 10 contact hours = 1.0 CEUs. For each contact hour of participation in an approved program, as defined herein, the candidate for continuing education credits will receive credit for .1 CEU. A contact hour consists of at least 50 minutes of instruction. Contact refers to time learners spend with an instructor.

2. The board will not approve continuing education credit for any program which has not been approved prior to its presentation.

E. Approved Programs

1. An approved program is a program which has been approved by the board prior to its presentation. The approved program sponsor will issue a Credit Certification Form to each person attending such program certifying each candidate's participation in such program and the number of CEUs earned. The program sponsor will also certify each person's participation to the board.

2. Course Sponsors who propose to offer approved programs shall submit the following information on forms provided by the board for approval by the board.

a. Course Sponsor - name, address, phone number.

b. Course Description - detailed description of subject matter and course offering; length of instructional period; instruction format; lecture, seminar, conference, workshop; and presentation method, electronic, visuals, and printed materials.

c. Course Instructor/Leader - names, addresses and phone numbers of instructor/leader; educational and professional credentials for each; professional references.

d. Time, Place and Cost - date, time and location of course offerings; and attendance fees and cost of course materials.

e. Course Completion Certification - sponsor's method for verifying attendance, participation and achievement of program learning objective.

f. Course Information Dissemination - method for informing architects of program offering; the course sponsor is responsible for submitting such information sufficiently in advance of the program so that the board may comprehensively analyze and question same.

F. Board Approval

1. The board is authorized to approve programs. Special consideration will be given to programs which help to remedy problems connected with newly discovered risks and risks for which there are few or no available courses in existing architectural curricula in Louisiana. Once a program has been approved, the board shall not have the authority to disapprove CEUs earned in such program.

2. The board will not approve continuing education credit for any program which has not been approved prior to its presentation.

3. The board shall annually promulgate an official Summary of Continuing Education Program Subjects to accomplish its continuing education objectives. Copies of the board's current Summary of Continuing Education Program

Subjects is available upon request.

G. Procedure for Obtaining Certificate of Accreditation

1. On or prior to February 1 of the year following completion of the required courses, a candidate for Board Continuing Education Accreditation shall submit a completed application for Board Continuing Education Accreditation Form along with Credit Certification Forms from the program sponsors for approved programs, and an administrative fee of \$25 payable to the Louisiana State Board of Architectural Examiners. Upon request by the candidate the board shall provide Application for Board Continuing Education Accreditation Forms. It shall be the responsibility of the candidate to obtain and submit timely said form and fee.

2. The board will not accept partial submittals from candidates at other times during the year and will not accumulate a record of CEUs for candidates as they accrue.

H. Record of Continuing Education Credits. The board shall maintain a record of those architects who are awarded the Board Continuing Education Accreditation for a period of five years; provided, however, the board will not keep a record of any architect whose license has expired for longer than one year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:145-146.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Architectural Examiners, LR 17:6 (June 1991); amended LR 18: (March 1992).

Mary "Teeny" Simmons
Executive Director

RULE

**Department of Economic Development
Office of Commerce and Industry
Financial Incentives Division**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. and R.S. 37:3111 et seq., the Department of Economic Development, Office of Commerce and Industry, is hereby amending rules and regulations for the Louisiana Capital Companies Tax Credit Program.

R.S. 51:1923(5) provides "The department shall promulgate rules to determine what constitutes equity...". The additions to §703 define equity to enable a BIDCO to make investments which will meet certified Louisiana capital company program requirements. The addition to §717 provides a formal reporting format. §701.C is self-explanatory.

Title 13

ECONOMIC DEVELOPMENT

Part I. Commerce and Industry

Subpart I. Finance

Chapter 7. Louisiana Capital Companies Tax Credit Program

§701. General

* * *

C. Nothing in these rules shall be construed as overriding or superseding any rules adopted by the Office of Financial Institutions relative to the regulations of banks or BIDCOs, or any other rules adopted by any other state agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1929.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Commerce and Industry, Finance Division, LR 10:872 (November 1984), amended by the Department of Economic Development, LR 15:1050 (December 1989), LR 18: (March 1992).

§703. Definitions

* * *

5. *Equity* in a qualified Louisiana business is defined as an ownership interest in the business. An equity investment may include a security which has the characteristics of debt but which provides for conversion into equity at a future date.

a. An *equity investment*, as provided in R.S. 51:1923(5), may include debt which also includes features or elements which provide: conversion rights, royalty rights, net profit interests, warrants for future ownership, or equity sale participation rights. The predominant feature or features of the investment must be a true equity position, i.e. a residual or ownership interest.

b. *Royalty Right* is defined as a right to receive a percent of gross or net revenues, may be either fixed or variable, may provide for a minimum or maximum dollar amount per year or in total, may be for an indefinite or fixed period of time, and may be based upon revenues in excess of a base amount.

c. *Net Profit Interest* is defined as a right to receive a percent of operating or net profits, may be either fixed or variable, may provide for a minimum or maximum dollar amount per year or in total, may be for an indefinite or fixed period of time, and may be based upon operating or net profits in excess of a base amount.

d. *Warrant for Future Ownership* is defined as an option on the stock of the Qualified Louisiana Business. The Qualified Louisiana Business may repurchase a warrant (a "call") or the Qualified Louisiana Business may be required to repurchase a warrant (a "put") at some fixed amount or an amount based on a pre-agreed upon formula.

e. *Equity Sale Participation Right* is defined as a conversion option of debt, to convert all or a portion of the debt to the Qualified Louisiana Business' stock, then to participate in the sale of the stock of the Qualified Louisiana Business.

f. Equity Investments shall not include any investment in a business engaged primarily in relending or reinvesting activities, long-term leasing activities or to any passive business. A passive business is one that is not engaged in a regular or continuous operation.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1923.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Commerce and Industry, Finance Division, LR 10:872 (November 1984), amended by the Department of Economic Development, LR 15:1050 (December 1989), LR 18: (March 1992).

§717. Requirements for Continuance of Certification

* * *

F. In accordance with Subsection A of this Section, at year three and year five after the date on which the capital company was designated as certified, each certified Louisiana capital company shall report all investments made. The

report shall be in the format suggested by, or on forms provided by, the Office of Commerce and Industry. The report must contain the following: the company name and location; a statement that the company invested in is or is not a Qualified Louisiana Business; the date the investment was made; the type of investment and whether it is a qualified investment, how it qualifies, and the amount; the percentage the qualified investment represents compared to the total certified capital. The report must contain a statement that the certified capital company has met the requirements of this Section or, a statement explaining why the company is not in compliance and how and when compliance will be achieved; a statement certifying that the information submitted is true and correct. The report must be signed by an officer of the company, and must be notarized.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1929.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Commerce and Industry, Finance Division, LR 10:872 (November 1984), amended by the Department of Economic Development, LR 15:1050 (December 1989), LR 18: (March 1992).

Robert G. Berling
Program Administrator

RULE

Department of Economic Development Office of Commerce and Industry

In accordance with R.S. 47:4311-4319 and the Administrative Procedure Act, the Department of Economic Development, Economic Development Corporation, hereby amends LAC 13:I.Chapter 13 regarding Restoration Tax Abatement.

Title 13 ECONOMIC DEVELOPMENT Part I. Commerce and Industry Subpart 1. Finance

Chapter 13. Restoration Tax Abatement

§1301. General

A. Intent of Law. To encourage the expansion, restoration, improvement, and development of existing commercial structures and owner-occupied residences in downtown, historic, and economic development districts. To provide for the development and improvement of local communities, encourage the fullest use of underutilized resources, and enhancement of the tax base.

B. Program Description. The Restoration Tax Abatement Program provides to commercial property owners and homeowners who expand, restore, improve or develop an existing structure in a downtown development district, economic development district or historic district (the "project"), the right for five years after completion of the work, to pay ad valorem taxes based on the assessed valuation of the property for the year prior to the commencement of the project.

1. The application is subject to approval by the local governing authority, the State Board of Commerce and In-

dustry, and the governor. Assessment of the improvements, made by the project to the property, is deferred for five years by a contract entered into with the Board of Commerce and Industry. The contract may be eligible for renewal, subject to the same conditions, for an additional five years. The tax abatement is now available if property taxes have been paid on the improvements made by the project. If the property is sold, the contract may be transferred, subject to local government and board approval.

2. The program is administered by the Louisiana Department of Economic Development, Office of Commerce and Industry, Financial Incentives Division. For more information contact the Restoration Tax Abatement Program Administrator, Box 94185, Baton Rouge, Louisiana 70804-9185. Telephone 504/342-5398.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:4311-4319.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Commerce and Industry, Finance Division, LR 11:98 (February 1985), amended LR 12:665 (October 1986), amended by the Department of Economic Development, LR 18: (March 1992).

§1303. Time Limits for Filing Application

A. The applicant shall submit an "Advance Notification" on the prescribed form prior to the beginning of construction. An advance notification fee of \$100 shall be submitted with the advance notification form. The phase "beginning of construction" shall mean the first day on which foundations are started, or, where foundations are unnecessary, the first day on which installation of the facility begins.

B. Application for tax exemption should be filed with the Office of Commerce and Industry, Box 94185, Baton Rouge, Louisiana 70804-9185 on the form prescribed prior to the beginning of construction. Failure to file an application prior to construction may result in the application being denied.

C. An application fee (effective May 4, 1988) shall be submitted with the application based on the following:

1. 0.2 percent of the estimated total five-year property tax exemption;

2. minimum application fee is \$200, maximum application fee is \$5000;

3. please make checks payable to: Louisiana Office of Commerce and Industry.

D. The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, may not be refundable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:4311-4319.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Commerce and Industry, Finance Division, LR 11:98 (February 1985), amended LR 12:665 (October 1986), amended by the Department of Economic Development, LR 18: (March 1992).

§1305. Application Requirements

A. The application must be complete (any exceptions

must be authorized by C and I staff). All sections of the application form RTA1 must be filled in. Under Section 5, submit at least a one paragraph detailed description of the project with some historical overview, if applicable. For "ESTIMATED NO. OF JOBS," list only the net new permanent jobs which will be created as a result of the project being applied for; do not list permanent jobs which existed prior to the beginning of the project. In addition all applicable addendum documentation, listed under "Project Documentation," must be received. The application will be returned to the applicant if the required information is not received.

B. The expansion, restoration, improvement or development must be made to an existing structure and must be located in a downtown development district, economic development district or historic district.

C. If the construction period is longer than two years, the project must be divided into two-year phases, and a separate application must be filed for each two-year increment. A separate application must be filed for each structure being restored, renovated, improved or developed. Exceptions to this Paragraph must be approved in advance by the authorized representative of the board, and approved by the board.

D. The expansion, restoration, improvement or development of a certified historic structure shall also be required to meet the National Park Service requirements for restoration projects known as the secretary of the Interior's "Standards for Rehabilitating Historic Structures"; and, as interpreted by the Louisiana Department of Culture, Recreation, and Tourism, Division of Historic Preservation. As used in this Subsection, the phrase "certified historic structure" means any building including its structural components, which:

1. is listed on the National Register of Historic Places; or
2. is located in a registered historic district and is listed as a contributing element of that district in the National Register records under authority of the secretary of the Interior.

E. The Board of Commerce and Industry will not consider for tax exemption any expansion, restoration, improvement or development project if substantial completion of a commercial project occurred prior to October 15, 1982. For an owner-occupied residence, construction must not have been started prior to September 7, 1990.

F. Pursuant to R.S. 47:4315(A)(4), under no circumstances will the Board of Commerce and Industry consider an application for abatement on any project for expansion, restoration, improvement or development once ad valorem taxes have been paid on the basis of an assessed valuation which reflects the improvements made by the project.

G. When the expansion, restoration, improvement, or development is to be made to an owner-occupied residence, a contract of exemption shall not be available unless a minimum rehabilitation cost equal to or greater than 25 percent of the assessed valuation of the improvements located on the property for the year prior to the commencement of the expansion, restoration, improvement, or development of the owner-occupied residence is incurred by the owner and such expansion, restoration, improvement, or development is completed within a 24-month period. "Owner-occupied residence" means any structure occupied by the owner and used principally for residential use including condominium units, duplexes, and other multiple residence structures.

Owner-occupied residence projects shall not have been started prior to September 1, 1990.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:4311-4319.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Commerce and Industry, Finance Division, LR 11:98 (February 1985), amended LR 12:665 (October 1986), amended by the Department of Economic Development, LR 18: (March 1992).

§1307. Project Documentation

A. Application is to be filed with the Office of Commerce and Industry. Please return four application forms (RTA1) completed, signed and notarized. The application should include a complete description of the project. Attach additional pages if necessary. In addition, two complete sets of the addendum documentation, Paragraphs 1-6 and either Paragraphs 7 or 8 of Subsection B are required for all projects. For projects involving owner-occupied residences Paragraphs 9 and 10 must also be included. The Office of Commerce and Industry may request additional information.

B. The following addendum documentation must be submitted with the application: (Please denote each document with one of the numbers below)

1. Proof of Ownership: Act of sale or option to acquire the property;
2. a legal property description (suitable for insertion into the exemption contract - retype if necessary), a plot map; a copy of the building permit issued for the project;
3. picture of the structure before beginning the project and a rendering of the structure as it will appear after completion of the project;
4. names and addresses of all owners (the general partner(s) or, the principal stockholders of the corporation);
5. the assessed value of the structure only (improvements) and the taxes paid on the structure only;
6. a copy of the tax invoice for the year prior to commencement of the project from the parish assessor;
7. certification from the local governing authority that the structure is in a downtown development district, an historic district, or an economic development district specifically designated as such for this program;
8. if the project is a "certified historic structure" as defined in §1305 (B), Certification from the Louisiana Department of Culture, Recreation, and Tourism, Division of Historic Preservation that the project meets the National Park Service requirements for restoration projects known as The Secretary of the Interior's "Standards for Rehabilitating Historic Structures." This is mandatory if the project is located in downtown New Orleans or downtown Shreveport;
9. a statement certifying that the minimum rehabilitation cost incurred to the owner-occupied residence project will be equal to or greater than 25 percent of the assessed valuation of the improvements located on the property prior to the commencement of the expansion, restoration, improvement, or development; and
10. a statement certifying that the owner-occupied residence project will be completed within a 24-month period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:4311-4319.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Commerce and Industry, Finance Division, LR 11:98 (February 1985), amended LR 12:665 (October 1986), amended by the Department of Economic

Development, LR 18: (March 1992).

§1309. Local Governing Authority Certification and

Approval

A. R.S. 47:4314(B), requires the exemption to be certified and approved by each local governing authority which is defined in R.S. 47:4313(5):

“‘Local governing authority’ means the governing authority of the parish in which the downtown, historic, or economic development district is located unless the district is located within a municipality, in which case ‘local governing authority’ shall mean the governing authority of the municipality. If the district is located partly in a municipality, ‘local governing authority’ shall mean the governing authority of the parish and the governing authority of the municipality.”

B. Upon receipt of the application, the local governing authority shall notify each tax recipient body affected by the contract for a limited exemption and shall make available to each body the application and all supporting documents.

C. The parish or municipal governing authority shall certify that the property on which the expansion, restoration, improvement of development is being made is located within an established downtown, historic, or economic development district, whether established by a local governing authority or in accordance with law. This certification shall be submitted to the Office of Commerce and Industry with its decision to approve or disapprove.

D. The local governing authority shall determine whether the applicant’s land usage meets the definition of “commercial property” based on their zoning ordinance, land use plan, downtown or economic revitalization plan, or any other development code and shall certify that the property meets their criteria. This certification shall be submitted to the Office of Commerce and Industry along with their recommendation.

E. Before notifying the board of its approval or disapproval of the application, the local governing authority shall conduct a public hearing. Notice of the time and place of the hearing shall be published at least twice in the official journal of the local governing authority, and at least 10 days shall elapse between the first publication and the date of the hearing. Each affected tax recipient body shall be given written notice of the hearing at least 10 days prior to such hearing. After such hearing, the local governing authority shall determine whether to approve or disapprove the application.

F. The local governing authority shall, within 60 days after receipt of the application from the Office of Commerce and Industry, file with the department a statement of its decision to approve or disapprove the application, the reasons therefor, and any supporting documents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:4311-4319.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Commerce and Industry, Finance Division, LR 11:98 (February 1985), amended LR 12:665 (October 1986), amended by the Department of Economic Development, LR 18: (March 1992).

§1311. Effective Date of Contract

A. The owner of the existing structure or structures, shall carefully document the beginning date of the effective use of the structure, and also document the date that con-

struction is essentially complete. The contractee must file that information with the Office of Commerce and Industry on the prescribed Project Completion Report within 30 days following the last day of the month after effective use of the structure has begun or construction is essentially completed, whichever occurs first. The Office of Commerce and Industry will indicate with a return of a copy of that report the effective date of the tax exemption contract, which shall be December 31 of the year in which effective use of the structure began or construction was essentially complete, whichever was sooner.

B. As the assessment date for Orleans Parish is August 1, the effective date of contract for a structure located in Orleans Parish shall be July 31 of the applicable year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:4311-4319.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Commerce and Industry, Finance Division, LR 11:98 (February 1985), amended LR 12:665 (October 1986), amended by the Department of Economic Development, LR 18: (March 1992).

§1313. Affidavit of Final Cost

Within six months after construction has been completed, an affidavit of final cost showing complete cost of the exempted project shall be filed on the prescribed form together with a fee of \$100 for the inspection which will be conducted by the Office of Commerce and Industry. (Make check payable to the Office of Commerce and Industry.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:4311-4319.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Commerce and Industry, Finance Division, LR 11:98 (February 1985), amended LR 12:665 (October 1986), amended by the Department of Economic Development, LR 18: (March 1992).

§1315. Reports to Parish Assessor

The property owner agrees to file annually with the assessor of the parish in which the structure is located any taxpayer’s report required by law on forms furnished by the assessor in order that the exempted property may be separately listed on the assessment rolls. Notwithstanding the fact, taxes will be collected on the exempt property during the period of exemption at the assessed valuation of the property the year prior to the commencement of the expansion, restoration, improvement, or development of the property.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:4311-4319.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Commerce and Industry, Finance Division, LR 11:98 (February 1985), amended LR 12:665 (October 1986), amended by the Department of Economic Development, LR 18: (March 1992).

§1317. Contract can be Transferred

If the property for which the limited exemption has been granted is sold the limited exemption may be transferred for the remainder of its term to the new owner, provided such transfer is approved by the local governing authority, the Board of Commerce and Industry, and the governor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:4311-4319.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Commerce and Industry, Finance Di-

vision, LR 11:98 (February 1985), amended LR 12:665 (October 1986), amended by the Department of Economic Development, LR 18: (March 1992).

§1319. Violation of Rules or Documents

On the board's initiative or whenever a written complaint or violation of terms of the tax exemption rules or contract is received, the assistant secretary of the Office of Commerce and Industry shall cause to be made a full investigation on behalf of the board, and he shall have full authority for such investigation including, but not exclusively, authority to call for reports or other pertinent records or other information from the contractee. If the investigation substantiates a violation, he may present the subject contract to the board for formal cancellation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:4311-4319.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Commerce and Industry, Finance Division, LR 11:98 (February 1985), amended LR 12:665 (October 1986), amended by the Department of Economic Development, LR 18: (March 1992).

§1321. Contract Renewal

A. Effective January 1, 1991, contracts may be renewed, subject to the same conditions, for an additional five years extending such right for a total of 10 years from completion of the work.

B. In order to be eligible for renewal of an existing contract the Project Completion Report and affidavit of final cost, contract addendum documents, must have been filed for the original contract; taxes cannot have been paid on the improvements pursuant to R.S. 47:4315(A)(4); and a renewal application form must be submitted. The following documentation should be submitted:

1. three copies of the application, form RTA1, marked "RENEWAL," containing current data;

2. a written, notarized certification (three copies) from the applicant, referencing the original application/contract number, that "taxes have not been paid on improvements exempted under contract number (number), for (owner name), pursuant to R.S. 47:4315, Paragraph (A)(4) and the Restoration Tax Abatement Program rules."

3. a renewal fee check for \$50, payable to the Office of Commerce and Industry.

C. The same approval process, as used for the original application and contract, will be followed for renewal contracts. Applications must first be filed with the Office of Commerce and Industry. They will then be sent to the local governing authority for approval. If approved by the local governing authority, the application will be submitted to the Board of Commerce and Industry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:4311-4319.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Commerce and Industry, Finance Division, LR 11:98 (February 1985), amended LR 12:665 (October 1986), amended by the Department of Economic Development, LR 18: (March 1992).

Kevin P. Reilly
Secretary

RULE

Board of Elementary and Secondary Education

Amendment to Bulletin 741 -
Nonpublic School Standards

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published December 20, 1991 and under the authority contained in the Louisiana Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted an amendment to Standards 6.015.46 and 6.108.02 of Bulletin 741, Louisiana Handbook for School Administrators Nonpublic School Standards relative to SAT scores which are acceptable for enrollment in college courses for high school credit as stated below:

Standard 6.105.46 - amend to read:

The student shall have scored at least a minimum composite score of 24 on the ACT or the appropriate concordant value of the Enhanced ACT or have a SAT composite score of 1050 or have a score of 500 on the verbal portion or 560 on the mathematics portion of the SAT in the area to be pursued at the college level.

Standard 6.108.02 - amend to read:

The student shall have earned a minimum composite score of 24 on the ACT or the appropriate concordant values on the Enhanced ACT, or a SAT score of 1050 and this score must be submitted to the college.

Carole Wallin
Executive Director

RULE

Board of Elementary and Secondary Education

Procedure for the Distribution of School Books and
Materials of Instruction to Home Study Students

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published December 20, 1991 and under the authority contained in the Louisiana Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the following procedures for the distribution of school books and materials of instruction to home study students as recommended by the Department of Education in response to Act 338 of 1991.

Amendment to Bulletin 1794

Textbook Adoption Policies and Procedures

A parent must adhere to the following procedure in requesting school books and materials from a local school district:

1. receive approval for the home study program;
2. secure verification of participation form from the local school district home study coordinator;
3. present the verification form to the textbook supervisor or designee;
4. select the materials needed from the listing provided by the textbook personnel (only materials approved by BESE and adopted by the local school district are provided through this Act);
5. submit requests for materials. A small deposit equal

to 50 percent of the replacement is required. This deposit will be returned when books are returned. If books are not returned or paid for, the parent or legal guardian shall not be eligible to continue in the textbook program until such indebtedness is cleared.

NOTE: Only one grade level set of textbooks per child per subject is available at any single time.

AUTHORITY NOTE: R.S. 17:351(C).

HISTORICAL NOTE: LR18: (March 1992).

Carole Wallin
Executive Director

RULE

Board of Elementary and Secondary Education

Salary Schedule for Postsecondary Vocational-Technical Personnel, FY 1991-92

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published December 20, 1991 and under the authority contained in the Louisiana Constitution (1974), Article VIII, Section 3, Act 800 of the Regular Session, adopted the Salary Schedule for Postsecondary Vocational-Technical Personnel, FY 1991-92 along with the Department of Education's recommendations listed below for funding of salaries for all postsecondary vocational-technical personnel for Fiscal Year 1991-92:

Amendment to Bulletin 1868

BESE Personnel Manual

Chapter D. Employee Compensation

§145. Vocational-Technical System

1. Suspend the new pay plan that was adopted by the board in August, 1989 for Fiscal Year 1991-92.

2. Continue the use of the board-approved, September 1, 1984 and revised August 20, 1990, salary schedule with the following changes:

a. make each yearly step increase consistent by category;

b. add two steps to the base plus 12 step salary schedule.

This will allow all unclassified employees to receive a one-step raise.

3. All classified employees will receive their regular merit increase of four percent on their anniversary date, and those classified employees who qualify will receive an additional four percent pay equalization raise.

4. Authorize each technical institute director and regional management center director to work with other state agencies that are providing funding for personnel in the postsecondary vocational-technical system to seek additional funds or budget revisions to accommodate salary adjustments for their personnel not on the State Table of Organization.

AUTHORITY NOTE: 17:1993.

HISTORICAL NOTE: LR 18: (March 1992).

SALARY SCHEDULE FOR STATE TECHNICAL INSTITUTES
EFFECTIVE SEPTEMBER 26, 1991

INSTRUCTOR			ASSISTANT DIRECTOR		DIRECTOR (1-13 Staff)		DIRECTOR (14-26 Staff)		DIRECTOR (27-40 Staff)		DIRECTOR (41-55 Staff)		DIRECTOR (56 + Staff)					
* No	Degree		B.S.	M.A.	B.S.	M.A.	B.S.	M.A.	B.S.	M.A.	B.S.	M.A.	B.S.	M.A.				
8	22,299	23,116	23,993	8	27,583	28,260	8	34,370	34,946	9	35,110	35,726	8	36,590	37,206	8	37,310	37,946
1	22,976	23,993	24,670	1	28,197	29,074	1	35,110	35,726	1	36,590	37,206	1	37,310	37,946	1	38,070	38,686
2	23,653	24,670	25,347	2	29,211	29,888	2	36,590	37,206	2	37,330	37,946	2	38,070	38,686	2	38,810	39,426
3	24,330	25,347	26,024	3	30,025	30,702	3	37,330	37,946	3	38,070	38,686	3	38,810	39,426	3	39,550	40,166
4	25,007	26,024	26,701	4	30,839	31,516	4	38,070	38,686	4	38,810	39,426	4	39,550	40,166	4	40,290	40,906
5	25,684	26,701	27,378	5	31,653	32,330	5	38,810	39,426	5	39,550	40,166	5	40,290	40,906	5	41,030	41,646
6	26,361	27,378	28,055	6	32,467	33,144	6	39,550	40,166	6	40,290	40,906	6	41,030	41,646	6	41,770	42,386
7	27,038	28,055	28,732	7	33,281	33,958	7	40,290	40,906	7	41,030	41,646	7	41,770	42,386	7	42,510	43,126
8	27,715	28,732	29,409	8	34,095	34,772	8	41,030	41,646	8	41,770	42,386	8	42,510	43,126	8	43,250	43,866
9	28,392	29,409	30,086	9	34,909	35,586	9	41,770	42,386	9	42,510	43,126	9	43,250	43,866	9	43,990	44,606
10	29,069	30,086	30,763	10	35,723	36,400	10	42,510	43,126	10	43,250	43,866	10	43,990	44,606	10	44,730	45,346
11	29,746	30,763	31,440	11	36,537	37,214	11	43,250	43,866	11	43,990	44,606	11	44,730	45,346	11	45,470	46,086
12	30,423	31,440	32,117	12	37,351	38,028	12	43,990	44,606	12	44,730	45,346	12	45,470	46,086	12	46,210	46,826
13	31,100	32,117	32,794	13	38,165	38,842	13	44,730	45,346	13	45,470	46,086	13	46,210	46,826	13	46,950	47,566
14	31,777	32,794	33,471	14	38,979	39,656	14	45,470	46,086	14	46,210	46,826	14	46,950	47,566	14	47,690	48,306

INCREMENTS	INSTRUCTOR	ASSISTANT DIRECTOR	DIRECTOR	INCREMENT FOR DEPARTMENT HEAD
Merit	677	814	740	
Specialist	977	977	889	4-6 (including head) \$651
Ph.D or Ed.O.	1,302	1,302	1,185	7 + (including head) 782
AD Nurse (72)	575			
3 Yr. Diploma (96)	735			

NOTE: The minimum extension rate shall be \$15 per hour and the maximum rate shall be \$20 per hour.

*** COLLEGE CREDITS**

3 hrs.	\$ 39	57 hrs.	\$475
6 hrs.	78	60 hrs.	495
9 hrs.	117	63 hrs.	515
12 hrs.	156	66 hrs.	535
15 hrs.	195	69 hrs.	555
18 hrs.	215	72 hrs.	575
21 hrs.	235	75 hrs.	595
24 hrs.	255	78 hrs.	615
27 hrs.	275	81 hrs.	635
30 hrs.	295	84 hrs.	655
33 hrs.	315	87 hrs.	675
36 hrs.	335	90 hrs.	695
39 hrs.	355	93 hrs.	715
42 hrs.	375	96 hrs.	735
45 hrs.	395	99 hrs.	755
48 hrs.	415	102 hrs.	775
51 hrs.	435	105 hrs.	795
54 hrs.	455		

- In changing position from instructor, student personnel services officer, D.E. Coordinator or Supervisor Trainer to Assistant Director or from Assistant Director to Director, no reduction in salary will be given. The salary in the new position shall be determined by placing the employee's salary on the lowest step that will provide for an increase of at least one full increment of new position.
- All employees employed prior to September 26, 1991 will be placed on their present step.
- Beginning employees will be employed at base salary.
- Personnel transferring from one technical institute to another, from the La. Technical Resource Center to a technical institute or vice versa, will be considered lateral transferees with no pay adjustment necessary.
- Former employees when re-employed will not be considered new employees for pay purposes, but will be given credit for prior Louisiana technical institute experience, as follows: 1 year - 1 step; 2-4 years - 2 steps; 5-7 years - 3 steps; 8 and above - 4 steps. Personnel who left after July 1, 1981 and who are being re-employed will be placed on their former step. If a former employee was RIF'd and has been employed in the Vocational-Technical System under another source of funding and re-employed in a state T. O. position, he or she will be given credit for pay purposes for those years worked.
- Eligible personnel may receive an educational increment for a specialized degree or a doctor's degree, but not both.
- To receive an increment, an employee must have been employed in a position for more than six months in the prior fiscal year.
- No increment for additional hours completed shall be added to a salary at any time other than July 1.

Carole Wallin
Executive Director

RULE

**Department of Employment and Training
Office of Workers' Compensation**

In accordance with the provisions of R.S. 49:950, et seq., the Administrative Procedure Act, and under the authority of R.S. 23:1291(B)(10)(12) and (13) of Act 938 of the 1988 Regular Session, the Office of Workers' Compensation, through the Department of Employment and Training, hereby amends LAC 40:1.2715 of the Utilization Review Process for reporting standards and dispute resolutions.

The rules and regulations shall provide and govern the process of resolving disputes over the necessity, advisability, and cost of proposed or already performed hospital care or services and medical or surgical treatment due under the Workers' Compensation Act, with the authority to audit specific medical records of a patient to determine whether an inappropriate reimbursement has been made.

**Title 40
LABOR AND EMPLOYMENT**

**Part I. Workers' Compensation Administration
Chapter 27. Utilization Review Procedures
§2715. Reporting Standards and Dispute Resolution**

A. Purpose. It is the purpose of this section to facilitate the management of medical care delivery, and to assure an orderly and timely process in the resolution of care-related disputes.

B. Statutory Limits.

1. Non-Emergency Care. In addition to all other Utilization Review rules and procedures, the law (R.S 23:1142) establishes a monetary limit for non-emergency medical care. The statute further provides significant penalties for a Carrier's/Self-Insured Employer's arbitrary and capricious refusal to approve necessary care beyond that limit.

a. Recognizing the importance of establishing a process for the making of such treatment decisions, the Officer of

Workers' Compensation Administration hereby promulgates the following criteria as the minimum submission by a provider or practitioner seeking to provide care beyond the statutory non-emergency medical care monetary limit:

- i. history and physical to include clinical summary;
- ii. diagnosis with ICD-9 codes*;
- iii. type of service;
- iv. plan of care to include expected length and frequency of treatment;
- v. prognosis to include expected outcome of treatment;
- vi. any diagnostic test results and interpretations.

*The provider will provide the narrative/description and the Carrier/Self Insured Employer will provide the ICD-9 code.

b. This information will help the reviewer determine the intensity of service needed to treat the patient.

c. In the absence of the submission of such information, any denial of further non-emergency care by the Carrier/Self-Insured Employer is *prima facie*, not arbitrary and capricious.

d. The Carrier/Self-Insured Employer shall notify all parties of the request, and of their action on the request, within five calendar days of date of receipt of the request. Failure to timely respond may result in assessment of penalties by the hearing officer.

e. Disputes over non-emergency care will be resolved by the medical dispute resolution officer if in the judgement of the medical dispute resolution officer it is necessary to do so.

2. Emergency Care. In addition to all other rules and procedures, the provider or practitioner who provides care under the "medical emergency" exception must demonstrate that it was a "medical emergency" in the following manner:

a. by demonstrating that the illness or condition presents one or more of the following findings:

i. severity of illness criteria: sudden onset of unconsciousness or disorientation (coma or unresponsiveness); pulse rate less than 50 per minute, greater than 140 per minutes; blood pressure - systolic less than 90 or greater than 200 mm Hg., diastolic less than 60 or greater than 120 mm Hg.; acute loss of sight or hearing; acute loss of ability to move body part; persistent fever equal to or greater than 100 (p.o.) or greater than 101(r) for more than five days; active bleeding; severe electrolyte/blood gas abnormality (any of the following: Na < 124 mEq/L, or Na > 156 mEq/L; K < 2.5 mEq/L, or K > 6.0 mEq/L; CO₂ combining power [unless chronically abnormal] < 20 mEq/L, or CO₂ combining power [unless chronically abnormal] > 36 mEq/L; blood ph < 7.30, or blood ph > 7.45); acute or progressive sensory, motor, circulatory or respiratory embarrassment sufficient to incapacitate the patient (inability to move, feed, breathe, etc.) Note: Must also meet intensity of service criterion simultaneously in order to certify. Do not use for back pain; EKG evidence of acute ischemia; must be suspicion of a new MI; wound dehiscence or evisceration; and

ii. intensity of service criteria: intravenous medications and/or fluid replacement (does not include tube feedings); surgery or procedure scheduled within 24 hours requiring general or regional anesthesia or use of equipment, facilities, procedure available only in a hospital; vital sign monitoring every two hours or more often (may include telemetry or bed-

side cardiac monitor); chemotherapeutic agents that require continuous observation for life threatening toxic reaction; treatment in an I.C.U.; intramuscular antibiotics at least every eight hours; intermittent or continuous respirator use at least every 8 hours.

NOTE: If at least one criterion is satisfied from both the severity of illness criteria and the intensity of service criteria, the service is considered to be emergency.

b. by demonstrating by other objective criteria that the treatment was necessary to prevent death, or serious permanent impairment to the patient.

3. Change of Physician

a. Requests for change of treating physician within one field or speciality shall be made in writing to the Carrier/Self-Insured Employer and shall contain a clear statement of the reason for the requested change. Having exhausted the monetary limit for non-emergency treatment is insufficient justification, without other reasons. The Carrier/Self-Insured Employer shall notify all parties of the request, and of their action on the request, within five calendar days of date of receipt of the request. Failure to timely respond may result in assessment of penalties by the hearing officer.

b. Disputes over change of physician will be resolved in the same manner and subject to the same procedures as established for dispute resolution of claims for workers' compensation benefits.

C. Opposing Medical Opinions

In the event that there are opposing medical opinions regarding claimant's condition or capacity to work, the Office of Workers' Compensation Administration will appoint an independent medical examiner of the appropriate licensure class to examine the claimant, or review the medical records at issue. The expense of this examination will be set by the director and will be borne by the Carrier/Self-Insured Employer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1291.

HISTORICAL NOTE: Promulgated by Department of Employment and Training, Office of Workers' Compensation, LR 17:653 (July 1991), repromulgated LR 18: (March 1992).

Alvin J. Walsh
Director

RULE

Department of Environmental Quality Office of Air Quality and Radiation Protection

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., particularly R.S. 30:2054, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air Quality Regulations, LAC 33:III.6088 (AQ55).

This rule describes an analytical method for determining the hydrogen chloride content of effluent streams to the air from stationary sources. See *Federal Register* dated February 14, 1991, 56 FR 5770, Number 30.

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 60. Division's Source Test Manual

§6088. Method 26-Determination of Hydrogen Chloride Emissions from Stationary Sources

A. Applicability, Principle, Interferences, Precision, Bias, and Stability

1. Applicability. This method is applicable for determining hydrogen chloride (HCl) emissions from stationary sources.

2. Principle. An integrated sample is extracted from the stack and passed through dilute sulfuric acid. In the dilute acid, the HCl gas is dissolved and forms chloride (Cl⁻) ions. The Cl⁻ is analyzed by ion chromatography (IC).

3. Interferences. Volatile materials which produce chloride ions upon dissolution during sampling which produce obvious interferences. Another likely interferant is diatomic chlorine (Cl₂) gas which reacts to form HCl and hypochlorous acid

(HOCl) upon dissolving in water. However, Cl₂ gas exhibits a low solubility in water and the use of acidic, rather than neutral or basic collection solutions, greatly reduces the chance of dissolving any chlorine present. This method does not experience a significant bias when sampling a 400 ppm HCl gas stream containing 50 ppm Cl₂. Sampling a 220 ppm HCl gas stream containing 180 ppm Cl₂ results in a positive bias of 3.4 percent in the HCl measurement.

4. Precision and Bias. The within-laboratory relative standard deviations are 6.2 and 3.2 percent at HCl concentrations of 3.9 and 15.3 ppm, respectively. The method does not exhibit a bias to Cl₂ when sampling at concentrations less than 50 ppm.

5. Stability. The collected samples can be stored for up to four weeks before analysis.

6. Detection Limit. The analytical detection limit of the method is 0.1 μg/ml.

B. Apparatus

1. Sampling. The sampling train is shown in Figure 26-1, and component parts are discussed below.

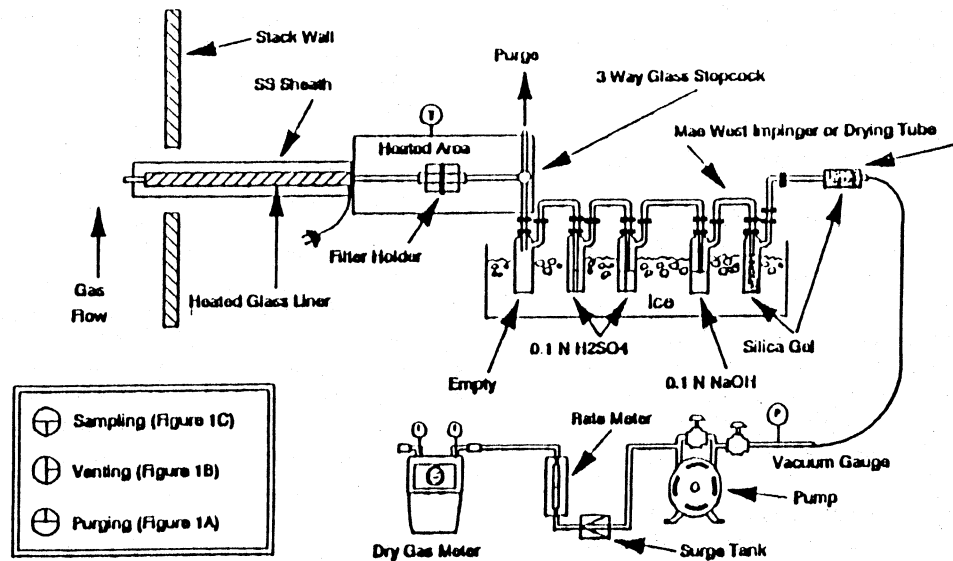


Figure 26-1. Sampling Train

a. Probe. Borosilicate glass, approximately 3/8 in. (9-mm) I.D. with a heating system to prevent moisture condensation. A 3/8 in. I.D. Teflon elbow should be attached to the inlet of the probe and a 1 in. (25-mm) length of 3/8 in. I.D. Teflon tubing should be attached to the open end of the elbow to permit the opening of the probe to be turned away from the gas stream. This reduces the amount of particulate entering the train. This probe configuration should be used when the concentration of particulate matter in the emissions is high. When high concentrations are not present, the Teflon elbow is not necessary, and the probe inlet may be perpendicular to the gas stream. A glass wool plug should not be used to remove particulate matter since a negative bias in the data could result. Instead, a Teflon filter (see Subsection B.1.e of this Section) should be installed at the inlet (for stack temperatures <300 °F) or outlet (for stack temperatures >300 °F) of the probe.

b. Three-way Stopcock. A borosilicate, three-way glass stopcock with a heating system to prevent moisture

condensation. The heated stopcock should connect directly to the outlet of the probe and the inlet of the first impinger. The heating system should be capable of preventing condensation up to the inlet of the first impinger. Silicone grease may be used, if necessary, to prevent leakage.

c. Impingers. Four 30 ml midget impingers with leak-free glass connectors. Silicone grease may be used, if necessary, to prevent leakage. For sampling at high moisture sources or for sampling times greater than one hour, a midget impinger with a shortened stem (such that the gas sample does not bubble through the collected condensate) should be used in front of the first impinger.

d. Drying Tube or Impinger. Tube or impinger, of Mae West design, filled with 6- to 16 mesh indicating type of silica gel, or equivalent, to dry the gas sample and to protect the dry gas meter and pump. If the silica gel has been used previously, dry at 175 °C (350 °F) for two hours. New silica gel may be used as received. Alternatively, other types of desiccants (equivalent or better) may be used.

e. Filter. A 25 mm Teflon mat, Pallflex TX40H175 or equivalent. Locate between the probe liner and Teflon elbow in a glass or quartz filter holder in a filter box heated to 250 °F.

f. Sample Line. Leak-free, with compatible fittings to connect the last impinger to the needle valve.

g. Rate Meter. Rotameter, or equivalent, capable of measuring flow rate to within two percent of the selected flow rate of two liters/min.

h. Purge Pump, Purge Line, Drying Tube, Needle Valve, and Rate Meter. Pump capable of purging the sampling probe at two liters/min. with drying tube, filled with silica gel or equivalent, to protect pump, and a rate meter capable of measuring zero to five liters/min.

i. Stopcock Grease, valve, pump, volume meter, barometer, and vacuum gauge. Same as in LAC 33:III.6025.B.1.d, g, h, j, k, and l.

2. Sample Recovery

a. Wash Bottles. Polyethylene or glass, 500 ml or larger, two.

b. Storage Bottles. 100 ml glass, with Teflon-lined lids, to store impinger samples (two per sampling run). During clean-up, the two front impinger contents (0.1 N H₂SO₄) should be combined. The contents of the two rear impingers (0.1 N NaOH) may be discarded, as these solutions are included only to absorb Cl₂, and thus protect the pump.

3. Sample Preparation and Analysis. The materials required for volumetric dilution and chromatographic analysis of samples are described below.

a. Volumetric Flasks. Class A, 100 ml size.

b. Volumetric Pipets. Class A, assortment. To dilute samples into the calibration range of the instrument.

c. Ion Chromatograph. Suppressed or nonsuppressed, with a conductivity detector and electronic integrator operating in the peak area mode. Other detectors, strip chart recorders, and peak height measurements may be used provided the five percent repeatability criteria for sample analysis and the linearity criteria for the calibration curve can be met.

C. Reagents. Unless otherwise indicated, all reagents must conform to the specifications established by the Committee on Analytical Reagents of the American Chemical Society (ACS reagent grade). When such specifications are not available, the best available grade shall be used.

1. Sampling

a. Water. Deionized, distilled water that conforms to ASTM Specification D 1193-77, Type 3.

b. Absorbing solution, 0.1 N Sulfuric Acid (H₂SO₄). To prepare 100 ml of the absorbing solution for the front impinger pair, slowly add 0.28 ml of concentrated H₂SO₄ to about 90 ml of water while stirring, and adjust the final volume to 100 ml using additional water. Shake well to mix the solution.

c. Chlorine Scrubber Solution, 0.1 N Sodium Hydroxide (NaOH). To prepare 100 ml of the scrubber solution for the back pair of impingers, dissolve 0.40g of solid NaOH in about 90 ml of water, and adjust the final solution volume to 100 ml using additional water. Shake well to mix the solution.

2. Sample Preparation and Analysis

a. Water. Same as in Subsection C.1.a of this Section.

b. Blank Solution. A separate blank solution of the absorbing reagent should be prepared for analysis with the field samples. Dilute 30 ml of absorbing solution to 100 ml with water in a separate volumetric flask.

c. Sodium Chloride (NaCl) Stock Standard Solution. Solutions containing a nominal certified concentration of 1000 mg/l are commercially available as convenient stock solutions from which working standards can be made by appropriate volumetric dilution. Alternately, concentrated stock solutions may be produced from reagent grade NaCl. The NaCl should be dried at 100 °C for two or more hours and cooled to room temperature in a desiccator immediately before weighing. Accurately weigh 1.6 to 1.7 g of the dried NaCl to within 0.1 mg, dissolve in water, and dilute to one liter. The exact Cl concentration can be calculated using Eq. 26-1.

$$\frac{\mu\text{g Cl}}{\text{ml}} = \frac{\text{g of NaCl} \times 10^3 \times 35.453}{58.44} \quad \text{Eq. 26-1}$$

Refrigerate the stock standard solution and store no longer than one month.

d. Chromatographic Eluent. Effective eluents for non-suppressed IC using a resin- or silica-based weak ion exchange column are a 4 mM potassium hydrogen phthalate solution, adjusted to pH 4.0 using a saturated sodium borate solution, and a 4 mM 4-hydroxy benzoate solution, adjusted to pH 8.6 using 1 N NaOH. An effective eluent for suppressed ion chromatography is a solution containing 3 mM sodium bicarbonate and 2.4 mM sodium carbonate. Other dilute solutions buffered to a similar pH and containing no interfering ions may be used. When using suppressed ion chromatography, if the "water dip" resulting from sample injection interferes with the chloride peak, use a 2 mM NaOH/2.4 mM sodium bicarbonate eluent.

D. Procedure

1. Sampling

a. Preparation of Collection Train. Prepare the sampling train as follows: Pour 15 ml of the absorbing solution into each of the first two impingers, and add 15 ml of scrubber solution to the third and fourth impingers. Connect the impingers in series with the knockout impinger first, followed by the two impingers containing absorbing solution and the two containing the scrubber solution. Place a fresh charge of silica gel, or equivalent, in the drying tube or Mae West impinger.

b. Leak-Check Procedures. Leak-check the probe and three-way stopcock before inserting the probe into the stack. Connect the stopcock to the outlet of the probe, and connect the sample line to the needle valve. Plug the probe inlet, turn on the sample pump, and pull a vacuum of at least 250 mm Hg (10 in. Hg). Turn off the needle valve, and note the vacuum gauge reading. The vacuum should remain stable for at least 30 seconds. Place the probe in the stack at the sampling location, and adjust the probe and stopcock heating system to a temperature sufficient to prevent water condensation. Connect the first impinger to the stopcock, and connect the sample line to the last impinger and the needle valve. Upon completion of a sampling run, remove the probe from the stack and leak-check as described above. If a leak has occurred, the sampling run must be voided. Alternately, the portion of the train behind the probe may be leak-checked between multiple runs at the same site as follows: Close the stopcock to the first impinger (see Figure 1A of Figure 26-1), and turn on the sampling pump. Pull a vacuum of at least 250 mm Hg, turn off the needle valve, and note the vacuum gauge reading. The vacuum should remain stable for at least 30 seconds. Release the vacuum on the impinger train by turning the stopcock to the vent position to permit ambient air to enter (see Figure 1B of Figure 26-1). If this

procedure is used, the full train leak-check described above must be conducted following the final run, and all proceeding sampling runs must be voided if a leak has occurred.

c. Purge Procedure. Immediately before sampling, connect the purge line to the stopcock, and turn the stopcock to permit the purge pump to purge the probe (see Figure 1A of Figure 26-1). Turn on the purge pump, and adjust the purge rate to two liters/min. Purge for at least five minutes before sampling.

d. Sample Collection. Turn on the sampling pump, pull a slight vacuum of approximately 25 mm Hg (1 in. Hg) on the impinger train, and turn the stopcock to permit stack gas to be pulled through the impinger train (see Figure 1C of Figure 26-1). Adjust the sampling rate to two liters/min, as indicated by the rate meter, and maintain this rate to within 10 percent during the entire sampling run. Take readings of the dry gas meter volume and temperature, rate meter, and vacuum gauge at least once every five minutes during the run. A sampling time of one hour is recommended. Shorter sampling times may introduce a significant negative bias in the HCl concentration. At the conclusion of the sampling run, remove the train from the stack, cool, and perform a leak-check as described in Subsection D.1.b of this Section.

2. Sample Recovery. Disconnect the impingers after sampling. Quantitatively transfer the contents of the first three impingers (the knockout impinger and the two absorbing solution impingers) to a leak-free storage bottle. Add the water rinses of each of these impingers and connecting glassware to the storage bottle. The contents of the scrubber impingers and connecting glassware rinses may be discarded. The sample bottle should be sealed, shaken to mix, and labeled. The fluid level should be marked so that if any sample is lost during transport, a correction proportional to the lost volume can be applied.

3. Sample Preparation for Analysis. Check the liquid level in each sample, and determine if any sample was lost during shipment. If a noticeable amount of leakage has occurred, the volume lost can be determined from the difference between the initial and final solution levels, and this value can be used to correct the analytical results. Quantitatively transfer the sample solution to a 100 ml volumetric flask, and dilute the solution to 100 ml with water.

4. Sample Analysis

a. The IC conditions will depend upon analytical column type and whether suppressed or nonsuppressed IC is used. An example chromatogram from a nonsuppressed system using a 150 mm Hamilton PRP-X100 anion column, a 0.2 l/min flow rate of a 4 mM 4-hydroxy benzoate solution adjusted to a pH of 8.6 using 1 N NaOH, a 50 μ l sample loop, and a conductivity detector set on 1.0 μ S full scale is shown in Figure 26-2.

b. Before sample analysis, establish a stable baseline. Next, inject a sample of water, and determine if any Cl⁻ appears in the chromatogram. If Cl⁻ is present, repeat the load/injection procedure until no Cl⁻ is present. At this point, the instrument is ready for use.

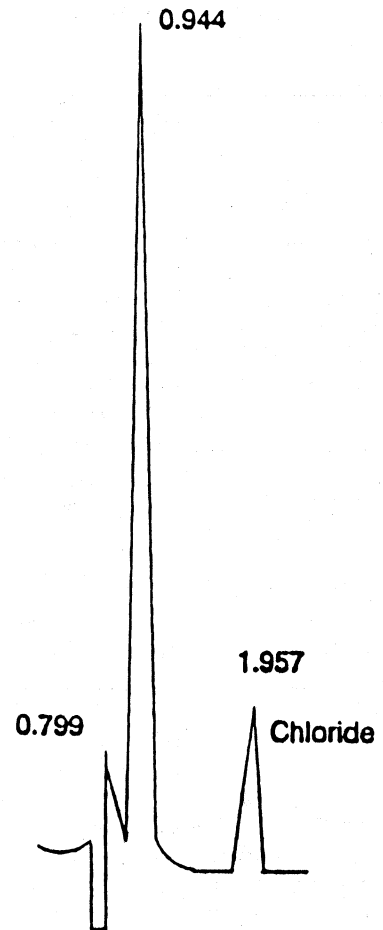


Figure 26-2. Example Chromatogram

c. First, inject the calibration standards covering an appropriate concentration range, starting with the lowest concentration standard. Next, inject in duplicate, a QC sample followed by a water blank and the field samples. Finally, repeat the injection of calibration standards to allow compensation for any drift in the instrument during analysis of the field samples. Measure the Cl⁻ peak areas or heights of the samples. Use the average response from the duplicate injections to determine the field sample concentrations using a linear calibration curve generated from the standards.

5. Audit Analysis. An audit sample must be analyzed, subject to availability.

E. Calibration

1. Dry Gas Metering System, Thermometers, Rate Meter, and Barometer. Same as in LAC 33:III.6025.E.1, 2, 3, and 4.

2. Calibration Curve for Ion Chromatograph. To prepare calibration standards, dilute given volumes (1.0 ml or greater) of the stock standard solution, with 0.1 N H₂SO₄ (Subsection C.1.b of this Section) to convenient volumes. Prepare at least four standards that are within the linear range of the instrument and which cover the expected concentration range of the field samples. Analyze the standards as instructed in Subsection D.4.c of this Section, beginning with the lowest concentration standard. Determine the peak measurements, and plot individual values versus Cl⁻ concentration in μ g/ml. Draw a smooth curve through the points.

Use linear regression to calculate a formula describing the resulting linear curve.

F. Quality Assurance

1. Applicability. When the method is used to analyze samples to demonstrate compliance with a source emission regulation, a set of two audit samples must be analyzed.

2. Audit Procedure. The audit samples are chloride solutions. Concurrently analyze the two audit samples and a set of compliance samples in the same manner to evaluate the technique of the analyst and the standards preparation. The same analyst, analytical reagents, and analytical system shall be used both for compliance samples and the EPA audit samples. If this condition is met, auditing the subsequent compliance analyses for the same enforcement agency within 30 days is not required. An audit sample set may not be used to validate different sets of compliance samples under the jurisdiction of different enforcement agencies, unless prior arrangements are made with both enforcement agencies.

3. Audit Sample Availability. The audit samples may be obtained by writing or calling the EPA Regional Office or the appropriate enforcement agency. The request for the audit samples must be made at least 30 days prior to the scheduled compliance sample analyses.

4. Audit Results. Calculate the concentrations in mg/dscm using the specified sample volume in the audit instructions.

Note: Indication of acceptable results may be obtained immediately by reporting the audit results in mg/dscm and compliance results in total μg HCl/sample to the responsible enforcement agency. Include the results of both audit samples, their identification numbers, and the analyst's name with the results of the compliance determination samples in appropriate reports to the EPA Regional Office or the appropriate enforcement agency. Include this information with subsequent analyses for the same enforcement agency during the 30-day period.

The concentrations of the audit samples obtained by the analyst shall agree within 10 percent of the actual concentrations. If the 10 percent specification is not met, reanalyze the compliance samples and audit samples, and include initial and reanalysis values in the test report.

Failure to meet the 10 percent specification may require retests until the audit problems are resolved. However, if the audit results do not affect the compliance or noncompliance status of the affected facility, the administrative authority may waive the reanalysis requirement, further audits, or retests and accept the results of the compliance test. While steps are being taken to resolve audit analysis problems, the administrative authority may also choose to use the data to determine the compliance or noncompliance status of the affected facility.

G. Calculations. Retain at least one extra decimal figure beyond those contained in the available data in intermediate calculations, and round off only the final answer appropriately.

1. Sample Volume, Dry Basis, Corrected to Standard Conditions. Calculate the sample volume using Eq. 6-1 of LAC 33:III.6025.

2. Total μg HCl Per Sample

$$m = \frac{(S-B)(100)(36.46)}{(35.453)} = (102.84)(S-B) \text{ Eq. 26-2}$$

where:

m = Mass of HCl in sample, μg .

S = Concentration of sample, μg Cl/ml.

B = Concentration of blank, μg Cl/ml.

100 = Volume of filtered and diluted sample, ml.

36.46 = Molecular weight of HCl, $\mu\text{g}/\mu\text{g}$ mole.

35.453 = Atomic weight of Cl, $\mu\text{g}/\mu\text{g}$ mole.

3. Concentration of HCl in the Flue Gas

$$C = \frac{K_m}{V_{m(\text{std})}} \quad \text{Eq. 26-3}$$

where:

C = Concentration of HCl, dry basis, mg/dscm.

K = 10^{-3} mg/ μg .

m = Mass of HCl in sample, μg .

$V_{m(\text{std})}$ = Dry gas volume measured by the dry gas meter, corrected to standard conditions, dscm.

H. Bibliography

1. Steinsberger, S.C. and J.H. Margeson. "Laboratory and Field Evaluation of a Methodology for Determination of Hydrogen Chloride Emissions from Municipal and Hazardous Waste Incinerators." U.S. Environmental Protection Agency, Office of Research and Development, Report No. _____, 1989.

2. State of California, Air Resources Board. Method 421. "Determination of Hydrochloric Acid Emissions from Stationary Sources." March 18, 1987.

3. Entropy Environmentalists Inc. "Laboratory Evaluation of a Sampling and Analysis Method for Hydrogen Chloride Emissions from Stationary Sources: Interim Report." EPA Contract No. 68-02-4442. Research Triangle Park, North Carolina. January 22, 1988.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 18:

James B. Thompson, III
Assistant Secretary

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.3337 (AQ43).

This rule is identical to 40 CFR 60, Subpart Na with changes to the outline and internal references to match the Louisiana Administrative Code (LAC). The rule does not deviate from the CFR except for the above referenced format. The rule defines the particulate emission standards for some steel plants, monitoring requirements, test methods and procedures, and recordkeeping and reporting requirements. See *Federal Register* published January 2, 1986, 51 FR 161, #01.

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

Chapter 31. Standards of Performance for new Stationary Sources

§3337. Standards of Performance for Secondary Emissions From Basic Oxygen Process Steelmaking Facilities for Which Construction Is Commenced After January 20, 1983 (Subpart Na)

A. Applicability and Designation of Affected Facilities

1. The provisions of this Section apply to the following affected facilities in an iron and steel plant: top-blown BOPF facilities and hot metal transfer stations and skimming stations used with bottom-blown or top-blown BOPF facilities.

2. This Section applies to any facility identified in Subsection A.1 of this Section that commences construction, modification, or reconstruction after January 20, 1983.

3. Any BOPF facility subject to the provisions of this Section is subject to those provisions of Subchapter N of this Chapter applicable to affected facilities commencing construction, modification or reconstruction after January 20, 1983.

B. Definitions. All terms in this Section not defined below are given the same meaning as in LAC 33:III.3103.A.

Basic Oxygen Process Furnace BOPF—any furnace with a refractory lining in which molten steel is produced by charging scrap metal, molten iron, and flux materials or alloy additions into a vessel and by introducing a high volume of oxygen-rich gas. Open hearth, blast, and reverberatory furnaces are not included in this definition.

Bottom-blown Furnace—any BOPF facility in which oxygen and other combustion gases are introduced to the bath of molten iron through tuyeres in the bottom of the vessel or through tuyeres in the bottom and sides of the vessel.

Fume Suppresson System—the equipment comprising any system used to inhibit the generation of emissions from steelmaking facilities with an inert gas, flame, or steam blanket applied to the surface of molten iron or steel.

Hot Metal Transfer Station—the facility where molten iron is emptied from the railroad torpedo car or hot metal car to the shop ladle. This includes the transfer of molten iron from the torpedo car or hot metal car to a mixer (or other intermediate vessel) and from a mixer (or other intermediate vessel) to the ladle. This facility is also known as the relading station or ladle transfer station.

Primary Emission Control System—the combination of equipment used for the capture and collection of primary emissions (i.e., an open hood capture system used in conjunction with a particulate matter cleaning device such as an electrostatic precipitator or a closed hood capture system used in conjunction with a particulate matter cleaning device such as a scrubber).

Primary Emissions—particulate matter emissions from the BOPF facility generated during the steel production cycle which are captured by, and do not thereafter escape from, the BOPF facility primary control system.

Primary Oxygen Blow—the period in the steel production cycle of a BOPF facility during which a high volume of oxygen-rich gas is introduced to the bath of molten iron by means of a lance inserted from the top of the vessel. This definition does not include any additional, or secondary, oxygen blows made after the primary blow.

Secondary Emission Control System—the combination of equipment used for the capture and collection of secondary (i.e., (1) An open hood system for the capture and collection of primary and secondary emissions from the BOPF facility, with local hooding ducted to a secondary emission collection device such as a baghouse for the capture and collection of emissions from the hot metal transfer and skimming station; or (2) An open hood system for the capture and collection of primary and secondary emissions from the furnace, plus a furnace enclosure with local hooding ducted to a secondary emission collection device, such as a baghouse, for additional capture and collection of secondary emissions from the furnace, with local hooding ducted to a secondary emission collection device, such as a baghouse, for the capture and collection of emissions from hot metal transfer and skimming station; or (3) A furnace enclosure with local hooding ducted to a secondary emission collection device such as a baghouse for the capture and collection of secondary emissions from a BOPF facility controlled by a closed hood primary emission control system, with local hooding ducted to a secondary emission collection device, such as a baghouse, for the capture and collection of emissions from hot metal transfer and skimming stations).

Secondary Emissions—particulate matter emissions that are not captured by the BOPF facility primary control system, including emissions from hot metal transfer and skimming stations. This definition also includes particulate matter emissions that escape from openings in the primary emission control system, such as from lance hole openings, gaps or tears in the ductwork of the primary emission control system, or leaks in hoods.

Skimming Station—the facility where slag is mechanically raked from the top of the bath of molten iron.

Steel Production Cycle—the operations conducted within the BOPF steelmaking facility that are required to produce each batch of steel, including the following operations: scrap charging, preheating (when used), hot metal charging, primary oxygen blowing, sampling (vessel turndown and turnup), additional oxygen blowing (when used), tapping, and deslagging. Hot metal transfer and skimming operations for the next steel production cycle are also included when the hot metal transfer station or skimming station is an affected facility.

Top-blown Furnace—any BOPF facility in which oxygen is introduced to the bath of molten iron by means of an oxygen lance inserted from the top of the vessel.

C. Standards for Particulate Matter

1. Except as provided under Subsection C.2 and 3 of this Section, on and after the date on which the performance test under LAC 33:III.3115 is required to be completed, no owner or operator subject to the provisions of this Section shall cause or allow to be discharged into the atmosphere from any affected facility any secondary emissions that:

a. exit from the BOPF facility shop roof monitor (or other building openings) and exhibit greater than 10 percent opacity during the steel production cycle of any top-blown BOPF facility or during hot metal transfer or skimming operations for any bottom-blown BOPF facility; except that an opacity greater than 10 percent but less than 20 percent may occur once per steel production cycle.

b. exit from a control device used solely for the collection of secondary emissions from a top-blown BOPF facility or from hot metal transfer or skimming for a top-blown or a bottom-blown BOPF facility and contain particulate matter in excess of 23 mg/dscm (0.010 gr/dscf).

c. exit from a control device used solely for the collection of secondary emissions from a top-blown BOPF facility or from hot metal transfer or skimming for a top-blown or a bottom-blown BOPF facility and exhibit more than five percent opacity.

2. A fume suppression system used to control secondary emissions from an affected facility is not subject to Subsection C.1.b and c of this Section.

3. A control device used to collect both primary and secondary emissions from a BOPF facility is not subject to Subsection C.1.b and c of this Section.

D. Monitoring of Operations

1. Each owner or operator of an affected facility shall install, calibrate, operate, and maintain a monitoring device that continually measures and records for each steel production cycle the various rates or levels of exhaust ventilation at each phase of the cycle through each duct of the secondary emission capture system. The monitoring device or devices are to be placed at locations near each capture point of the secondary emission capture system to monitor the exhaust ventilation rates or levels adequately, or in alternative locations approved in advance by the administrative authority.

2. If a chart recorder is used, the owner or operator shall use chart recorders that are operated at a minimum chart speed of 3.8 cm/hr (1.5 in./hr).

3. All monitoring devices are to be certified by the manufacturer to be accurate to within ± 10 percent compared to EPA Reference Method 2 (LAC 33:III.6003). The owner or operator shall recalibrate and check the device(s) annually and at other times as the administrative authority may require, in accordance with the written instructions of the manufacturer and by comparing the device against EPA Reference Method 2 (LAC 33:III.6003).

4. Each owner or operator subject to the requirements of Subsection D.1 of this Section shall report on a semiannual basis all measurements of exhaust ventilation rates or levels over any three-hour period that average more than 10 percent below the average rates or levels of exhaust ventilation maintained during the most recent performance test conducted under LAC 33:III.3115 in which the affected facility demonstrated compliance with the standard under Subsection C.1.b of this Section. The accuracy of the respective measurements, not to exceed the values specified in Subsection D.3 of this Section, may be considered when determining the measurement results that must be reported.

5. If a scrubber primary emission control device is used to collect secondary emissions, the owner or operator shall report on a semiannual basis all measurements of exhaust ventilation rate over any three-hour period that average more than 10 percent below the average levels maintained during the most recent performance test conducted under

LAC 33:III.3115 in which the affected facility demonstrated compliance with the standard under LAC 33:III.3332.A.1 of this Chapter.

E. Test Methods and Procedures

1. In conducting the performance tests required in LAC 33:III.3115, the owner or operator shall use as reference methods and procedures the test methods in the Division Source Test Manual of this Part or other methods and procedures as specified in this Section, except as provided in LAC 33:III.3115.B.

2. The owner or operator shall determine compliance with the particulate matter standards in Subsection C of this Section as follows:

a. Start and end times of each steel production cycle during each run shall be recorded (see Subsection F.3 and 4 of this Section for the definitions of start and end times of a cycle).

b. Method 5 (LAC 33:III.6015) shall be used to determine the particulate matter concentration. Sampling shall be conducted only during the steel production cycle and for a sufficient number of steel production cycles to obtain a total sample volume of at least 5.67 dscm (200 dscf) for each run.

c. Method 9 (LAC 33:III.6049) and the procedures of LAC 33:III.3121 shall be used to determine opacity, except Subsection B.4 and 5 of Method 9 (LAC 33:III.6049) shall be replaced with the following instructions for recording observations and reducing data:

i. Subsection B.4 of this Section: Opacity observations shall be recorded to the nearest five percent at 15-second intervals. During the initial performance test conducted pursuant to LAC 33:III.3115, observations shall be made and recorded in this manner for a minimum of three steel production cycles. During any subsequent compliance test, observations may be made for any number of steel production cycles, although, where conditions permit, observations will generally be made for a minimum of three steel production cycles.

ii. Subsection B.5 of this Section: Opacity shall be determined as an average of 12 consecutive observations recorded at 15-second intervals. For each steel production cycle, divide the observations recorded into sets of 12 consecutive observations. Sets need not be consecutive in time, and in no case shall two sets overlap. For each set of 12 observations, calculate the average by summing the opacity of 12 consecutive observations and dividing this sum by 12.

3. In complying with the requirements of Subsection D.3 of this Section, the owner or operator shall conduct an initial test as follows:

a. For devices that monitor and record the exhaust ventilation rate, compare velocity readings recorded by the monitoring device against the velocity readings obtained by Method 2 (LAC 33:III.6003). Take Method 2 (LAC 33:III.6003) readings at a point or points that would properly characterize the monitoring device's performance and that would adequately reflect the various rates of exhaust ventilation. Obtain readings at sufficient intervals to obtain 12 pairs of readings for each duct of the secondary emission capture system. Compare the averages of the two sets to determine whether the monitoring device velocity is within ± 10 percent of the Method 2 (LAC 33:III.6003) average.

b. For devices that monitor the level of exhaust ventilation and record only step changes when a set point rate is reached, compare step changes recorded by the monitoring

device against the velocity readings obtained by Method 2 (LAC 33:III.6003). Take Method 2 (LAC 33:III.6003) readings at a point or points that would properly characterize the performance of the monitoring device and that would adequately reflect the various rates of exhaust ventilation. Obtain readings at sufficient intervals to obtain 12 pairs of readings for each duct of the secondary emission capture system. Compare the averages of the two sets to determine whether the monitoring device step change is within ± 10 percent of the setpoint rate.

4. To comply with Subsection D.4 or 5 of this Section, the owner or operator shall use the monitoring device of Subsection D.1 of this Section to determine the exhaust ventilation rates or levels during the particulate matter runs and to determine a three-hour average.

F. Compliance Provisions

1. When determining compliance with mass and visible emission limits specified in Subsection C.1.b and c of this Section, the owner or operator of a BOPF facility that normally operates two furnaces with overlapping cycles may elect to operate only one furnace. If an owner or operator chooses to shut down one furnace, he shall be allowed a reasonable time period to adjust his production schedule before the compliance tests are conducted. The owner or operator of an affected facility may also elect to suspend facility operations not subject to this Section during compliance testing.

2. During compliance testing for mass and visible emission standards, if an owner or operator elects to shut down one furnace in a facility that normally operates two furnaces with overlapping cycles, the owner or operator shall operate the secondary emission control system for the furnace being tested at exhaust ventilation rates or levels for each duct of the secondary emission control system that are appropriate for single-furnace operation. Following the compliance test, the owner or operator shall operate the secondary emission control system at exhaust ventilation rates or levels for each duct of the system that are no lower than 90 percent of the exhaust ventilation values established during the most recent compliance test.

3. For the purpose of determining compliance with visible and mass emission standards, a steel production cycle begins when the scrap or hot metal is charged to the vessel (whichever operation occurs first) and terminates three minutes after slag is emptied from the vessel into the slag pot. Consecutive steel production cycles are not required for the purpose of determining compliance. Where a hot metal transfer or skimming station is an affected facility, the steel production cycle also includes the hot metal transfer or skimming operation for the next steel production cycle for the affected vessel. Visible emission observations for both hot metal transfer and skimming operations begin with the start of the operation and terminate three minutes after completion of the operation.

4. For the purpose of determining compliance with visible emission standards specified in Subsection C.1.a and c of this Section, the starting and stopping times of regulated process operations shall be determined, and the starting and stopping times of visible emissions data sets shall be determined accordingly.

5. To determine compliance with Subsection C.1.a of this Section, select the data sets yielding the highest and second highest three-minute average opacities for each steel

production cycle. Compliance is achieved if the highest three-minute average for each cycle observed is less than 20 percent and the second highest three-minute average is 10 percent or less.

6. To determine compliance with Subsection C.1.b of this Section, determine the concentration of particulate matter in exhaust gases exiting the secondary emission collection device with Reference Method 5 (LAC 33:III.6015). Compliance is achieved if the concentration of particulate matter does not exceed 23 mg/dscm (0.010 gr/dscf).

7. To determine compliance with Subsection C.1.c of this Section, construct consecutive three-minute averages for each steel production cycle. Compliance is achieved if no three-minute average is more than five percent.

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

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

James B. Thompson, III
Assistant Secretary

RULE

Office of the Governor Office of Elderly Affairs

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs (GOEA) has amended the GOEA Policy Manual, effective March 20, 1992. The purpose of this rule change is to create an administrative procedure for appealing the state ombudsman's decisions in cases where grievances are brought against ombudsmen.

Title 4 ADMINISTRATION

Part VII. Governor's Office

Chapter 11. Elderly Affairs

Subchapter F. Hearing Procedures

§1273. Hearing Procedures for Persons Filing Grievances with the Office of the State Long Term Care Ombudsman

A. Right to a Hearing. The Governor's Office of Elderly Affairs shall provide an opportunity for a hearing and issue a written decision to any person filing a formal grievance with the Office of the State Ombudsman pursuant to §1229 (L)(3)(b) or to the ombudsman against whom the grievance was filed, whenever either party disagrees with the decision rendered by the State Ombudsman pursuant to LAC 4:VII.1229.L.3.f or L.5.b.iii.

B. Request for Hearing

1. A request for hearing must be received by the Governor's Office of Elderly Affairs within 30 days following petitioner's receipt of the notice of the state ombudsman's decision.

2. A request for hearing must be in writing and must state with specificity the grounds upon which the state ombudsman's decision is appealed. The request must include:

a. the dates of all relevant actions;

b. the names of individuals or organizations involved in the action;

c. a specific statement of any laws or regulations believed to have been violated; and

d. all grounds upon which petitioner refutes the State Ombudsman decision.

C. Notice of Hearing

1. Upon receipt of a request for hearing, the director shall, within 10 working days, set a date for the hearing.

2. The Governor's Office of Elderly Affairs shall issue a written notice to the petitioner and other interested persons which shall include:

a. a statement of time, date, location, and nature of the hearing;

b. a statement of the legal authority and jurisdiction under which the hearing is to be held;

c. a reference to the particular section of statutes, regulations, and rules involved; and

d. a short and plain statement of the reasons for the decision that is being appealed and the evidence on which the decision was based.

3. Petitioner shall be given no less than 10 working days notice of the scheduled hearing. Notice shall be sent by registered or certified mail, return receipt requested.

D. Hearing Examiner

1. The director or his/her designated representative shall be the hearing examiner and preside at the hearing, subject to the provisions of R.S. 49:960. The hearing examiner shall have authority to administer oaths, rule on motions and the admissibility of evidence, to recess any hearing from time to time, and rule on such other procedural motions as may be presented by the state ombudsman or the petitioner.

2. The hearing examiner shall conduct the hearing in accordance with the procedures outlined herein and render a fair decision. In rendering his/her decision, the hearing examiner shall consider:

a. all information relevant to the complaint;

b. the provision of §307(a)(12) of the Older Americans Act which requires the state ombudsman or his/her representatives to "investigate and resolve complaints made by or on behalf of older individuals who are residents of long term care facilities relating to action, inaction or decisions...which may adversely affect the health, safety, welfare or rights of such residents;" and

c. R.S. 2010.4(D) which states, "No representative of the office of the state ombudsman will be liable under state law for the good faith performance of official duties as defined by state and federal laws and regulations."

E. Rules of Evidence

1. In hearings, under these rules, irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence as applied in civil cases in the district courts of this state shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted, except where precluded by statute, if it is a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Objection to evidentiary offers may be made and shall be noted in the record.

2. Documentary evidence may be received by the hearing examiner in the form of a copy or excerpt if the original is not readily available. On request, either party shall be given an opportunity to compare the copy with the original.

3. If a hearing will be expedited and the interests of parties will not be prejudiced substantially, any part of the

evidence may be received in written form or the parties may stipulate as to facts or circumstances or summarize same.

4. Either party may conduct cross-examination required for a full and true disclosure of the facts.

5. Official notice may be taken by the hearing examiner of all facts judicially cognizable. In addition, notice may be taken of generally recognized facts within the area of the Governor's Office of Elderly Affairs' specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material officially noticed, including any staff memoranda or data; and afforded an opportunity to contest the material so noticed. The special skills or knowledge of the Governor's Office of Elderly Affairs and its staff may be utilized in evaluating the evidence.

6. Formal exceptions to rulings of the hearing examiner during a hearing shall be unnecessary. It shall be sufficient that the party at the time any ruling is made or sought shall have made known to the hearing examiner, the action desired. When testimony is excluded by the hearing examiner, the party offering such evidence shall be permitted to make an offer of proof by dictating or submitting in writing the substance of the proposed testimony, prior to the conclusion of the hearing, and such offer of proof shall be sufficient to preserve the point for review. The hearing examiner may ask such questions of the witness as he deems necessary to satisfy himself that the witness would testify as represented in the offer of proof.

F. Ex Parte Consultations. Communications between the hearing examiner and any party or interested person or his representative shall be governed by R.S. 49:960, the Louisiana Administrative Procedure Act.

G. Depositions and Subpoenas. The taking and use of depositions and the issuance of subpoenas shall be governed by R.S. 49:956(5)-(8) of the Louisiana Administrative Procedure Act.

H. Hearing. The procedure to be followed for hearings held under §1273 shall be as provided in Subsection (J) of §1267.

I. Transcript. The rules governing transcripts for hearings held under §1273 shall be as provided in Subsection (K) of §1267.

J. Final Decision. All decisions shall be in writing and shall be rendered and acted upon by the director within 60 days of the close of the hearing. A copy of the decision shall be sent immediately to the applicant by registered or certified mail, return receipt requested. A copy of the decision shall also be sent to any other persons directly affected by the decision.

K. Rehearing and Appeal. Procedures for rehearings and appeals shall be governed by R.S. 49:959 and 965.

L. Record. The record in a hearing under this Section shall consist of the materials listed in Subsection (M) of §1267.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 1321.11 (a).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 18: (March 1992).

Bobby Fontenot
Director

RULE

Office of the Governor Office of Elderly Affairs

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs (GOEA) has revised the GOEA Policy Manual, effective March 20, 1992. The purposes of this rule change are: to formalize the requirement that ombudsman coordinators complete a special training course prior to or within a specified time after assuming the position; to create an Ombudsman Advisory Council, naming eight ex-officio members and allowing for four at-large positions; and to add an administrative procedure for resolving complaints against ombudsmen, including a formal procedure that allows for appeal of the state ombudsman's decision if any party is dissatisfied.

Title 4

ADMINISTRATION

Part VII. Governor's Office

Chapter 11. Elderly Affairs

Subchapter E. Uniform Service Requirements

§1229. Office of the State Long Term Care Ombudsman

E. Personnel Qualifications and Responsibilities

1. ...

2. Ombudsman Coordinator

a. Qualifications

i. The Ombudsman Coordinator: must have met all qualifications of an ombudsman; must have successfully completed one year of service as an ombudsman; must have completed the coordinator training session(s) conducted by the state ombudsman or his/her designee within three months of accepting the position; and must possess administrative, supervisory and public relations skills.

H. Access

1. Facilities

a. Representatives of the Office of the State Ombudsman shall have immediate access to any resident of a long term care facility. The representative shall notify the administrator or the person in charge of his/her presence upon entry into the facility. The representative shall respect any resident's desire for privacy. The representative shall perform his/her duties in the manner least disruptive of patient care and activities.

I. ...

K. Ombudsman Advisory Council

1. Membership/Officers/Vacancies/Compensation

a. The council shall consist of the following persons:

- i. the chairman of the Ombudsman Committee of Citizens for Quality Nursing Home Care or his/her designee;
- ii. the director of the Advocacy Center for the Elderly and Disabled or his/her designee;
- iii. the director of the Louisiana Nursing Home Association or his/her designee;
- iv. the director of the Louisiana Association of Homes and Services for the Aging or his/her designee;
- v. the president of the Louisiana Council on Aging Directors Association or his/her designee;
- vi. the chairman of the American Association of Re-

tired Persons (AARP) State Legislative Committee or his/her designee.

vii. the manager of the Health Standards Section, Department of Health and Hospitals or his/her designee.

viii. the chairman of the Aging Advisory Board or his/her designee.

ix. four additional persons selected by the state ombudsman. These at-large members shall serve for two-year terms, except that the initial appointments shall consist of two persons who will serve for two years, and two persons who shall serve for one year;

b. The council shall elect a chairman and such other officers as it sees fit.

c. If a vacancy occurs in an at-large position, the state ombudsman shall appoint a member to fill that position for the remainder of the unexpired term.

d. Advisory Council members shall receive no compensation.

2. Meetings. The Ombudsman Advisory Council shall meet quarterly. Seven members shall constitute a quorum. The council shall keep a record of its proceedings.

3. Duties and Functions

a. The Ombudsman Advisory Council shall provide information and advice to the state ombudsman and the director of GOEA on matters of policy and rules and regulations pertaining to the Office of the State Ombudsman and on matters of relevance to the quality of life of nursing home residents.

b. The council may submit recommendations or reports on matters concerning the needs of nursing home residents or the operation of the Ombudsman Program.

L. Complaints against Ombudsmen

1. For purposes of this policy the following definitions apply:

a. *Complaint* — any allegation of wrongdoing or misconduct by an ombudsman. Complaints may be submitted orally or in writing.

b. *Grievance* — a formal complaint alleging misconduct. Grievances must be submitted in writing. Decisions rendered regarding grievances may be appealed.

c. *Misconduct* — any action by an ombudsman which is detrimental to the welfare of a resident or residents or which is directly in violation of the laws and regulations governing the ombudsman program, including Section 307 of the Older Americans Act, R.S. 40:2010.1 et seq., and LAC 4:VII.1229.

2. Complaints

a. The Office of the state ombudsman shall act upon any complaint regarding the conduct of an ombudsman in carrying out his/her duties.

b. Complaints against Ombudsmen

i. Complaints against ombudsmen should be directed to the local coordinator.

ii. Upon receipt of a complaint, the coordinator shall notify the ombudsman and his/her immediate supervisor of the complaint; conduct an investigation to determine whether the complaint is valid; advise the complainant and the ombudsman of the findings; and take appropriate action to remedy the situation.

iii. If a complaint is found to be valid and appears to constitute misconduct, the coordinator shall notify the state ombudsman of the findings within five working days of the completion of the investigation.

iv. If a coordinator fails to respond to or act upon a complaint within 30 days, the person filing the complaint may refer the complaint to the state ombudsman.

c. Complaints about a Coordinator

i. complaints about a coordinator should be directed to the state ombudsman.

ii. Upon receipt of a complaint, the state ombudsman all notify the coordinator and his/her immediate supervisor of the complaint; conduct an investigation to determine whether the complaint is valid; advise the following persons of the findings; the complainant, the coordinator, and the director and/or other supervisory staff of the local designated ombudsman entity; and take appropriate action to remedy the situation.

iii. If the state ombudsman fails to respond to or act upon a complaint within 30 days, the person filing the complaint may refer the complaint to the director of the Office of Elderly Affairs.

d. The state ombudsman may request the coordinator's supervisor and/or director of the local designated entity to assist in the investigation of a complaint if his/her involvement does not violate confidentiality requirements.

3. Grievances

a. Any person who has direct knowledge of actions which may constitute misconduct, as defined in Paragraph 1.a of this Subsection, may file a grievance.

b. Grievances must:

i. specify the alleged misconduct and include to the degree possible, dates, times, locations and witnesses;

ii. state relief sought; and

iii. be submitted within one year of the date of the alleged misconduct.

c. Grievances involving an Ombudsman

i. Grievances involving an ombudsman must be submitted to the local coordinator.

ii. Upon receipt of the grievance, the coordinator shall submit a copy of the grievance to the state ombudsman, the ombudsman named in the grievance and his/her supervisor; request that the ombudsman submit a written response within 10 working days; inform the ombudsman and the complainant of the date by which a decision shall be issued; investigate the allegation stated in the grievance; consider the relief sought by the complainant; and issue a written decision.

iii. The coordinator's decision shall inform the state ombudsman, the ombudsman and his/her immediate supervisor, and the complainant of the findings of the investigation; the actions, if any, that will be taken as a result of the investigation; and the provisions for appealing the decision in accordance with Paragraph 5 of this Subsection.

iv. If a coordinator fails to respond to or act upon a grievance within 30 days, either the complainant or the person filing the grievance may refer the grievance to the state ombudsman for appropriate action.

d. Grievances against a Coordinator

i. Grievances against a coordinator must be submitted to the state ombudsman.

ii. Upon receipt of the grievance, the state ombudsman shall submit a copy of the grievance to the coordinator and his/her immediate supervisor; request that the coordinator submit a written response within 10 working days; inform the coordinator and the complainant of the date by which a decision shall be issued; investigate the allegation stated in

the grievance; consider the relief sought by the complainant; and issue a written decision.

e. The state ombudsman may request the director and/or other supervisory staff of the local designated ombudsman entity to assist in the investigation of a grievance if their involvement does not violate confidentiality.

f. The state ombudsman's decision shall inform the coordinator, his/her immediate supervisor, and the complainant of the findings of the investigation; the actions, if any, that will be taken as a result of the investigation; and the provisions for appealing the decision in accordance with Paragraph 5 of this Subsection.

g. If the state ombudsman fails to respond to or act upon a grievance within 30 days, the complainant or the person named in the grievance may refer the grievance to the director of the Office of Elderly Affairs for appropriate action.

4. Remedial Actions

a. If an ombudsman is found to have engaged in misconduct, the state ombudsman or the local coordinator shall take appropriate remedial action.

b. The coordinator is authorized to take the following actions:

i. issue a written reprimand; and/or

ii. require attendance at or completion of supplementary or in-service training; or

iii. refer the grievance to the state ombudsman with a recommendation for facility reassignment or revocation of certification.

c. The state ombudsman may

i. issue a written reprimand;

ii. require attendance at or completion of supplementary or in-service training; or

iii. take any other appropriate remedial action.

d. In determining appropriate remedial action, the following factors, at a minimum, shall be considered:

i. the nature of the misconduct;

ii. the degree to which the misconduct caused harm to a resident or residents;

iii. the degree to which the misconduct damages the effectiveness of the ombudsman or the local designated entity;

iv. the ombudsman's previous record of service; and

v. the legal limits of the state ombudsman's or the local coordinator's authority.

e. This policy in no way restricts the right of a designated local entity to take any personnel action it deems appropriate under its own internal personnel policies.

5. Appeals

a. Decisions rendered by a coordinator in response to a grievance may be appealed to the state ombudsman by the person filing the grievance or the ombudsman named in the grievance. An appeal must be submitted in writing within 30 days of receipt of the written decision and must state the basis on which the appeal is requested.

b. Upon receipt of an appeal pursuant to Subparagraph a above, the state ombudsman will:

i. review the written decision rendered by the coordinator;

ii. conduct further investigation if necessary; and

iii. issue a written decision to confirm and support, modify, or repeal the coordinator's decision.

6. Hearings

Decisions rendered by the state ombudsman in re-

sponse to a grievance may be appealed to the director of the Office of Elderly Affairs. This appeal must be in the form of a request for a hearing as outlined in LAC 4:VII.1273.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:2010.4 and OAA Section 307(a)(12).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:35 (January 1985), LR 11:1078 (November 1985), LR 13:742 (December 1987), LR 15:379 (May 1989), LR 17:600 (June 1991), LR 18: (March 1992).

Bobby Fontenot
Director

RULE

Office of the Governor Department of Veterans Affairs

Title 4 ADMINISTRATION

Part VII. Governor's Office

Chapter 9. Veterans Affairs

Subchapter D. War Veterans' Home

§937. Admission Requirements

G. The veteran applicant must not have criminal charges pending against him/her.

H. The veteran applicant must not be confined in a correctional facility or treatment facility for the criminally insane.

I. Veteran applicants under judicial/court commitments will not be accepted for admission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:253.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 9:411 (June 1983), repromulgated LR 9:549 (August 1983), amended LR 11:34 (January 1985), LR 13:86 (February 1987), LR 13:161 (March 1987), LR 13:570 (October 1987), LR 18: (March 1992).

Ernie P. Broussard
Executive Director

RULE

Department of Health and Hospitals Board of Examiners of Professional Counselors

The Licensed Professional Counselors Board of Examiners, under authority of the Louisiana Mental Health Counselor Licensing Act, R.S. 37:1101-1115, and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., is adopting the following rule amendments and rules governing the practices of mental health counseling in the state of Louisiana.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS Part LX. Professional Counselors, Board of Examiners Chapter 7. Requirements for Licensure §703. Licensing Requirements

A. The board shall issue a license to each applicant who files an application upon a form designated by the board and in such a manner as the board prescribes, accompanied by such fee required by R.S. 37:1106 and who furnishes satisfactory evidence to the board that he:

1. is at least 21 years of age;
2. is of good moral character;
3. is a citizen of the United States or has legally declared his intentions of becoming such;
4. is a resident of the state of Louisiana or is in the act of establishing residency in the state of Louisiana;
5. is not in violation of any of the provisions of R.S. 37:1101-1115 and the rules and regulations adopted herein;
6. can document a minimum of 3,000 hours of supervised experience during a minimum of two years of post-master's degree experience in professional mental health counseling under the supervision of a licensed professional counselor. Five hundred hours of supervised experience may be gained for each 30 graduate semester hours earned beyond the master's degree, provided that such hours are clearly related to the field of mental health counseling and are acceptable to the board provided that in no case the applicant has less than 2,000 hours of supervised experience;

7. has declared special competencies and demonstrated professional competence therein by passing a written examination as shall be prescribed by the board;

8. has received a graduate degree which is professional mental health counseling in content from a regionally accredited institution of higher education and has accumulated at least 48 graduate semester hours which meet the academic and training content standard established by the board showing evidence of a supervised mental health counseling practicum/internship and coursework in seven of the following areas:

- a. counseling/theories of personality
- b. human growth and development
- c. abnormal behavior
- d. techniques of counseling
- e. group dynamics, processes, and counseling
- f. lifestyle and career development
- g. appraisal of individuals
- h. substance abuse
- i. marriage and family studies

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Professional Counselors, LR 14:83 (February 1988), amended by the Department of Health and Hospitals, LR 18: (March 1992).

§705. Supervised Experience

A. Supervision Requirements

1. Supervision is defined as assisting the counselor intern in developing expertise in methods of the professional mental health counseling practice and in developing self-appraisal and professional development strategies. Supervision must comply with standards as set by the board.

2. Pursuant to R.S. 37:1107(A) an applicant for license

must document a minimum of 3,000 hours of supervised mental health counseling experience during a minimum of two years post-master's degree experience. Five hundred hours of supervised experience may be gained for each 30 graduate semester hours earned beyond the master's degree, provided that such hours are clearly related to the field of mental health and provided that in no case the applicant has less than 2,000 hours of supervised experience.

a. Based on the above, the board has broken down the required 3,000 hours of counseling experience in the following manner.

i. A minimum of 1,850 hours (up to 2,850 hours) in direct client contact - individual or group counseling.

ii. A maximum of 1,000 hours in additional client contact, counseling related activities (i.e. case notes, staffing, case consultation, or testing/assessment of clients) or education at the graduate level in the field of mental health as defined above.

iii. A minimum of 150 hours of face-to-face supervision by a board-approved supervisor.

b. The board recommends one hour of supervision for every 20 hours of direct client contact as outlined in clause i. Supervision may not take place via mail, telephone, fax, computer, or video. This type of contact with supervisor may be counted under clause ii (i.e. consultation), however, it cannot replace face-to-face supervision as defined in clause iii.

3. Acceptable modes for supervision of direct clinical contact are the following:

a. Individual Supervision: The supervisory session is conducted by an approved supervisor with one counselor intern present.

b. Group Supervision: The supervisory session is conducted by an approved supervisor with no more than five counselor interns present.

4. At least 150 hours of the counselor intern's direct clinical contact with clients must be supervised by an approved supervisor or supervisors, as defined below.

a. At least 100 of these 150 hours must be individual supervision as defined above. The remaining 50 hours of these 150 hours may be either individual supervision or group supervision as defined above.

b. A supervisor may not supervise more than five counselor interns at any given time.

5. The counseling activities of the counselor intern must be performed pursuant to the supervisor's order, control, oversight, guidance and full professional responsibility. The supervisor must read and co-sign all written reports including treatment plans and progress notes prepared by the counselor intern. The counselor intern will remain under the full professional responsibility and supervision of the supervisor until he/she is fully licensed.

6. The process of supervision must encompass multiple strategies of supervision, including regularly scheduled live observation of counseling sessions and review of audiotapes and/or videotapes of counseling sessions. The process may also include discussion of the counselor intern's self-reports, microtraining, interpersonal process recall, modeling, role-playing, and other supervisory techniques.

7. The supervisor must provide nurturance and support to the counselor intern, explaining the relationship of theory to practice, suggesting specific actions, assisting the counselor intern in exploring various models for practice, and

challenging discrepancies in the counselor intern's practice.

8. The supervisor must ensure the counselor intern's familiarity with important literature in the field of counseling.

9. The supervisor must provide training appropriate to the counselor intern's intended area of expertise and practice.

10. The supervisor must model effective professional counseling practice.

11. The supervisor must ensure that the mental health counseling and the supervision of the mental health counseling is completed in an appropriate professional setting.

12. The supervisor and the counselor intern must share a similar area of specialty. Also,

a. the counselor intern must have received a letter of supervision approval from the board; and

b. the professional setting cannot include private practice in which the counselor intern operates, manages or has an ownership interest in the private practice.

13. Supervisors may employ counselor interns in their private practice setting. The supervisor may bill clients for services rendered by the counselor intern; however, under no circumstances can the counselor intern bill clients directly for services rendered by him/herself.

14. The supervisor must certify to the board that the counselor intern has successfully complied with all requirements for supervised counseling experience.

B. Qualifications of a Supervisor

1. Those individuals who may provide supervision to counselor interns must meet the following requirements.

a. Licensure Requirements. The supervisor must hold a Louisiana license as a Licensed Professional Counselor.

b. Counseling Practice. The supervisor must have been in clinical practice in his/her field for at least five years.

c. Training in Supervision. Supervisors must have successfully completed either clause i. or ii. below:

i. Graduate-Level Academic Training. At least one graduate-level academic course in counseling supervision. The course must have included at least 45 clock hours (equivalent to a three-credit hour semester course) of supervision training.

ii. Professional Training. A board-approved professional training program in supervision. The training program must be a minimum of 25 direct clock hours with the trainers and meet presentation standards established by the board.

d. One year of documented experience in the supervision of clinical case material.

2. A supervisor may not be a relative or the counselor intern. Relative of the counselor intern is defined as spouse, parent, child, sibling of the whole- or half-blood, grandparent, grandchild, aunt, uncle, one who is or has been related by marriage or has any other dual relationship.

3. No person shall serve as a supervisor if his/her license is expired or subject to terms of probation, suspension, or revocation.

C. Responsibility of Applicant Under Supervision

1. During the period of supervised counseling experience an applicant will identify him/herself as a counselor intern.

2. Each counselor intern must provide his/her clients with a disclosure statement (as outlined in the Appendix of the LPC Code of Conduct) that includes:

a. his/her training status; and

b. the name of his/her supervisor for licensure purposes.

3. Counselor interns must comply with all laws and regulations related to the practice of mental health counseling (R.S. 37:1101-1115).

4. Counselor interns may not initiate a private practice during their period of supervised counseling experience. Counselor interns who are employed within their supervisors' private practice setting cannot, under any circumstances, bill clients directly for services they render.

5. Upon completion of the required number of hours of supervised counseling experience, the counselor intern needs to submit an application for licensure. Any individual who does not apply for licensure within three months after completing the required number of hours of supervised counseling experience cannot continue to practice professional mental health counseling.

D. Registration of Supervised Experience. All proposed supervision arrangements beginning on or after January 1, 1993 must be approved by the board prior to the starting date of the supervised experience.

1. The counselor intern will:

a. along with his/her supervisor provide the board with a written proposal outlining with as much specificity as possible the nature of the counseling duties to be performed by the counselor intern and the nature of the supervision.

b. submit this written proposal on forms provided by the board at least 60 days prior to the proposed starting date of the supervision.

c. submit along with the written proposal the appropriate fee determined by the board.

2. Supervised experience rendered by the counselor intern in an exempt setting needs to meet the requirements in this rule if that supervised experience is to meet the requirements for licensure as set forth by R.S. 37:1107(A).

3. Following the board's review, the counselor intern will be informed by letter either that the proposed supervision arrangement has been approved or that it has been rejected. Any rejection letter will outline, with as much specificity as practicable, the reasons for rejection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Professional Counselors, LR 18: (March 1992).

Chapter 8. Renewal of License

§801. Renewal

A licensed professional counselor shall renew his license every two years in the month of June by meeting the requirement that 25 clock hours of continuing education be obtained prior to each renewal date every two years in an area of professional mental health counseling as approved by the board and by paying a renewal fee. The licensee will also submit a current copy of his declaration statement at each renewal period. The chairman shall issue a document renewing the license for a term of two years. The license of any mental health counselor who fails to have this license renewed biannually during the month of June shall lapse; however, the failure to renew said license shall not deprive said counselor the right of renewal thereafter. A lapsed license may be renewed within a period of two years after the expired renewal date upon payment of all fees in arrears and presentation of evidence of completion of the continuing education requirement and a current copy of his/her declaration statement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Professional Counselors, LR 18: (March 1992).

§803. Continuing Education Requirements

A. General Guidelines

1. A licensee must accrue 25 clock hours of continuing education by every renewal period every two years.

2. One continuing education hour (CEH) is equivalent to one clock hour.

3. Accrual of continuing education begins only after the date the license was issued.

4. CEH's accrued beyond the required 25 hours may not be applied toward the next renewal period. Renewal periods run from July 1 to June 30, every two years.

5. The licensee is responsible for keeping a personal record of his/her CEHs until official notification of renewal is received. Do not forward documentation of CEHs to the board office as they are accrued.

6. At the time of renewal 10 percent of the licensees will be audited to ensure that the continuing education requirement is being met. If you are one of the 10 percent chosen, you will be requested by letter to submit documentation of your CEHs.

B. Approved Continuing Education

1. Continuing education requirements are meant to encourage personal and professional development throughout the LPC's career. For this reason a wide range of options are offered to accommodate the diversity of counselors' training, experience and geographic locations.

2. An LPC may obtain the entire 25 CEHs by following Plan I, or one may follow Plan II and with a combination of options available satisfy the 25 CEH requirement.

a. Plan I

i. Continuing education that is approved by either the American Association for Counseling and Development (AACD), its divisions, regions and state branches, Louisiana Association for Counseling and Development (LACD) or the National Board of Certified Counselors (NBCC) will be accepted by the Board of Examiners. One may contact these associations to find out which organizations, groups or individuals are approved providers.

ii. For those organizations, groups or individuals that do not carry provider status by one of the above associations, the continuing education hours will be subject to approval by the Board of Examiners at the time of renewal. The board will not preapprove any type of continuing education. The continuing education must be in one of the 12 approved content areas listed in §803.C, and be given by a qualified presenter.

(a). A *qualified presenter* is considered to be someone at the master's level or above and trained in the mental health field or related services.

(b). Verification of workshops, seminars, or conventions can consist of copies of certificates of attendance.

iii. CEHs may also be gained by taking coursework (undergraduate or graduate) from a regionally accredited institution in one of the 12 approved content areas for continuing education listed in §803.C. One may take a course for credit or audit a course.

(a). Verification for coursework can consist of either copies of transcripts for coursework taken for credit or letter of attendance from instructor for courses audited.

iv. Calculating CEHs in Plan I

(a). CEHs in Plan 1 are defined as the number of actual clock hours spent in direct participation in a structured educational format as a learner. Typically one Continuing Education Unit (CEU) is equivalent to 10 clock hours. In a college or university program, one semester hour is equivalent to 15 clock hours and one quarter hour is equivalent to 10 clock hours. Therefore, 45 CEHs will be given for a three-hour university course completed at a regionally accredited university.

(b). Credit cannot be granted for:

- (1). business/governance Meetings
- (2). breaks
- (3). social activities including meal functions, except for actual time of a content speaker.

(c). Credit cannot be given for an approved session to persons who leave early from that session.

b. Plan II

i. Of the 25 CEHs, 10 clock hours must be in the format described in Plan I.

ii. For the remaining 15 clock hours, the LPC may choose from the options listed below. Each particular option has a maximum number of clock hours per renewal period, so a combination of options must be used to accrue 15 total clock hours.

(a). *Home Study* (10 Hours Maximum Per Renewal Period). The LACD journal, video presentations and approved teleconferences are all approved home study options. Each option must carry a provider number from either NBCC, LACD or other board approved mental health organizations. Each activity will specify the number of CEHs that will be granted upon completion. Verification consists of a certificate issued by NBCC, LACD or certificates from other professional mental health organizations that will be reviewed by the board.

(b). *Presentations* (10 Hours Maximum Per Renewal Period). Presenters may get credit for original presentations at a rate of two clock hours per one-hour presentation. Presenters must meet the qualifications stated in Plan I. The presentation must be to the professional community; not to the lay public or a classroom presentation. The presentation must also be in one of the 12 approved content areas listed in §803.C. Verification of your presentation consists of obtaining a letter from the workshop/convention coordinator stating the topic, date, and number of hours of presentation.

(c). *Publishing* (10 Hours Maximum per Renewal Period). Authors may receive two clock hours per article or chapter in a book. The article must be published in a professional refereed journal. Both articles and chapters must be in one of the 12 approved content areas listed in §803.C below. Verification will consist of either a reprint of the article/chapter, or xeroxed copy of the article/chapter, cover of the book/journal and page listing the editor or publisher.

(d). *Therapy* (10 Hours Maximum per Renewal Period). One may receive one clock hour of continuing education per counseling hour as a client. To qualify, one must be a client receiving services from a licensed mental health professional having qualifications equal to or exceeding those currently required of LPCs. Consultation and supervision hours do not qualify. Verification will consist of a letter from the counseling mental health professional verifying client therapy hours.

C. Approved Content Areas. Continuing Education

hours must be in one of the following 12 content areas:

1. *Counseling Theory*: includes a study of basic theories, principles and techniques of counseling and their application in professional settings.

2. *Human Growth and Development*: includes studies that provide a broad understanding of the nature and needs of individuals at all developmental levels, normal and abnormal human behavior, personality theory and learning theory within appropriate cultural contexts.

3. *Social and Cultural Foundations*: includes studies that provide a broad understanding of societal changes and trends, human roles, societal subgroups, social mores and interaction patterns, and differing lifestyles.

4. *The Helping Relationship*: includes studies that provide a broad understanding of philosophic bases of helping processes, counseling theories and their applications, basic and advanced helping skills, consultation theories and their applications, client and help self-understanding and self-development, and facilitation of client or consultee change.

5. *Group Dynamics, Processing and Counseling*: includes studies that provide a broad understanding of group development, dynamics, and counseling theories, group leadership styles, basic and advanced group counseling methods and skills, and other group approaches.

6. *Lifestyle and Career Development*: includes studies that provide a broad understanding of career development theories; occupational and educational information sources and systems; career and leisure counseling, guidance, and education; lifestyle and career decision-making; career development program planning and resources; and effectiveness evaluation.

7. *Appraisal of Individuals*: includes studies that provide a broad understanding of group and individual educational and psychometric theories and approaches to appraisal, data and information gathering methods, validity and reliability, psychometric statistics, factors influencing appraisals, and use of appraisal results in helping processes.

8. *Research and Evaluation*: includes studies that provide a broad understanding of types of research, basic statistics, research report development, research implementation, program evaluation, needs assessment, publication of research information, and ethical and legal considerations associated with the conduct of research.

9. *Professional Orientation*: includes studies that provide a broad understanding of professional roles and functions, professional goals and objectives, professional organizations and associations, professional history and trends, ethical and legal standards, professional preparation standards, professional credentialing and management of private practice and agency settings.

10. *Marriage and Family*: includes studies that provide a broad understanding of marriage and family theories and approaches to counseling with families and couples. This includes appraisal of family and couple systems and the application of these to counseling families and/or couples.

11. *Chemical Dependency*: includes studies that provide a broad understanding of chemical dependency issues, theories, and strategies to be applied in the helping relationship for chemical dependency counseling.

12. *Supervision*: includes studies in theory and techniques of supervision as well as ethical and legal issues, case management, and topics relative to the specific supervised setting.

D. Types Of Documentation Needed for Verification

1. Copy of certificate of attendance for workshops, seminars, or conventions.
2. Copy of transcript for coursework taken for credit/letter of attendance from instructor for courses audited.
3. Homestudy verification form or certificate issued by LACD/NBCC.
4. Letter from workshop/convention coordinator verifying presentations.
5. Copy of article, cover and editorial board page for publications.
6. Letter from counseling mental health professional verifying number of therapy hours.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Professional Counselors, LR 18: (March 1992).

Peter Emerson, Ed.D.
Board Chairman

RULE

**Department of Health and Hospitals
Board of Pharmacy**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., and Pharmacy Law R.S. 37:1178, the Louisiana Board of Pharmacy hereby gives its notice of intent to modify its present rules pertaining to continuing pharmacy education by amending §§729-751 and repealing §§753 and 755.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 7. Pharmacy Education

§729. Continuing Education Program

The board shall require continuing pharmacy education (CPE) from American Council on Pharmaceutical Education (ACPE) or board-approved providers as a prerequisite for annual pharmacist license renewal, as a means to improve the practice of pharmacy in the state.

A. Definitions. Continuing pharmacy education is a structured postgraduate educational program for licensed pharmacists to enhance professional competence in order to protect and promote the public health, safety and welfare.

B. Forums. The CPE program is a postgraduate educational experience acquired by participation in the following board accredited forums of study:

1. seminars;
2. lectures;
3. conferences;
4. workshops;
5. correspondence courses; and
6. miscellaneous - other authorized educational experience.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1178.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 18: (March 1992).

§731. Competency

The board, recognizing that a pharmacist's competency is a safeguard for the health, safety, and welfare of the public, hereby adopts the following CPE regulations as a prerequisite for pharmacist relicensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1178.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 18: (March 1992).

§733. Continuing Pharmacy Education Units

Continuing pharmacy education units are standards of measurements adopted by the ACPE or approved by the board for the purpose of accreditation of CPE programs. One CPE unit is equivalent to 10 credit hours.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1178.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 18: (March 1992).

§735. American Council on Pharmaceutical Education

The American Council on Pharmaceutical Education is a recognized reference authority for pharmacy educational standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1178.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 18: (March 1992).

§737. Continuing Pharmacy Education Requirements

A. Minimum Requirements. A minimum of one and one-half CPE units, or 15 hours, shall be required each year as a prerequisite for pharmacist relicensure.

1. Up to five hours of the required annual 15 hours of CPE may be required on a specific pharmacy subject when deemed appropriate and necessary by the board.

a. Implementation of §737.A.1 would require notification to all Louisiana pharmacists prior to January 1 of the year in which the CPE is required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1178.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 18: (March 1992).

§739. Continuing Pharmacy Education Credits

1. Certification of CPE participation must be supplied by the approved CPE provider and must contain at least the following information:

- a. name of the approved provider;
- b. program ACPE or board identification number;
- c. program title;
- d. date of program;
- e. participant name;
- f. participant address;
- g. participant license number;
- h. credit hours earned.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1178.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (Oc-

tober 1988), amended LR 18: (March 1992).

§741. Out-of-State Continuing Pharmacy Education

The board may accept out-of-state ACPE or board-approved CPE credit when the standards are consistent with the CPE requirements of ACPE or the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1178.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 18: (March 1992).

§743. Calendar Year

CPE must be acquired during a calendar year prior to relicensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1178.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 18: (March 1992).

§745. Program Approval

All CPE programs must be accredited by the ACPE or approved by the board in accordance with board-approved guidelines.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1178.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 18: (March 1992).

§747. Pharmacist Responsibility

A. Pharmacists shall list, in space provided on the annual pharmacist renewal application, the date, identification number, and hours of credit for each CPE program completed during that year.

B. Records. A pharmacist must maintain individual records of personal CPE activities and present them when requested by the board. The CPE records shall include ACPE or other program identification number, program title, date of program completion, and credits earned. The CPE record shall be maintained for a period of two calendar years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1178.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 18: (March 1992).

§749. Waiver

A pharmacist's inability to comply with the CPE requirements must be substantiated by a written explanation supported with extraordinary circumstances and submitted to the board for a compliance waiver which may be approved or disapproved.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1178.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 18: (March 1992).

§751. Compliance

A. Compliance. Complete compliance with the CPE rules is a prerequisite for renewal of a pharmacist's license.

B. Noncompliance. Noncompliance with the CPE requirements will be considered in violation of R.S. 37:1225(23) and shall constitute a basis for the board to refuse license renewal to practice pharmacy in the state as per R.S. 37:1225.

C. Records. A licensed pharmacist's failure to main-

tain proper records supporting CPE compliance or falsifying certification will be considered a violation of R.S. 37:1187.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1178.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 18: (March 1992).

§753. Waiver

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1178.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), repealed LR 18: (March 1992).

§755. Compliance

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1178.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), repealed LR 18: (March 1992).

Howard B. Bolton
Executive Director

RULE

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

The Department of Health and Hospitals, Office of Public Health, Sanitarian Section, Food and Drug Unit hereby adopts rules pertaining to the regulation of Tanning Facilities and Equipment.

These regulations provide for the registration, certification and regulation of facilities and equipment which employ ultraviolet and other lamps for the purpose of tanning the skin of the living human body through the application of ultraviolet radiation.

Copies of the rule may be obtained from the Office of the State Register, 1051 North Third St., Baton Rouge, LA 70802.

J. Christopher Pilley
Secretary

RULE

**Department of Insurance
Commissioner of Insurance**

Pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 22:1009, the Department of Insurance has repealed Regulation 31 as it currently exists and has adopted the following Regulation 31 governing insurance holding company systems. The notice of intent was published on December 20, 1991.

REGULATION 31

INSURANCE HOLDING COMPANY SYSTEMS MODEL
REGULATION WITH REPORTING FORMS AND
INSTRUCTIONS

Section 1. Authority

These regulations are promulgated pursuant to the authority granted by the APA, R.S. 49:950 et seq., R.S. 22:1009 and Act 794 of the 1991 Regular Legislative Session.

Section 2. Purpose

The purposes of these regulations are: to set forth rules and procedural requirements which the commissioner deems necessary to carry out the provisions of Act 794 of the 1991 Regular Legislative Session to be comprised of R.S. 22:1001-1014 of the Insurance Code herein after referred to as "the Act". The information called for by these regulations is hereby declared to be necessary and appropriate in the public interest and for the protection of the policyholders in this state.

Section 3. Severability Clause

If any provision of these regulations, or the application thereof to any person or circumstance, is held invalid, such determination shall not affect other provisions or applications of these regulations which can be given effect without the invalid provision or application, and to that end the provisions of these regulations are severable.

Section 4. Definitions

(a) *Executive officer* — chief executive officer, chief operating officer, chief financial officer, treasurer, secretary, controller, and any other individual performing functions corresponding to those performed by the foregoing officers under whatever title.

(b) *Foreign insurer* shall include an alien insurer except where clearly noted otherwise.

(c) *Ultimate controlling person* — that person which is not controlled by any other person.

(d) Unless the context otherwise requires, other terms found in these regulations and in §1002 of the Act are used as defined in the said §1002. Other nomenclature or terminology is according to the Insurance Code, or industry usage if not defined by the Code.

Section 5. Subsidiaries of Domestic Insurers

The authority to invest in subsidiaries under §1003B of the Act is in addition to any authority to invest in subsidiaries which may be contained in any other provision of the Insurance Code.

Section 6. Acquisition of Control - Statement Filing

A person required to file a statement pursuant to §1004 of the Act shall furnish the required information on Form A, hereby made a part of this regulation.

Section 7. Amendments to Form A

The applicant shall promptly advise the commissioner of any changes in the information so furnished on Form A arising subsequent to the date upon which such information was furnished but prior to the commissioner's disposition of the application.

Section 8. Acquisition of §1004A(1)(2) Insurers

(a) If the person being acquired is deemed to be a "domestic insurer" solely because of the provisions of §1004A(1)(2) of the Act, the name of the domestic insurer on the cover page should be indicated as follows:

"ABC Insurance Company, a subsidiary of XYZ Holding Company."

(b) Where a §1004A(1)(2) insurer is being acquired, references to "the insurer" contained in Form A shall refer to both the domestic subsidiary insurer and the person being acquired.

Section 9. Annual Registration of Insurers - Statement Filing

An insurer required to file an annual registration statement pursuant to §1005 of the Act shall furnish the required information on Form B, hereby made a part of these regulations.

Section 10. Summary of Registration - Statement Filing

An insurer required to file an annual registration statement pursuant to §1005 of the Act is also required to furnish information required on Form C, hereby made a part of these regulations. An insurer shall file a copy of Form C in each state in which the insurer is authorized to do business if requested by the commissioner of that state.

Section 11. Amendments to Form B

(a) An amendment to Form B shall be filed within 15 days after the end of any month in which there is a material change to the information provided in the annual registration statement.

(b) Amendments shall be filed in the Form B format with only those items which are being amended reported. Each such amendment shall include at the top of the cover page "Amendment No. (insert number) to Form B for (insert year)" and shall indicate the date of the change and not the date of the original filings.

Section 12. Alternative and Consolidated Registrations

(a) Any authorized insurer may file a registration statement on behalf of any affiliated insurer or insurers which are required to register under §1005I of the Act. A registration statement may include information not required by the Act regarding any insurer in the insurance holding company system even if such insurer is not authorized to do business in this state. In lieu of filing a registration statement on Form B, the authorized insurer may file a copy of the registration statement or similar report which it is required to file in its state of domicile, provided:

(1) the statement or report contains substantially similar information required to be furnished on Form B; and

(2) the filing insurer is the principal insurance company in the insurance holding company system.

(b) The question of whether the filing insurer is the principal insurance company in the insurance holding company system is a question of fact and an insurer filing a registration statement or report in lieu of Form B on behalf of an affiliated insurer, shall set forth a brief statement of facts which will substantiate the filing insurer's claim that it, in fact, is the principal insurer in the insurer holding company system.

(c) With the prior approval of the commissioner, an unauthorized insurer may follow any of the procedures which could be done by an authorized insurer under Paragraph (a) above.

(d) Any insurer may take advantage of the provisions of §1005H or 1005I of the Act without obtaining the prior approval of the commissioner. The commissioner, however, reserves the right to require individual filings if he deems such filings necessary in the interest of clarity, ease of administration or the public good.

Section 13. Disclaimers and Termination of Registration

(a) A disclaimer of affiliation or a request for termina-

tion of registration claiming that a person does not, or will not upon the taking of some proposed action, control another person (hereinafter referred to as the "subject") shall contain the following information:

(1) the number of authorized, issued and outstanding voting securities of the subject;

(2) with respect to the person whose control is denied and all affiliates of such person, the number and percentage of shares of the subject's voting securities which are held of record or known to be beneficially owned, and the number of such shares concerning which there is a right to acquire, directly or indirectly;

(3) all material relationships and bases for affiliation between the subject and the person whose control is denied and all affiliates of such person;

(4) a statement explaining why such person should not be considered to control the subject.

(b) A request for termination of registration shall be deemed to have been granted unless the commissioner, within 30 days after he receives the request, notifies the registrant otherwise.

Section 14. Extraordinary Dividends and Other Distributions

(a) Requests for approval of extraordinary dividends or any other extraordinary distribution to shareholders shall include the following:

(1) the amount of the proposed dividend;

(2) the date established for payment of the dividend;

(3) a statement as to whether the dividend is to be in cash or other property and, if in property, a description thereof, its cost, and its fair market value together with an explanation of the basis for valuation;

(4) a copy of the calculations determining that the proposed dividend is extraordinary. The work paper shall include the following information:

(i) the amounts, dates and form of payment of all dividends or distributions (including regular dividends but excluding distributions of the insurer's own securities) paid within the period of 12 consecutive months ending on the date fixed for payment of the proposed dividend for which approval is sought and commencing on the day after the same day of the same month in the last preceding year;

(ii) surplus as regards policyholders (total capital and surplus) as of the thirty-first day of December next preceding;

(iii) if the insurer is a life insurer, the net gain from operation for the 12-month period ending the thirty-first day of December next preceding;

(iv) if the insurer is not a life insurer, the net income less realized capital gains for the 12-month period ending the thirty-first day of December next preceding and the two preceding 12-month periods; and

(v) if the insurer is not a life insurer, the dividends paid to stockholders excluding distributions of the insurer's own securities in the preceding two calendar years.

(5) A balance sheet and statement of income for the period intervening from the last annual statement filed with the commissioner and the end of the month preceding the month in which the request for dividend approval is submitted; and

(6) A brief statement as to the effect of the proposed dividend upon the insurer's surplus and the reasonableness of surplus in relation to the insurer's outstanding liabilities and the adequacy of surplus relative to the insurer's financial needs.

Section 15. Adequacy of Surplus

The factors set forth in §1006C of the Act are not intended to be an exhaustive list. In determining the adequacy and the reasonableness of an insurer's surplus no single factor is necessarily controlling. The commissioner, instead, will consider the net effect of all of these factors plus other factors bearing on the financial condition of the insurer.

Forms A, B, and C

Instructions

1. General Requirements

(a) Forms A, B, and C are intended to be guides in the preparation of the statements required by §§1004 and 1005 of this Act. They are not intended to be blank forms which are to be filled in. These statements filed shall contain the numbers and captions of all items, but the text of the items may be omitted provided the answers thereto are prepared in such a manner as to indicate clearly the scope and coverage of the items. All instructions, whether appearing under the items of the form or elsewhere therein, are to be omitted. Unless expressly provided otherwise, if any item is inapplicable or the answer thereto is in the negative, an appropriate statement to that effect shall be made.

(b) A complete copy of each statement including exhibits and all other papers and documents filed as a part thereof, shall be filed with the commissioner by U.S. Mail, or as provided by Rule 12, addressed to: Insurance Commissioner of the State of Louisiana, Box 94214, Baton Rouge, LA 70804-9214, Attention: Chief Examiner. A copy of Form C shall be filed in each state in which an insurer is authorized to do business, if the commissioner of that state has notified the insurer of its request in writing, in which case the insurer has 30 days from receipt of the notice to file such form. At least one of the copies shall be manually signed in the manner prescribed on the form. Unsigned copies shall be conformed. If the signature of any person is affixed pursuant to a power of attorney or other similar authority, a copy of such power of attorney or other authority shall also be filed with the statement.

(c) Statements should be prepared on paper 8 1/2" x 11" in size and preferably bound at the top or the top left-hand corner. Exhibits and financial statements, unless specifically prepared for the filing, may be submitted in their original size. All copies of any statement, financial statements, or exhibits shall be clear, easily readable and suitable for photocopying. Debits in credit categories and credits in debit categories shall be designated so as to be clearly distinguishable as such on photocopies. Statements shall be in the English language and monetary values shall be stated in United States currency. If any exhibit or other paper or document filed with the statement is in a foreign language, it shall be accompanied by a translation into the English language and any monetary value shown in a foreign currency normally shall be converted into United States currency.

2. Forms - Incorporation by Reference, Summaries and Omissions

(a) Information required by an item of Form A or Form B may be incorporated by reference in answer or partial answer to any other item. Information contained in any financial statement, annual report, proxy statement, statement filed with a governmental authority, or any other document may be incorporated by reference in answer or partial answer to any item of Form A or Form B provided such document or paper is filed as an exhibit to the statement. Excerpts of documents

may be filed as exhibits if the documents are extensive. Documents currently on file with the commissioner which were filed within three years need not be attached as exhibits. References to information contained in exhibits or in documents already on file shall clearly identify the material and shall specifically indicate that such material is to be incorporated by reference in answer to the item. Matter shall not be incorporated by reference in any case where such incorporation would render the statement incomplete, unclear or confusing.

(b) Where an item requires a summary or outline of the provisions of any document, only a brief statement shall be made as to the pertinent provisions of the document. In addition to such statement, the summary or outline may incorporate by reference particular parts of any exhibit or document currently on file with commissioner which was filed within three years and may be qualified in its entirety by such reference. In any case where two or more documents required to be filed as exhibits are substantially identical in all material respects except as to the parties thereto, the dates of execution, or other details, a copy of only one of such documents need be filed with a schedule identifying the omitted documents and setting forth the material details in which such documents differ from the documents a copy of which is filed.

3. Forms - Information Unknown or Unavailable and Extension of Time to Furnish

(a) Information required need be given only insofar as it is known or reasonably available to the person filing the statement. If any required information is unknown and not reasonably available to the person filing, either because the obtaining thereof would involve unreasonable effort or expense, or because it rests peculiarly within the knowledge of another person not affiliated with the person filing, the information may be omitted, subject to the following conditions.

(1) The person filing shall give such information on the subject as it possesses or can acquire without unreasonable effort or expense, together with the sources thereof; and

(2) the person filing shall include a statement either showing that unreasonable effort or expense would be involved or indicating the absence of any affiliation with the person within whose knowledge the information rests and stating the result of a request made to such person for the information.

(b) If it is impractical to furnish any required information, document or report at the time it is required to be filed, there may be filed with the commissioner as a separate document:

(1) identifying the information, document or report in question;

(2) stating why the filing thereof at the time required is impractical; and

(3) requesting an extension of time for filing the information, document or report to a specified date. The request for extension shall be deemed granted unless the commissioner within 60 days after receipt thereof enters an order denying the request.

4. Forms - Additional Information and Exhibits

In addition to the information expressly required to be included in Form A, Form B, and Form C, there shall be added such further material information, if any, as may be necessary to make the information contained therein not misleading. The person filing may also file such exhibits as it

may desire in addition to those expressly required by the statement. Such exhibits shall be so marked as to indicate clearly the subject matters to which they refer. Changes to Forms A, B, or C shall include on the top of the cover page the phrase: "Change No. (insert number) to" and shall indicate the date of the change and not the date of the original filing.

FORM A

STATEMENT REGARDING THE ACQUISITION OF CONTROL OF OR MERGER WITH A DOMESTIC INSURER

Name of Domestic Insurer

BY

Name of Acquiring Person (Applicant)

Filed with the Insurance Department of

(State of domicile of insurer being acquired)

Dated: _____, 19 ____

Name, title, address and telephone number of individual to whom notices and correspondence concerning this statement should be addressed:

Item 1. Insurer and Method of Acquisition

State the name and address of the domestic insurer to which this application relates and a brief description of how control is to be acquired.

Item 2. Identity and Background of the Applicant

(a) State the name and address of the applicant seeking to acquire control over the insurer.

(b) If the applicant is not an individual, state the nature of its business operations for the past five years or for such lesser period as such person and any predecessors thereof shall have been in existence. Provide a brief but informative description of the business intended to be done by the applicant and the applicant's subsidiaries.

(c) Furnish a chart or listing clearly presenting the identities of the inter-relationships among the applicant and all affiliates of the applicant. No affiliate need be identified if its total assets are equal to less than half of one percent of the total assets of the ultimate controlling person affiliated with the applicant. Indicate in such chart or listing the percentage of voting securities of each such person which is owned or controlled by the applicant or by any other such person. If control of any person is maintained other than by the ownership or control of voting securities, indicate the basis of such control. As to each person specified in such chart or listing indicate the type of organization (e.g., corporation, trust, partnership) and the state or other jurisdiction of domicile. If court proceedings involving a reorganization or liqui-

datation are pending with respect to any such person, indicate which person, and set forth the title of the court, nature of proceedings and the date when commenced.

Item 3. Identity and Background of Individuals Associated with the Applicant

State the following with respect to (1) the applicant if (s)he is an individual or (2) all persons who are directors, executive officers or owners of 10 percent or more of the voting securities of the applicant if the applicant is not an individual.

(a) Name and business address;

(b) Present principal business activity, occupation or employment including position and office held and the name, principal business and address of any corporation or other organization in which such employment is carried on;

(c) Material occupations, positions, offices or employment during the last five years, giving the starting and ending dates of each and the name, principal business and address of any business corporation or other organization in which each such occupation, position, office or employment was carried on; if any such occupation, position, office or employment required licensing by or registration with any federal, state or municipal governmental agency, indicate such fact, the current status of such licensing or registration, and an explanation of any surrender, revocation, suspension or disciplinary proceedings in connection therewith.

(d) Whether or not such person has ever been convicted in a criminal proceeding (excluding minor traffic violations) during the last 10 years and, if so, give the date, nature of conviction, name and location of court, and penalty imposed or other disposition of the case.

Item 4. Nature, Source and Amount of Consideration

(a) Describe the nature, source and amount of funds or other considerations used or to be used in effecting the merger or other acquisition of control. If any part of the same is represented or is to be represented by funds or other consideration borrowed or otherwise obtained for the purpose of acquiring, holding or trading securities, furnish a description of the transaction, the names of the parties thereto, the relationship, if any, between the borrower and the lender, the amounts borrowed or to be borrowed, and copies of all agreements, promissory notes and security arrangements relating thereto.

(b) Explain the criteria used in determining the nature and amount of such consideration.

(c) If the source of the consideration is a loan made in the lender's ordinary course of business and if the applicant wishes the identity of the lender to remain confidential, he must specifically request that the identity be kept confidential.

Item 5. Future Plans of Insurer

Describe any plans or proposals which the applicant may have to declare an extraordinary dividend, to liquidate such insurer, to sell its assets to or merge or consolidate it with any person or persons or to make any other material change in its business operations or corporate structure or management.

Item 6. Securities to be Acquired

State the number of shares of the insurer's securities which the applicant, its affiliates and any person listed in Item 3 plan to acquire, and the terms of the offer, request, invitation, agreement or acquisition, and a statement as to the method by which the fairness of the proposal was arrived.

Item 7. Ownership of Securities

State the amount of each class of any security of the insurer which is beneficially owned or concerning which there is a right to acquire beneficial ownership by the applicant, its affiliates or any person listed in Item 3.

Item 8. Contracts, Arrangements, or Understandings with Respect to Securities of the Insurer

Give a full description of any contracts, arrangements or understandings with respect to any security of the insurer in which the acquiring party listed in Item 3 is involved, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies. Such description shall identify the persons with whom such contracts, arrangements or understandings have been entered into.

Item 9. Recent Purchases of Securities

Describe any purchases of any securities of the insurer by the acquiring party listed in Item 3 during the 12 calendar months preceding the filing of this statement. Include in such description the dates of purchase, the names of the purchasers, and the consideration paid or agreed to be paid therefor. State whether any such shares so purchased are hypothecated.

Item 10. Recent Recommendations to Purchase

Describe any recommendations to purchase any security of the insurer made by the acquiring party listed in Item 3, or by anyone based upon interviews or at the suggestion of the applicant, its affiliates or any person listed in Item 3 during the 12 calendar months preceding the filing of this statement.

Item 11. Agreements with Broker-Dealers

Describe the terms of any agreement, contract or understanding made with any broker-dealer as to solicitation of securities of the insurer for tender and the amount of any fees, commissions or other compensation to be paid to broker-dealers with regard thereto.

Item 12. Financial Statements and Exhibits

(a) Financial statements and exhibits shall be attached to this statement as an appendix, but list under this item the financial statements and exhibits so attached.

(b) The financial statements shall include the fully audited financial information of the persons identified in Item 2(c) for the preceding five fiscal years (or for such lesser period as such applicant and its affiliates and any predecessors thereof shall have been in existence), and similar information covering the period from the end of such person's last fiscal year, if such information is available. Such statements may be prepared on either an individual basis, or, unless the commissioner otherwise requires, on a consolidated basis if such consolidated statements are prepared in the usual course of business.

The annual financial statements of the applicant shall be accompanied by the certificate of an independent public accountant to the effect that such statements present fairly the financial position of the applicant and the results of its operations for the year then ended, in conformity with generally-accepted accounting principles or with requirements of insurance or other accounting principles prescribed or permitted under law. If the applicant is an insurer which is actively engaged in the business of insurance, the financial statements need not be certified, provided they are based on

the annual statement of such person filed with the insurance department of the person's domiciliary state and are in accordance with the requirements of insurance or other accounting principles prescribed or permitted under the law and regulations of such state.

(c) File as exhibits copies of all tender offers for, requests or invitations for, tenders of, exchange offers for, and agreements to acquire or exchange any voting securities of the insurer and (if distributed) of additional soliciting materials relating thereto, any proposed employment, consultation, advisory or management contracts concerning the insurer, annual reports to the stockholders of the insurer and the applicant for the last two fiscal years, and any additional documents or papers required by Form A or Regulation Sections 4 and 6.

Item 13. Signature and Certification

Signature and certification required as follows:

SIGNATURE

Pursuant to the requirements of Section 3 of the Act _____ has caused this application to be duly signed on its behalf in the City of _____ and State of _____ on the _____ day of _____, 19 ____.

(SEAL) _____
Name of Applicant

BY _____
(Name) (Title)

Attest:

(Signature of Officer)

(Title)

CERTIFICATION

The undersigned deposes and says that (s)he has duly executed the attached application dated _____, 19 __, for and on behalf of _____

(Name of Applicant)

that (s)he is the _____ of such company that
(Title of Officer)

(s)he is authorized to execute and file such instrument. Dependent further says that (s)he is familiar with such instrument and the contents thereof, and that the facts therein set forth are true to the best of his/her knowledge, information and belief.

(Signature) _____

(Type or print name beneath) _____

FORM B

INSURANCE HOLDING COMPANY SYSTEM ANNUAL REGISTRATION STATEMENT

Filed with the Insurance Department of the

State of _____

By

Name of Registrant

On Behalf of Following Insurance Companies

Name	Address
_____	_____
_____	_____
_____	_____

Date: _____, 19 ____

Name, title, address and telephone number of individual to whom notices and correspondence concerning this statement should be addressed:

Item 1. Identity and Control of Registrant

Furnish the exact name of each insurer registering or being registered (hereinafter called "the registrant"), the home office address and principal executive offices of each; the date on which each registrant became part of the insurance holding company system; and the method(s) by which control of each registrant was acquired and is maintained.

Item 2. Organizational Chart

Furnish a chart or listing clearly presenting the identities of and interrelationships among all affiliated persons within the insurance holding company system. No affiliate need be shown if its total assets are equal to less than that amount specified in §1005D of the total assets of the ultimate controlling person within the insurance holding company system. The chart or listing should show the percentage of each class of securities of each affiliate which is owned, directly or indirectly, by another affiliate. If control of any person within the system is maintained other than by the ownership or control of securities, indicate the basis of such control. As to each person specified in such chart or listing indicate the type of organization (e.g., corporation, trust, partnership) and the state or other jurisdiction of domicile.

Item 3. The Ultimate Controlling Person

As to the ultimate controlling person in the insurance holding company system furnish the following information:

- (a) name;
- (b) home office address;
- (c) principal executive office address;
- (d) the organizational structure of the person, e.g., corporation, partnership, individual, trust, etc.;
- (e) the principal business of the person;
- (f) the name and address of any person who holds or owns 10 percent or more of any class of voting security, the class of such security, the number of shares held of record or

known to be beneficially owned, and the percentage of class so held or owned; and

(g) if court proceedings involving a reorganization or liquidation are pending, indicate the title and location of the court, the nature of proceedings and the date when commenced.

Item 4. Biographical Information

Furnish the following information for the directors and executive officers of the ultimate controlling person: the individual's name and address, his or her principal occupation and all offices and positions held during the past five years, and any conviction of crimes other than minor traffic violations during the past 10 years.

Item 5. Transactions and Agreements

Briefly describe the following agreements in force; and transactions currently outstanding or which have occurred during the last calendar year between the registrant and its affiliates:

- (1) loans, other investments, or purchases, sales or exchanges of securities of the affiliates by the registrant or of the registrant by its affiliates;
- (2) purchases, sales or exchanges of assets;
- (3) transactions not in the ordinary course of business;
- (4) guarantees or undertakings for the benefit of an affiliate which result in an actual contingent exposure of the registrant's assets to liability, other than insurance contracts entered into the ordinary course of the registrant's business;
- (5) all management agreements, service contracts and all cost-sharing arrangements other than cost allocation arrangements based upon generally-accepted accounting principles;
- (6) reinsurance agreements;
- (7) dividends and other distributions to shareholders;
- (8) consolidated tax allocation agreements; and
- (9) any pledge of the registrant's stock and/or of the stock of any subsidiary or controlling affiliate, for a loan made to any member of the insurance holding company system.

Sales, purchases, exchanges, loans or extensions of credit, investments or guarantees involving the amounts specified in §1005D or less of the registrant's admitted assets as of the thirty-first day of December next preceding shall not be deemed material.

The description shall be in a manner as to permit the proper evaluation thereof by the commissioner, and shall include at least the following: the nature and purpose of the transaction, the nature and amounts of any payments or transfers of assets between the parties, the identity of all parties to such transaction, and relationship of the affiliated parties to the registrant.

Item 6. Litigation or Administrative Proceedings

A brief description of any litigation or administrative proceedings of the following types, either then pending or concluded within the preceding fiscal year, to which the ultimate controlling person or any of its directors or executive officers was a party or of which the property of any such person is or was the subject; give the names of the parties and the court or agency in which such litigation or proceeding is or was pending:

- (a) criminal prosecutions or administrative proceedings by any government agency or authority which may be relevant to the trustworthiness of any party thereto; and
- (b) proceedings which may have a material effect upon the solvency or capital structure of the ultimate holding

company including, but not necessarily limited to, bankruptcy, receivership or other corporate reorganizations.

Item 7. Financial Statement and Exhibits

(a) Financial statements and exhibits should be attached to this statement as an appendix, but list under this item the financial statements and exhibits so attached.

(b) The financial statements shall include the annual financial statements of the ultimate controlling person in the insurance holding company system as of the end of the person's latest fiscal year.

If at the time of the initial registration, the annual financial statements for the latest fiscal year are not available, annual statements for the previous fiscal year may be filed and similar financial information shall be filed for any subsequent period to the extent such information is available. Such financial statements may be prepared on either an individual basis, or unless the commissioner otherwise requires, on a consolidated basis if such consolidated statements are prepared in the usual course of business.

Item 8. Form C Required

A Form C, Summary of Registration Statement, must be prepared and filed with this Form B.

Item 9. Signature and Certification

Signature and certification required as follows:

SIGNATURE

Pursuant to the requirements of §1005 of the Act, the registrant has caused this annual registration statement to be duly signed on its behalf in the City of _____ and State of _____ on the _____ day of _____, 19 ____.

(SEAL) _____
Name of Registrant

BY _____
(Name) (Title)

Attest:

(Signature of Officer)

(Title)

CERTIFICATION

The undersigned deposes and says that (s)he has duly executed the attached annual registration statement dated _____, 19 ____, for and on behalf of _____; that (s)he is the _____ of such company and that (s)he is authorized to execute and file such instrument. Deponent further says that (s)he is familiar with such instrument and the contents thereof, and the facts therein set forth are true to the best of his/her knowledge, information and belief.

(Signature) _____

(Type or print name beneath) _____

FORM C

SUMMARY OF REGISTRATION STATEMENT

Filed with the Insurance Department of the State of _____

By _____

Name of Registrant

On Behalf of the Following Insurance Companies

Name	Address
_____	_____
_____	_____
_____	_____

Date: _____, 19 ____

Name, title, address and telephone number of individual to whom notices and correspondence concerning this statement should be addressed:

Furnish a brief description of all items in the current annual registration statement which represent changes from the prior year's annual registration statement. The description shall be in a manner as to permit the proper evaluation thereof by the commissioner, and shall include specific references to Item numbers in the annual registration statement and to the terms contained therein.

Changes occurring under Item 2 of Form B insofar as changes in the percentage of each class of voting securities held by each affiliate is concerned, need only be included where such changes are ones which result in ownership or holdings of 10 percent or more of voting securities, loss or transfer of control, or acquisition or loss of partnership interest.

Changes occurring under Item 4 of Form B need only be included where: an individual is, for the first time, made a director or executive officer of the ultimate controlling person; a director or executive officer terminates his or her responsibilities with the ultimate controlling person or in the event an individual is named president of the ultimate controlling person.

If a transaction disclosed on the prior year's annual registration statement has been changed, the nature of such change shall be included. If a transaction disclosed on the prior year's annual registration statement has been effectuated, furnish the mode of completion and any flow of funds between affiliates resulting from the transaction.

Signature and Certification

Signature and certification required as follows:

SIGNATURE

Pursuant to the requirements of §1005 of the Act, the registrant has caused this summary of registration statement to be duly signed on its behalf in the City of _____ and the State of _____ on the day of _____, 19 ____.

(SEAL) _____
Name of Registrant

By _____
(Name) (Title)

Attest:

(Signature of Officer)

(Title)

CERTIFICATION

The undersigned deposes and says that (s)he has duly executed the attached summary of registration statement dated _____, 19 ____, for and on behalf of _____ (Name of Company); that (s)he is the _____ (Title of Officer) of such company and that (s)he is authorized to execute and file such instrument. Deponent further says that (s)he is familiar with such instrument and the contents thereof, and that the facts therein set forth are true to the best of his/her knowledge, information and belief.

(Signature) _____

(Type or print name beneath) _____

James H. "Jim" Brown
Commissioner

RULE

Department of Natural Resources
Office of the Secretary

Under the authority of the Louisiana Coastal Wetlands Conservation and Restoration Act, R.S. 49:214.1 et seq., particularly R.S. 49:214.4 and 214.5, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary of the Department of Natural Resources has adopted Coastal Restoration Project Construction Ranking Regulations LAC 43:I. Chapter 8.

These regulations provide for the construction ranking of coastal restoration projects based upon anticipated habitat benefits per Trust Fund (Wetlands Conservation and Restoration Trust Fund, as defined in R.S. 49:213.7) Dollar expended over the project life. These regulations also prescribe cost-sharing criteria for coastal restoration projects.

Title 43
Natural Resources
Part I. Office of the Secretary

Chapter 8. Coastal Restoration
Subchapter A. Coastal Restoration Project Construction Ranking

§801. Scope

A. This Chapter prescribes coastal restoration project construction ranking and cost-sharing standards and criteria based upon anticipated habitat benefits per Trust Fund (Wetlands Conservation and Restoration Trust Fund, as defined in R.S. 49:213.7) Dollar expended over the project life.

B. This Chapter shall apply only to those coastal restoration projects which are not joint ventures by the state and federal government and which are included in the coastal vegetated wetlands conservation and restoration plan, and any amendments thereto, adopted and implemented in accordance with R.S. 49:213.1, et seq. and 49:214.1 et seq. respectively.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:214.4.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 18: (March 1992).

§803. Definitions

A. *Cost-Effectiveness Ranking* — the ranking established by dividing the cumulative habitat units of benefits by the aggregate trust fund dollar anticipated to be expended over the life of the proposed coastal restoration project. The cost-effectiveness ranking quotient shall be an indexing number used for assigning coastal restoration project construction priority.

B. *Suitability Index* — a unitless number ranging from zero to one wherein zero represents a low value for fish and wildlife habitat and one represents a high value for fish and wildlife habitat. The suitability index for an area shall be determined by using the Wetland Value Assessment Methodology employed for coastal restoration project evaluation and established in accordance with the Coastal Wetlands Planning, Protection, and Restoration Act of 1990, Public Law No. 101-646, 104 Stat. 4779-4783, (1990).

C. *Habitat Units* — the sum of the value(s) derived by multiplying the suitability index (SI) value by the acreage for each coastal wetland type of the area of impact ascribable to the proposed project, as defined in Wetland Value Assessment Methodology employed for coastal restoration project evaluation and established in accordance with the Coastal Wetlands Planning, Protection, and Restoration Act of 1990, Public Law No. 101-646, 104 Stat. 4779-4783, (1990).

D. *Total Habitat Units with Project* means the sum of the projected habitat units calculated over a time period equal to the life expectancy of the proposed project were it implemented.

E. *Total Habitat Units without Project* means the sum of the projected habitat units calculated over a time period equal to the life expectancy of the proposed project, were it not implemented.

F. *Cumulative Habitat Units of Benefit* means the total habitat units "with project" minus the total habitat units "without project."

G. *Trust Fund Dollars* means present value in 1990 dollars from the Wetlands Conservation and Restoration Trust Fund, as defined in 49:213.7, of design and construc-

tion costs (excluding feasibility costs), plus operation, maintenance, and monitoring costs, minus cost sharing.

H. *Cost-sharing* means a contribution, either monetary, in-kind, and/or both, by a local sponsor for a coastal restoration project from any non-trust fund source for any or all of the following: design, construction, operation, maintenance, and monitoring, excluding feasibility, over the anticipated life of a particular project.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:214.4.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 18: (March 1992).

§805. Ranking

Coastal restoration projects shall be constructed according to their cost-effectiveness ranking. In comparing projects, those projects with higher cost-effectiveness ranking indices shall have a correspondingly higher construction priority. In the event that two or more projects have identical cost-effectiveness rankings, projects benefiting the greatest number of coastal wetland acreage shall have a correspondingly higher construction priority. Coastal wetland acres shall include only those coastal wetland types as defined in Wetland Value Assessment Methodology employed for coastal restoration project evaluation and established in accordance with the Coastal Wetlands Planning, Protection, and Restoration Act of 1990, Public Law No. 101-646, 104 Stat. 4779-4783. (1990). Upon the initiation of the development of plans and specifications for the construction of a project, a project shall be removed from the construction ranking list.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:214.4.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 18: (March 1992).

§807. Cost-sharing

A. *Feasibility*. The state shall bear 100 percent of the feasibility costs of all coastal restoration projects.

B. *Design and Construction*. In all cases in which the local sponsor is able to identify and secure any appropriate non-trust fund source(s) to fund the design and/or construction of a coastal restoration project, the local sponsor share of the design and/or construction costs may consist of any form and/or amount of cost-sharing. The state share of the design and/or construction costs shall consist of any form and/or amount of cost-sharing sufficient to meet the remaining design and/or construction costs of the project for which the local sponsor is unable to cost-share.

C. *Operation, Maintenance, and Monitoring*

1. In all cases in which the local sponsor is able to identify and secure any appropriate non-trust fund source(s) to fund the operation, maintenance, and/or monitoring costs of a coastal restoration project, the state share of said costs shall consist of any form of cost-sharing not to exceed 75 percent of the said costs of the project for which the local sponsor is unable to cost-share and the local sponsor share of said costs shall consist of any form of cost-sharing not less than 25 percent of said costs from a non-trust fund source.

2. In all cases in which the local sponsor is unable to identify and secure any appropriate non-trust fund source(s) to cost-share the operation, maintenance, and/or monitoring costs of a coastal restoration project, the state shall bear 100 percent of these costs for which the local sponsor is unable to cost-share.

D. The state shall accept any lawful cost-sharing, as defined in §803.H and shall adjust the project's cost-effectiveness ranking accordingly.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:214.4.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 18: (March 1992).

Jack McClanahan
Secretary

RULE

Department of Public Safety and Corrections Office of State Police

The Department of Public Safety, Office of State Police in accordance with R.S. 36:408, R.S. 40:1486.4, and R.S. 49:960 et seq., have been instituted to add parts G., H., and I. to LAC 55:I.1745, LAC 55:I.1773 and 1787 and also pursuant to R.S. 33:4861.24 intends to add LAC 55:I.2301 et seq., relative to Casino Nights to read as follows:

Title 55

PUBLIC SAFETY

Part I. State Police

Chapter 17. Charitable Bingo, Keno and Raffle

Subchapter E. Pull Tabs

§1773. Assembly and Packaging of Pull Tabs

A.-C. ...

D. No distributor or manufacturer of pull tabs shall sell or otherwise provide to any person in this state, or for use in this state, any pull tabs series that does not conform to the following:

1. maximum 4,000 tickets per deal;
2. \$500.00 maximum prize for an individual ticket;
3. minimum payback percentage:

Ticket price	Minimum Payback %
.25	65%
.50	65%
1.00	70%
2.00	75%

4. Ticket price shall not exceed \$2.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 13:99 (February 1987), amended LR 18: (March 1992).

Subchapter F. Civil Penalties

§1787. Penalty Provisions

A. Civil penalties may be assessed by the division against any person, licensee or other legal entity in accordance with the following schedule;

1. Except as provided in LAC 55:I.1755 B., violations of statutes or administrative rules relative to reporting requirements including, but not limited to submission of quarterly reports shall be subject to a civil penalty not in excess of \$100 per violation.

2. Violations of statutes or rules relative to the conducting of games of chance, including but not limited to conducting unauthorized games, participation by unauthorized persons, unauthorized distribution or procurement of supplies or equipment, failure to maintain proper records of gaming sessions, failure to properly use and retain records relative to the model accounting system shall be subject to a civil penalty not to exceed \$500 per violation.

3. Violations of statutes or administrative rules relative to making false statements in documents submitted to the division and maintained by the organization including but not limited to the applications, monthly or quarterly financial reports, inventories, session records, and any supporting documentation shall be subject to a civil penalty not in excess of \$1,000 per violation.

4. Violations of statutes or rules relative to the use of charitable gaming proceeds including but not limited to using net gaming proceeds in whole or in part for any uses other than educational, charitable, patriotic, religious or public spirited shall be subject to a civil penalty not to exceed \$2,000 per violation.

5. Violations of statutes or rules relative to theft or misappropriation of charitable gaming proceeds shall be subject to a civil penalty not to exceed \$5,000 per violation.

6. Failure to comply with orders, warnings or mandates of the division or to comply with agreements entered into with the division shall be subject to a civil penalty of \$500 per violation.

7. Any other violation of a statutory provision or administrative rule for which a penalty is not provided for in this section shall be subject to a civil penalty not to exceed \$500 per violation.

B. In addition to denial of a license, refusal to renew a license, restriction, suspension, revocation, civil penalty, or bar from participation in charitable gaming activities, the division may order any person, licensee, or other entity to make full restitution in the amount of any misused, misappropriated or stolen charitable gaming proceeds to the organization or persons deprived thereof and may institute appropriate action for the collection of said amounts.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 13:99 (February 1987), amended LR 18: (March 1992).

Chapter 23. Casino Nights

Subchapter A. Licensing of Private Contractors for Casino Nights

§2301. Definitions

A. For the purposes of this Chapter the following definitions shall apply;

1. *Act* — the Charitable Raffles, Bingo and Keno Licensing Law enacted as R.S. 33:4861.1 et seq., together with R.S. 40:1485.1 et seq., on regulation of charitable gaming including all amendments thereto that may hereafter be enacted.

2. *Bona fide, active, or volunteer member* — a person accepted for membership in an organization eligible to be licensed under this Part upon application, with such action being recorded in the official minutes of a regular meeting or who has held full and regular membership status in the organization. The member functions shall not be limited to gaming related activities.

3. *Cash* — all coins, currency, and legal tender of the United States and foreign governments including gold, silver, or other negotiable instruments such as cashier's checks, certified checks, money orders, stocks, bonds, or negotiable securities.

4. *Casino Night or Las Vegas Night* — a charitable fund raising event utilizing authorized games of chance as enumerated in this Chapter being conducted by a charitable organization licensed by the division for such purposes.

5. *Certain related offenses* — include the following of offenses committed contrary to the laws of this state, local jurisdictions, other states, the federal government, or other countries:

- a. any felony offense;
- b. any offense directly or indirectly related to gambling or gaming laws;
- c. the misdemeanor offense of any theft or related offense, any attempted theft or related offense, issuing worthless checks, illegal possession of stolen things, or false swearing or related offense.

6. *Immediate Family* - the subject individual's spouse, children, parents, brothers and sisters, spouses of children, and spouses of brothers and sisters.

7. *Private Casino Contractor* — any person or other entity licensed pursuant to the provisions of R.S. 33:4861.1 et seq. as a distributor of gaming supplies or equipment who is engaged directly or indirectly in the business of providing equipment, supplies, and/or services for the conducting of charitable casino nights for licensed charitable organizations.

8. *Reasonable Market Rental Rate* — that rate at which similar facilities or equipment available for similar purposes, in the community may be leased or rented.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1485.4, and R.S. 33:4861.24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18: (March 1992).

§2303. Compliance

A. Any person, corporation or other legal entity desiring to act as a private casino contractor in this state shall:

1. Comply with and meet all criteria as set forth in R.S. 33:4861.1 et seq., R.S. 40:1485.1 et seq., and the administrative provisions of LAC 55:I.Chapter 17 and as subsequently amended; and comply with all other applicable provisions of federal, state and local laws;

2. be issued and maintain all applicable federal, state, parish and municipal licenses; and

3. qualify for and possess a current valid license to distribute gaming supplies issued by the division pursuant to the provisions of R.S. 33:4861.1 et seq. and R.S. 40:1485.1 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1485.4, and R.S. 33:4861.24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18: (March 1992).

§2305. Commencement of Activity

No person, corporation, or other legal entity shall act as a private casino contractor until the effective date of any license which is granted by the division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1485.4, and R.S. 33:4861.24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18: (March 1992).

§2307. License Required for Leasing Equipment

No person, corporation, or other legal entity except a licensed private casino contractor shall lease casino night equipment to any person or organization for use during a casino night.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1485.4, and R.S. 33:4861.24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18: (March 1992).

§2309. Information Required; Unsuitability

A. In conjunction with its application the private casino contractor shall furnish to the division for approval the following information for each of his employees or independent contractors to be used to work or assist during a casino night during the licensing year.

1. full name;
2. date of birth;
3. social security number; and
4. current physical address.

B. Any significant change in the information submitted on its application for licensure shall be filed by a licensee with the division within 10 days of the change. Names of additional workers not provided in the application shall be provided to the division no later than two business days prior to the event. A significant change shall include but not be limited to any change in the officers, directors, managers, proprietors, employees, or persons having a direct or indirect financial interest in any licensed organization or entity.

C. The division may declare unsuitable and restrict from participation in charitable gaming any person assisting in the holding, operation or conduct of casino nights who:

1. has been convicted of certain related offenses as established by the division within the last five years or who presently has such a charge pending in any state or federal court;

2. any person who has ever been convicted of a gambling-related offense in any state or federal court;

3. any person who is or has ever been a professional gambler;

4. is in consideration of any of the factors enumerated in LAC 55:I.1751 determined unsuitable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1485.4, and R.S. 33:4861.24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18: (March 1992).

Subchapter B. General Provisions

§2311. Leasing Equipment from Licensed Private Casino Contractors

No organization shall lease casino night equipment for use during a casino night from anyone other than a licensed private casino contractor.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 13:99 (February 1987), amended LR 18: (March 1992).

§2313. Specific License Required

No person, corporation, or organization shall conduct

a casino night without a charitable gaming license issued by the division specifically authorizing the casino night at the specific date and times. Such license shall be conspicuously displayed at the premises where the event is conducted at all times during such activity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1485.4, and R.S. 33:4861.24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18: (March 1992).

§2315. Organization Compliance

A. Any person, corporation, or organization desiring to conduct casino nights shall:

1. Comply with and meet all criteria as set forth in R.S. 33:4861.1 et seq., R.S. 40:1485.1 et seq., and the administrative provisions of LAC 55:1. Chapter 17 and as subsequently amended; and comply with all other applicable provisions of federal, state and local laws.

2. Be issued and maintain all applicable federal, state, parish and municipal licenses; and

3. Qualify for and possess a valid license to conduct charitable games of chance issued by the division pursuant to the provisions of R.S. 33:4861.1 et seq. and R.S. 40:1485.1 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1485.4, and R.S. 33:4861.24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18: (March 1992).

§2317. Contracts

A. Each organization leasing casino night equipment or utilizing private casino contractor labor or services shall submit to the division a copy of the contract for such equipment, labor and/or services no later than seven days prior to the scheduled event. The casino night contract shall include, but not be limited to the following:

1. name of licensed charitable organization;
2. name and address of distributor or private casino contractor company;
3. date, times and location of event;
4. detailed list of games to be conducted;
5. description of gaming equipment including number of gaming tables to be supplied;
6. rental price of each gaming table and any other rental terms and conditions;
7. number of dealers or other workers to be supplied;
8. proposed charges for labor and services;
9. signature of organization official; and
10. signature of private casino contractor.

B. Any changes in the information contained in Subsection A which occur within seven days of the event shall be provided to the division in writing within 10 days after the event.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1485.4, and R.S. 33:4861.24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18: (March 1992).

§2319. Additional Consideration Prohibited

A. No organization shall pay any consideration, other cost or service charge, directly or indirectly, over the agreed rental price for the rental of casino night equipment and/or for private casino contractor labor or services.

B. No lease providing for a rental arrangement for premises, equipment, labor or services in conjunction with a casino night shall provide for payment in excess of the reasonable market rental rate for such premises, equipment, labor or services. Any charges for premises, equipment, labor or services in excess of the reasonable market rental rate shall be waived or reimbursed within 10 days of such determination by the division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1485.4, and R.S. 33:4861.24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18: (March 1992).

§2321. Percentage Payments Prohibited; Use Fees

A. No organization shall pay a percentage of the receipts or net profits from the casino night for the rental of casino night equipment or for private casino contractor labor or services.

B. Use fees shall be based on rental, lease, or sale of equipment excluding any charge for labor or services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1485.4, and R.S. 33:4861.24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18: (March 1992).

§2323. Name Tags

A. Each organization member, organization worker, or private casino contract worker assisting in the conduct of a casino night shall wear a printed or typed name tag clearly visible by the participants. The printing on the tag shall include, but not be limited to the following:

1. the name of the person; and
2. the name of the private casino contractor's company for whom the person is working, if applicable; or
3. the name of the organization of which the person is a member, if applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1485.4, and R.S. 33:4861.24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18: (March 1992).

Subchapter C. Conduct of Authorized Games

§2325. Authorized Games

A. During a casino night, an organization or private casino contractor may conduct only the following authorized games of chance:

1. Blackjack;
2. Roulette;
3. Any dice game where the player competes against the house;
4. Money wheel;
5. Baccarat;
6. Poker; and
7. Bourree.

B. Nothing shall prohibit an organization from also conducting, during a licensed scheduled casino night, the games of chance authorized by R.S. 33:4861.4(A), when such games are conducted in accordance with the Act. The authorized games of chance enumerated in this Section shall not be conducted utilizing any electromechanical device or other mechanism employing cathode ray tubes, video display screens, or microprocessors.

AUTHORITY NOTE: Promulgated in accordance with

R.S. 40:1485.4, and R.S. 33:4861.24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18: (March 1992).

§2327. Wagering on Authorized Games Only

A wager shall not be placed on any contest other than an authorized game of chance being conducted at the designated time and location. Sidebets shall not be permitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1485.4, and R.S. 33:4861.24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18: (March 1992).

§2329. Display of Rules

The private casino contractor or the organization conducting the casino night shall notify players of the rules governing each game by posted rules with letters a minimum of one-half inch high or by a legibly printed program provided to all participants.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1485.4, and R.S. 33:4861.24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18: (March 1992).

§2331. Miscellaneous Provisions

A. In all dice games, the size of each die shall be a minimum of 3/4 inch.

B. Equipment used in the conduct of a casino night shall be maintained in good repair and proper working condition.

C. The utilization of equipment and method of play shall be such that each participant is afforded an equal chance of winning.

D. Each game must be conducted by a dealer present at the gaming table.

E. No organization worker or contract worker shall accept tips, either with real or imitation money, from the participants.

F. No organization worker or contract worker shall conduct the game when his or her immediate family member is a participant at the worker's table.

G. No person under 18 years of age shall be permitted to participate in gaming at the casino night or assist in the conduct of the casino night.

H. No private casino contract worker or organization worker shall be eligible to bid on prizes in the event an auction is conducted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1485.4, and R.S. 33:4861.24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18: (March 1992).

§2333. Tickets; Recordkeeping Requirements

A. The organization conducting a casino night shall require tickets for admission to the event. No ticket shall be sold for less than the price printed on it.

B. Nothing shall prohibit an organization from printing separate, complimentary invitations or tickets for dignitaries or selected persons. However, the organization shall maintain a list of every person who is admitted free of charge. The list shall be considered part of the session records and be retained for three years.

C. Each admission ticket sold for admission to a ca-

sino night shall be preprinted and prenumbered in consecutive order. Each admission ticket shall include, but not be limited to the following:

1. organization name;
2. organization license number;
3. date, time, and location of event; and
4. ticket price.

D. Admission tickets shall be sold only by bona fide members of the organization licensed to conduct the casino night or bona fide members of another licensed organization. No tickets shall be sold by the private casino contractor, his agents, or employees regardless of whether said person is a member of a licensed charitable organization.

E. 1. The organization shall maintain a log including, but not limited to the following:

- a. name of each worker issued tickets;
- b. name of organization to which each worker belongs if the worker is not a bona fide member of the organization licensed to conduct the casino night;
- c. serial numbers of tickets issued, sold, and returned by each worker;
- d. amount of money submitted by each worker for advance ticket sales.

2. The log and all unsold tickets shall be considered part of the session records and shall be retained for three years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1485.4, and R.S. 33:4861.24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18: (March 1992).

§2335. Accountability

Imitation money sales shall be fully and accurately documented. Each organization shall insure strict accountability for the handling of cash and imitation money by all participating members. Said system shall provide a sound audit trail and allow for the systematic accumulation of data for the SP-7 financial report.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1485.4, and R.S. 33:4861.24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18: (March 1992).

§2337. Imitation Money

A. Upon admission, each participant shall be given the same amount in value of imitation money that other participants are given.

B. No cash shall be wagered or paid as winnings during a casino night.

C. Imitation money shall be sold only by organization workers on the floor or at selected sales areas. Imitation money shall not be sold at an individual gaming table.

D. Imitation money shall have no actual cash value.

E. If redeemed, the imitation money must be bid on merchandise prizes in an auction which must be completed no later than two hours after the conclusion of the authorized games of chance. Cash prizes shall not be awarded.

F. After the original issue of imitation money, no person shall provide imitation money to any participant except for the original issue price.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1485.4, and R.S. 33:4861.24.

HISTORICAL NOTE: Promulgated by the Department

of Public Safety and Corrections, Office of State Police, LR 18: (March 1992).

§2339. Register of Workers

A. The charitable organization conducting a casino night shall prepare and maintain a register of workers including the following information;

1. name;
2. current residential address;
3. date of birth;
4. job description; and
5. name of organization.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1485.4, and R.S. 33:4861.24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18: (March 1992).

Col. Paul W. Fontenot
Superintendent

RULE

**Department of Revenue and Taxation
Sales Tax Division**

**Title 61
REVENUE AND TAXATION**

**Part II. Taxes Collected and Administered
by Local Subdivisions**

Chapter 1. Sales and Use Tax

§101. Reporting Format

A. Louisiana Revised Statutes 33:2713.1, 2737(G), and 2741.1 provide that the secretary of Revenue and Taxation shall adopt a standard sales and use tax reporting format for use by all local taxing jurisdictions in the state. The format herewith adopted has been adopted by the board of directors of the Louisiana Association of Tax Administrators and approved by the executive boards of the Louisiana Municipal Association, the Police Jury Association of Louisiana, and the Louisiana School Board Association.

B. The aforementioned statutes further provide that changes to the standardized format shall be adopted by the Board of Directors of the Louisiana Association of Tax Administrators and presented to the Department of Revenue and Taxation for promulgation. The format prescribed herein includes all changes which have been adopted by the requisite board as of September 11, 1991.

C. The adopted format consists of 25 numbered format lines for single-column forms, and 26 numbered format lines for multiple-column forms. The lines and the necessary headings appear in the following order:

SALES AND USE TAX RETURN

1. Gross Sales of Tangible Personal Property, Leases, Rentals and Services as Reported to the State of Louisiana.

ALLOWABLE DEDUCTIONS

2. Sales for Resale
3. Cash Discounts, Sales Return and Allowances

4. Sales Delivered or Shipped Outside This Jurisdiction
5. Sales of Gasoline and Motor Fuels
6. Sales to U. S. Government, State of Louisiana, and its Political Subdivisions and Agencies
7. Sales of Food Paid for with USDA Food Stamps or WIC Vouchers

**OTHER DEDUCTIONS AUTHORIZED BY LAW
(explain briefly)**

- 8.
- 9.
- 10.
11. Total Allowable Deductions (lines 2 thru 10)
12. Adjusted Gross Sales (line 1 minus line 11)
13. Adjusted Gross Sales in Each Jurisdiction (applies only if multiple-column form used—will be blank for single-column forms)
14. Purchases Subject to Use Tax in Each Jurisdiction
15. Total (line 13 plus line 14)
16. Tax (percent line 15)
17. Excess Tax Collected
18. Total (line 16 plus line 17)
19. Vendor's Compensation (percent of line 18—deductible only when payment is not delinquent)
20. Net Tax Due (line 18 minus line 19)
21. Delinquent Penalty (5 percent of tax for each 30 days or fraction thereof of delinquency, not to exceed 25 percent in the aggregate)
22. Interest
23. Total Tax, Penalty, and Interest Due
24. Tax Debit or Credit (authorized memo must be attached)
25. Total Amount Due (line 23 plus or minus line 24)
26. Remittance Attached (applies only if multiple-column form used—will be blank for single-column forms)

D. The above format lines are required and must appear on the return in the same sequence as they appear above. None of these may be omitted from the return. Additional format lines may be added, however, as needed. Governing authorities which are authorized to collect an advance tax on sales made by wholesalers, manufactures, jobbers, and suppliers, under the provisions of R.S. 47:306(B)(7) and 306(C), will substitute the following four format lines for format lines 19 and 20 above.

19. (a) Vendor's compensation (percent of line 18 deductible only when payment is not delinquent)
- (b) Advance Sales Tax Credit (amount of local tax paid on purchases for resale at retail)
- (c) Total of 19 (a) and (b)
20. Net Tax Due (line 18 minus line 19 (c))

E. In addition to the foregoing, all local sales and use tax returns shall contain all elements necessary for proper

administration and collection of the tax, such as a notice of the return due and delinquent dates, and the appropriate space for the taxpayer or his paid preparer to sign and date the return. Also, the return must provide a space for the reporting taxpayer to insert his Louisiana State Sales Tax Registration Number. The returns may be printed on paper of any color and size which is compatible with local requirements, and may be printed thereon in any arrangement necessary and with as many columns as necessary.

F. Local taxing jurisdictions may implement use of the amended format at any time that the new return forms become available, or whenever supplies of the existing form have been exhausted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:2713.1, 2737(G), and 2741.1.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Division, LR 18: (March 1992).

Ralph Slaughter
Secretary

RULE

Department of Social Services Office of the Secretary

The Department of Social Services, Office of the Secretary adopts the following rule in the Child Care and Development Block Grant Program and the Title IV-A At-Risk Child Care Program, effective January 1, 1992.

The Department of Social Services has received written approval of the Child Care and Development Block Grant State Plan from the Department of Health and Human Services, Administration for Children and Families.

Title 67

DEPARTMENT OF SOCIAL SERVICES

Part I. Office of the Secretary

Chapter 1. Child Care Assistance

§101. Eligibility Requirements

A. Child Care and Development Block Grant Program:

1. family income does not exceed 75 percent of the state median income for a family of the same size;

2. the family includes a child in need of care who is under age 13, or age 13 to age 18 and physically or mentally incapable of caring for himself or herself, as verified by a physician or certified psychologist, or under court supervision;

3. the child resides with a parent who is applying for child care services;

4. the parent is employed or attending a job training or educational program, or the child is in need of protective services; and

5. the family requests child care services, provides the information necessary for determining eligibility and fees, and meets appropriate application requirements established by the state.

B. Title IV-A At-Risk Child Care Program:

1. the family is not currently receiving Aid to Families With Dependent Children (AFDC), but is at risk of becoming eligible for AFDC;

2. the family includes a child under the age of 13 in need of child care;

3. the child resides with an adult who is within the required degree of relationship who is applying for child care services;

4. the adult responsible for the child is employed;

5. the child is deprived of parental support and care (in two-parent households, one parent must meet criteria for incapacity or be unemployed); and

6. the family requests child care services, provides the information necessary for determining eligibility and fees, and meets appropriate application requirements established by the state.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98, 45 CFR Part 99, 45 CFR Part 255 and 45 CFR Part 257.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 18: (March 1992).

§102. Child Care Providers

A. The parent or guardian is assured freedom of choice in selecting from a variety of child care categories, including center-based child care, family child care, and in-home child care. The parent or guardian will be afforded the maximum freedom to select the child care provider of his choice.

B. Under the Child Care and Development Block Grant Program, relatives providing child care must be at least 18 years of age and must be providing child care to only grandchildren, nieces, and/or nephews. The use of funds for sectarian worship or instruction, or the purchase of land or buildings, is prohibited.

C. Purchase of service contracts using Child Care and Development Block Grant Funds will be used to develop or enhance resources necessary to meet the needs of Special Needs Children, who require care for which specialized training, equipment or facilities are essential. Contracts could be used for developing licensed Class A centers or upgrading existing programs in such centers to handle Crack/HIV/severely handicapped or emotionally disturbed infants and young children. Contracts would be designed to preserve parental freedom of choice in selecting providers.

AUTHORITY NOTE: Promulgated in accordance with 45CFR Part 98, 45 CFR Part 99, 45 CFR Part 255 and 45 CFR Part 257.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 18: (March 1992).

§103. Payment

A. Each family shall contribute toward the payment of child care based on the size of the family and ability to pay. The sliding fee scale is as follows:

SLIDING FEE SCALE FOR CHILD CARE ASSISTANCE RECIPIENTS

NUMBER IN FAMILY UNIT	2	3	4	5	6	RECIPIENT'S SHARE OF CHILD CARE FEE
ANNUAL FAMILY INCOME	0 - 8,879	0 - 11,139	0 - 13,399	0 - 15,659	0 - 17,919	5%
	8,880 - 10,795	11,140 - 13,055	13,400 - 15,705	15,660 - 18,355	17,920 - 21,003	10%
	10,796 - 12,380	13,056 - 14,972	15,706 - 18,011	18,356 - 21,050	21,004 - 24,087	30%
	12,381 - 13,966	14,973 - 16,889	18,012 - 20,317	21,051 - 23,745	24,088 - 27,171	50%
	13,967 - 15,551	16,890 - 18,806	20,318 - 22,623	23,746 - 26,440	27,172 - 30,255	70%
	15,552 - 16,341	18,807 - 19,762	22,624 - 23,773	26,441 - 27,784	30,256 - 31,793	90%
	16,342 & ABOVE	19,763 & ABOVE	23,774 & ABOVE	27,785 & ABOVE	31,794 & ABOVE	100%

NUMBER IN FAMILY UNIT	7	8	9	10	11	RECIPIENT'S SHARE OF CHILD CARE FEE
ANNUAL FAMILY INCOME	0 - 20,179	0 - 22,439	0 - 24,699	0 - 26,959	0 - 29,219	5%
	20,180 - 23,652	22,440 - 26,301	24,700 - 28,950	26,960 - 31,599	29,220 - 34,247	10%
	23,653 - 27,125	26,302 - 30,163	28,951 - 33,200	31,600 - 36,238	34,248 - 39,275	30%
	27,126 - 30,598	30,164 - 34,025	33,201 - 37,451	36,239 - 40,878	39,276 - 44,303	50%
	30,599 - 34,070	34,026 - 37,886	37,452 - 41,702	40,879 - 45,517	44,304 - 49,332	70%
	34,071 - 35,802	37,887 - 39,812	41,703 - 43,821	45,518 - 47,831	49,333 - 51,839	90%
	35,803 & ABOVE	39,813 & ABOVE	43,822 & ABOVE	47,832 & ABOVE	51,840 & ABOVE	100%

B. The state's share of the child care payment will be made directly to the child care provider. The provider is responsible for collecting the recipient's share of the payment.

C. Maximum child care payment rates are considered to be the provider's actual rate or the following state-established rate, whichever is less:

Standard Rate Schedule
Regular Care

	Child Under Age 2			Age 2 and Older		
Class A Centers		full-time	part-time		full-time	part-time
	monthly	\$238.30	\$119.15	monthly	\$216.50	\$108.25
	weekly	\$ 55.00	\$ 27.50	weekly	\$ 50.00	\$ 25.00
	daily	\$ 11.00	\$ 5.50	daily	\$ 10.00	\$ 5.00
	hourly	\$ 1.38	\$ 1.38	hourly	\$ 1.25	\$ 1.25
All other providers		full-time	part-time		full-time	part-time
	monthly	\$216.50	\$108.25	monthly	\$216.50	\$108.25
	weekly	\$ 50.00	\$ 25.00	weekly	\$ 50.00	\$ 25.00
	daily	\$ 10.00	\$ 5.00	daily	\$ 10.00	\$ 5.00
	hourly	\$ 1.25	\$ 1.25	hourly	\$ 1.25	\$ 1.25

Standard Rate Schedule
Special Needs Care

	Child Under Age 2			Age 2 and Older		
Class A Centers		full-time	part-time		full-time	part-time
	monthly	\$287.88	\$149.94	monthly	\$270.80	\$135.40
	weekly	\$ 68.74	\$ 34.37	weekly	\$ 62.50	\$ 31.25
	daily	\$ 13.74	\$ 6.87	daily	\$ 12.50	\$ 6.25
	hourly	\$ 1.72	\$ 1.72	hourly	\$ 1.56	\$ 1.56
All other providers		full-time	part-time		full-time	part-time
	monthly	\$270.80	\$135.40	monthly	\$270.80	\$135.40
	weekly	\$ 62.50	\$ 31.25	weekly	\$ 62.50	\$ 31.25
	daily	\$ 12.50	\$ 6.25	daily	\$ 12.50	\$ 6.25
	hourly	\$ 1.56	\$ 1.56	hourly	\$ 1.56	\$ 1.56

A 25 percent premium is paid for the care of special needs children, who are defined as anyone up to age 13 who because of mental, physical or emotional handicap would require specialized facilities, lower staff ratio and/or specialized training to meet the developmental and physical needs of the child.

AUTHORITY NOTE: Promulgated in accordance with

45 CFR Part 98, 45 CFR Part 99, 45 CFR Part 255 and 45 CFR Part 257.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 18: (March 1992).

Gloria Bryant-Banks
Secretary

RULE

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

The Wildlife and Fisheries Commission does hereby adopt rules governing the harvest and manner by which mayhaws shall be collected on department owned wildlife management areas.

Title 56

WILDLIFE AND FISHERIES

Part III. State Game and Fish Preserves Sanctuaries

Chapter 1. Responsibilities, Duties and Regulation

§107. Collection of Mayhaw Fruit

A. All persons gathering mayhaw fruit on wildlife management areas (WMA) for commercial or home consumption shall abide by the following rules and regulations:

1. Everyone must abide by all rules and regulations in effect on the WMA.
2. Access routes and vehicle use must conform to rules and regulations established for the respective WMA.
3. Damage to mayhaw trees (trunk and branch) and surrounding vegetation is prohibited.
4. The use of mechanical harvesters, including shakers, is prohibited.
5. Mayhaw harvest is prohibited on wildlife management areas when turkey seasons are in progress.
6. Persons may only take five gallons per person per day for home consumption. Collecting in excess of five gallons per person per day is defined as a commercial activity. Anyone wishing to collect in commercial quantities must obtain a permit from the district office and notify the department as to where collection will take place.

7. If the department deems that collection of mayhaw is detrimental to a specific area then the department may close that portion to all mayhaw collection.

These rules are being implemented to allow for harvesting of the fruit and still protect the resource for future use.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115 and HB 976 of the 1991 Legislature.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18: (March 1992).

James H. Jenkins, Jr.
Chairman

RULE

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

The Wildlife and Fisheries Commission does hereby adopt the following amended monetary values governing the illegally taken, possessed, injured, or destroyed fish, wild birds, wild quadrupeds, and other wildlife and aquatic life.

Title 76

WILDLIFE AND FISHERIES

**Part I. Wildlife and Fisheries Commission
and Agencies Thereunder**

**Chapter 3. Special Powers and Duties
Subchapter C. Fish and Wildlife Values
§315. Fish and Wildlife Values**

GAME MAMMALS AND GAME BIRDS	
Deer	\$524.54
Squirrels	\$ 9.75
Rabbits	\$ 16.40
Turkeys	\$802.50
Ducks	\$ 11.70
Geese	\$ 42.01
Coots	\$ 12.53
Gallinules	\$ 4.43
Rails	\$ 28.61
Snipe	\$ 22.42
Quail	\$ 17.37
Woodcock	\$ 29.98
Doves	\$ 9.78

FEDERALLY LISTED THREATENED AND ENDANGERED SPECIES	
Reptiles (Adult or Young)	\$2,762.50/animal
Reptiles (Eggs)	\$2,762.50/violation
Birds (Adult or Young)	\$2,762.50/animal
Birds (Eggs)	\$2,762.50/violation
Mammals	\$2,762.50/animal
Invertebrates	\$2,762.50/violation
Fish	\$2,762.50/animal

SPECIES OF SPECIAL CONCERN	
Fish	
Paddlefish	\$2,762.50/animal
Sturgeon	\$2,762.50/animal
Jewfish	\$2,762.50/animal
Mammals	
Black Bear	\$10,000/animal

NON-GAME ANIMALS	
Raptors (Birds)	\$ 55.25
Other Birds	\$ 11.05
Frogs	\$ 9.77/lb.
Turtles	\$ 5.91/lb.
Alligator (Skin)	\$ 35.00/ft.
Alligator (Meat)	\$ 2.21/lb.
Alligator (Eggs)	\$ 3.50/egg
Nutria	\$ 2.76
Mink	\$ 13.81
Fox	\$ 16.57
Muskrat	\$ 2.21
Raccoon	\$ 5.25
Bobcat	\$ 49.72
Marine Mammals	\$2,210.00
Other Mammals	\$ 11.05

ALL FISH NOT LISTED ELSEWHERE IN THIS RULE

	MARINE	FRESHWATER
LENGTH INCHES	VALUE	VALUE
1	\$0.35	\$0.19
2	\$0.64	\$0.24
3	\$0.98	\$0.32
4	\$1.33	\$0.48
5	\$1.62	\$0.63
6	\$1.90	\$0.78
7	\$2.24	\$0.91
8	\$2.65	\$1.11
9	\$3.01	\$1.56
10	\$3.32	\$1.88
11	\$4.09	\$2.20
12	\$5.18	\$2.83
13	\$6.32	\$3.47
OVER 13"	\$6.32/lb.	\$3.47/lb.

COMMERCIAL FISH SPECIES

SPECIES GROUP	VALUE/LB	SPECIES GROUP	VALUE/LB
AMBERJACK	\$0.81	OILFISH	\$0.75
BARRACUDA	\$0.31	OYSTER	\$3.60
BLUEFISH	\$0.30	POMPANO	\$3.44
BLUERUNNER	\$0.33	PORGY	\$0.68
BONITO, ATLANTIC	\$0.39	RAYS	\$0.44
BOWFIN	\$0.13	SAWFISH	\$0.21
BUFFALO	\$0.22	SCAMP	\$1.72
BUTTERFISH	\$0.28	SCULPIN	\$0.80
CARP	\$0.09	SHAD	\$0.09
CATFISH, SEA	\$0.26	SHARK, BLACKTIP	\$0.40
CATFISHES	\$0.60	SHARK, LONGFIN MAKO	\$0.68
COBIA	\$1.11	SHARK, OTHER	\$0.70
CRAB, BLUE	\$0.36	SHARK, SAND TIGER	\$0.13
CRAB, STONE	\$2.27	SHARK, SHORTFIN MAKO	\$0.72
CRAWFISH	\$0.52	SHARK, THRESHER	\$0.32
CREVALLE JACK	\$0.41	SHEEPSHEAD	\$0.22
DOLPHIN (FISH)	\$0.69	SHRIMP	\$1.30
DRIFTFISH	\$0.45	SNAPPER, BLACK	\$0.94
DRUM, BLACK	\$0.40	SNAPPER, BLACKFIN	\$1.01
DRUM, FRESHWATER	\$0.19	SNAPPER, GRAY	\$1.44
EEL, AMERICAN	\$0.65	SNAPPER, LANE	\$1.55
EEL, CONGER	\$0.64	SNAPPER, MAHOGANY	\$1.20
GAG	\$1.91	SNAPPER, OTHER	\$1.26
GAR	\$0.62	SNAPPER, QUEEN	\$1.03
GROUPE, BLACK	\$1.49	SNAPPER, SILK	\$1.28
GROUPE, MISTY	\$1.53	SNAPPER, VERMILLION	\$1.55
GROUPE, NASSAU	\$1.48	SNAPPER, YELLOWTAIL	\$1.48
GROUPE, OTHER	\$1.51	SPADEFISH	\$0.34
GROUPE, SNOWY	\$1.58	SPOT	\$0.30
GROUPE, WARSAW	\$1.27	SQUID	\$0.30
GROUPE, YELLOWEDGE	\$1.61	SWORDFISH	\$2.72
GROUPE, YELLOWFIN	\$1.62	TILEFISH	\$1.33
GRUNTS	\$0.40	TRIGGERFISH	\$0.50
HIND, RED	\$1.41	TRIPLETAIL	\$0.57
HIND, ROCK	\$1.31	TUNA, ALBACORE	\$0.49
HIND, SPECKLED	\$1.42	TUNA, BIGEYE	\$2.87
KINGFISH	\$0.35	TUNA, BLACKFIN	\$0.36
MACKEREL, SPANISH	\$0.30	TUNA, BLUEFIN	\$7.61
MENHADEN	\$0.03	TUNA, OTHER	\$1.75
MULLET	\$0.74	TUNA, SKIPJACK	\$0.76
		TUNA, YELLOWFIN	\$2.26
		WAHOO	\$0.82

RECREATIONAL AND COMMERCIAL FISHES

LENGTH INCHES	RED DRUM	SPOTTED SEATROUT	RED SNAPPER	WHITE TROUT	FLOUNDER	CROAKER	KING MACKEREL	LARGEMOUTH BASS	BLUEGILL	CRAPPIE
1	\$0.42	\$0.42	\$0.42	\$0.42	\$0.42	\$0.42	\$0.42	\$0.35	\$0.27	\$0.35
2	\$0.74	\$0.74	\$0.74	\$0.74	\$0.74	\$0.74	\$0.74	\$0.80	\$0.56	\$0.58
3	\$1.13	\$1.13	\$1.13	\$1.13	\$1.13	\$1.13	\$1.13	\$1.04	\$0.64	\$0.58
4	\$1.54	\$1.54	\$1.54	\$1.54	\$1.54	\$1.54	\$1.54	\$1.17	\$0.81	\$0.80
5	\$1.88	\$1.88	\$1.88	\$1.88	\$1.88	\$1.88	\$1.88	\$1.54	\$0.94	\$0.84
6	\$2.20	\$2.20	\$2.20	\$2.20	\$2.20	\$2.20	\$2.20	\$1.78	\$1.37	\$1.37
7	\$3.53	\$2.93	\$2.88	\$2.25	\$3.20	\$2.44	\$9.99	\$2.89	\$4.44	\$1.94
8	\$4.85	\$3.66	\$3.56	\$2.31	\$4.20	\$2.69	\$17.78	\$3.99	\$10.66	\$2.51
9	\$6.18	\$4.38	\$4.23	\$2.36	\$5.21	\$2.93	\$25.56	\$5.09	\$25.63	\$3.08
10	\$7.51	\$5.11	\$4.91	\$2.41	\$6.21	\$3.17	\$33.35	\$6.20	\$28.48	\$3.65
11	\$8.83	\$5.84	\$5.69	\$2.47	\$7.21	\$3.52	\$41.14	\$7.30	\$31.33	\$4.95
12	\$10.16	\$6.57	\$6.27	\$2.52	\$8.21	\$3.87	\$48.93	\$8.40	\$34.18	\$6.70
13	\$11.48	\$7.30	\$6.94	\$2.57	\$9.21	\$4.22	\$56.72	\$9.51	\$37.03	\$9.07
14	\$12.81	\$8.28	\$7.62	\$3.23	\$10.21	\$4.59	\$64.50	\$10.61	\$39.87	\$12.27
15	\$14.14	\$11.80	\$9.12	\$4.05	\$11.05	\$4.97	\$72.29	\$14.36	\$42.72	\$16.62
16	\$15.46	\$14.99	\$10.89	\$5.07	\$11.91	\$5.35	\$80.08	\$19.44	\$45.57	\$22.50
17	\$19.32	\$19.03	\$12.96	\$6.34	\$12.80	\$5.75	\$87.87	\$26.32	\$48.42	\$30.46
18	\$24.13	\$24.14	\$16.38	\$7.92	\$13.71	\$6.16	\$95.65	\$35.64	\$51.27	\$32.25
19	\$30.14	\$30.63	\$18.22	\$9.89	\$14.66	\$6.58	\$103.44	\$48.25		\$34.04
20	\$37.65	\$38.86	\$21.54	\$12.33	\$15.64	\$7.02	\$111.23	\$65.32		\$35.83
21	\$47.04	\$49.30	\$25.43	\$15.37	\$16.66	\$7.47	\$119.02	\$88.43		\$37.63
22	\$56.76	\$62.54	\$29.98	\$19.17	\$17.71	\$7.94	\$126.80	\$92.64		\$39.42
23	\$73.40	\$65.59	\$35.30	\$23.89	\$18.80	\$8.42	\$134.59	\$96.86		\$41.21
24	\$91.70	\$68.68	\$41.52	\$25.11	\$19.94	\$8.92	\$142.38	\$101.07		\$43.00
25	\$114.55	\$71.80	\$48.80	\$26.35	\$21.12	\$9.43	\$150.17	\$105.28		
26	\$143.09	\$74.95	\$57.33	\$27.61	\$22.34	\$9.97	\$157.96	\$109.49		
27	\$148.60	\$78.13	\$67.33	\$28.90	\$23.62	\$10.52	\$165.74	\$113.70		
28	\$154.10	\$81.35	\$70.78	\$30.21	\$24.94		\$173.53	\$117.91		
29	\$159.61	\$84.61	\$74.35	\$31.56			\$181.32	\$122.12		
30	\$165.11	\$87.91	\$78.02	\$32.93			\$189.11	\$126.33		
31	\$170.61	\$91.25	\$81.80	\$34.33			\$196.89	\$130.54		
32	\$176.12	\$94.63	\$85.70				\$204.68	\$134.76		
33	\$181.62		\$89.72				\$212.47	\$138.97		
34	\$187.12		\$93.87				\$220.26	\$143.18		
35	\$192.63		\$98.14				\$228.05	\$147.39		
36	\$198.13		\$102.55				\$235.83	\$151.60		
37	\$203.63		\$107.09				\$243.62			
38	\$209.14		\$111.78				\$251.41			
39	\$214.64		\$116.60				\$259.20			
40	\$220.15		\$121.57				\$266.98			
41	\$225.65		\$126.70				\$274.77			
42	\$231.15		\$131.98				\$282.56			
43	\$236.66						\$290.35			
44	\$242.16						\$297.88			
45	\$247.66						\$305.04			
46	\$253.17						\$312.45			
47	\$258.67						\$319.90			
48	\$264.18						\$327.40			
49	\$269.68						\$334.93			
50	\$275.18						\$342.51			
51	\$280.69						\$350.13			
52	\$286.19						\$357.80			
53							\$365.52			
54							\$373.28			
55							\$381.10			
56							\$388.96			
57							\$396.87			
58							\$404.83			
59							\$412.85			
60							\$420.91			
61							\$429.03			
62							\$437.21			
63							\$445.44			
64							\$453.73			
65							\$462.07			
66							\$470.47			

* SAND SEATRUT AND SILVER SEATRUT

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:40.2.

HISTORICAL NOTE: Promulgated by the Department

of Wildlife and Fisheries. Wildlife and Fisheries Commission, LR 16:39 (January 1990), amended LR 18: (March 1992).

James H. Jenkins, Jr.
Chairman

RULE

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

The Wildlife and Fisheries Commission does hereby adopt these amendments governing the special recurring commercial fishing season on Lake Bruin.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sports and Commercial Fishing

§125. Lake Bruin

The Louisiana Wildlife and Fisheries Commission hereby establishes and permits a special recurring commercial fishing season, allowing the use of certain nets and slat traps, in Lake Bruin, Tensas Parish, Louisiana. The season will commence each year at sunrise on November 1 and close at sunset on the last day of February the following year.

A. Commercial fishing with certain nets and slat traps will be allowed on Lake Bruin only during the above described special season and only by licensed commercial fishermen who must also obtain a Lake Bruin commercial fishing permit from the Louisiana Department of Wildlife and Fisheries. The permit will be issued at no cost on a seasonal basis and must be renewed for each season. The permittee must also file a report to the Department of Wildlife and Fisheries of his catch that is postmarked not later than 15 days after the close of that season. The use of nets in Lake Bruin will be limited to gill and trammel nets greater than or having at least a minimum mesh of three and one-half inch bar and seven inch stretch.

B. Commercial fishing will be allowed only during daylight hours except that gear can remain set overnight but fish captured may be removed during daylight hours only.

C. Failure to comply with the terms of the special permit or of any Louisiana commercial fishing regulations shall result in immediate cancellation of the permit for the remainder of the current season.

D. Failure to submit a timely report for a particular year's commercial fishing season shall result in the denial of a permit for the next year. If a report is eventually received after the deadline period for a particular year, the applicant may get a permit after skipping a year, however, if no report is ever filed, no permit for any subsequent year will be considered.

E. Applicants with a citation(s) pending for three years or less, which is a Class II fish or game violation(s) or greater shall be denied a permit until such time as the applicant appears before department officials for the purpose of reviewing the citation(s) issued. The secretary, after reviewing the proceedings, may issue or deny the permit.

F. Permits shall not be issued to any applicant who within three years of the date of his/her application, has been convicted or pled guilty to a Class II fish or game violation or greater, as defined in the laws pertaining to wildlife and fisheries.

G. Applicants convicted of, or pleading guilty to two or more Class II fish or game violations or greater within five years of the application date shall not receive a permit.

AUTHORITY NOTE: Promulgated in accordance R.S. 56:22, 56:326.3 and R.S. 56:402.

HISTORICAL NOTE: Promulgated by the Department

of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 13:502 (September 1987), amended LR 18: (March 1992).

James H. Jenkins, Jr.
Chairman

RULE

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

The Wildlife and Fisheries Commission does hereby adopt the rules prohibiting the use of gill nets and trammel nets in Lake Providence except during recurring season.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sports and Commercial Fishing

§163. Lake Providence, Gill Nets and Trammel Nets

A. Prohibits the use of gill nets and trammel nets in Lake Providence, East Carroll Parish, Lake Providence, Louisiana, except their use will be allowed for the legal harvest of commercial fish during a special recurring trammel and gill netting season to commence each year at sunrise on November 1 and close at sunset on the last day of February the following year.

B. The trammel and gill nets allowed during the special recurring season shall have a minimum mesh size of three and one-half inch bar and seven inch stretched.

C. Said net may remain set overnight, but fish captured may be removed during daylight hours only.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:22 and 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18: (March 1992).

James H. Jenkins, Jr.
Chairman

Notices of Intent

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Forestry

The Department of Agriculture and Forestry advertises its intent to adopt a rule adding LAC Title 7, Part XXXIX, Chapter 209. These rules will establish regulations dealing with reforestation of state lands.

This rule complies with Act 176 of the 1990 Regular Session, which amended R.S. 3:4271.

Title 7 AGRICULTURE AND FORESTRY Part XXXIX. Forestry

Chapter 209. Reforestation of Public Lands

§20901. Scope; Agencies Involved

A. Any state agency, department, board or commission, desiring to cut down or remove any tree or trees 10" DBH or larger must first submit a request for approval to the Louisiana Department of Agriculture and Forestry, Office of Forestry, Box 1628, Baton Rouge, LA 70821-1628, addressed to the attention of the state forester.

B. The request for approval must include information about what trees are to be cut down, their location, size and species. A site plan or diagram such that trees can be located by an inspector is required and also the intent or reason for the removal of the tree or trees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4271.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, LR 18:

§20903. Response to Agency Reports

The Louisiana Department of Agriculture and Forestry has 30 days in which to respond in writing to the written request. If no response is heard within 30 days, approval is automatically granted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4271.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, LR 18:

§20905. Site Inspections

The Louisiana Department of Agriculture and Forestry can inspect the site and make written recommendations to include alternatives to removing the trees, species, location and numbers of replacement trees and recommendations concerning planting and after care of planted trees. These recommendations will be adhered to unless determined to be physically impossible.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4271.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, LR 18:

§20907. Appeals

An appeal process is available, if the state agency, department, board or commission for some reason cannot comply with the recommendations of the Louisiana Department of Agriculture and Forestry, then a representative can appeal to the state forester or commissioner of the Department of Agriculture and Forestry for reconsideration. This must be done within 30 days of the written recommendations. The state forester or commissioner of the Louisiana Department of Agriculture and Forestry shall have the power to waive any or all planting requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4271.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, LR 18:

§20909. Tree Planting; Survival Inspections

Required tree planting shall be completed during the next planting season after the removal of the trees. The Louisiana Department of Agriculture and Forestry can check tree planting survival up to 3 years after planting and require replacement of any losses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4271.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, LR 18:

§20911. Size Requirements

On developed sites around buildings and along highway rights-of-way, a minimum tree size for planting is one inch caliper and five feet tall. The Louisiana Department of Agriculture and Forestry can require larger planting stock when deemed necessary for adequate survival. Seedlings may be allowed in certain areas where survival is not considered a problem.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4271.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, LR 18:

§20913. Landscape Architects

The Louisiana Department of Agriculture and Forestry may require the use of a landscape architect in certain projects where their services are deemed necessary to ensure adequate attention to sensitive design considerations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4271.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, LR 18:

§20915. Timber Harvesting

Any agency or department owning or controlling commercial forest land and desirous to harvest timber from this land is required by Act 211, 1987 Regular Legislative Session, to contact the Office of Forestry for assistance in developing a forest management plan for the acreage. Reforestation measures will be required as appropriate and this forest management plan will satisfy the requirements of Act 176.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4271.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, LR 18:

§20917. Developing Wooded Property

Any agency planning to develop a site that contains existing trees must include the intent of Act 176 in the planning process of the project before any clearing of existing

trees takes place. Assistance can be obtained from the Office of Forestry personnel to: locate, identify, evaluate and inventory existing trees; to provide technical assistance to save as many existing trees as is appropriate as well as to assist in the selection and placement of replacement trees. Emphasis shall be put on selection of appropriate species, size and location of trees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4271.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, LR 18:

A public hearing on these proposed regulations will be held on April 24, 1992 in Baton Rouge, LA at the 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. Any written responses to this notice should be mailed to State Forester Paul D. Frey, Box 1628, Baton Rouge, LA 70821, postmarked no later than April 10, 1992.

Paul D. Frey
State Forester

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Reforestation of Public Lands

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

There will be no implementation costs to non-state agencies as legislation was for state agencies only. Cost to state agencies will depend on number, size and species of trees to be replaced; single tree replacement could cost as much as \$100/tree, depending on availability of size/species to be planted.

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 by this rule.

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

There will be no costs to persons or non-government groups as this rule applies only to state agencies.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition or employment by implementing this rule.

Richard Allen
Asst. Commissioner

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Economic Development
Office of Commerce and Industry**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, and under the authority of Louisiana Const. Art VII, Section 21(F), R.S. 39:104, and 51:1781 et

seq. relative to the authority of the Department of Economic Development to promulgate rules, notice is hereby given that the Department of Economic Development, Office of Commerce and Industry intends to repeal the following rules, LAC XIII.I.2101-2111 providing a formula to evaluate the environmental compliance of applicants for tax exemptions:

**Title 13
ECONOMIC DEVELOPMENT**

**Part I. Office of Commerce and Industry
Subpart 1. Finance**

Chapter 21. Environmental Criteria For Rating Tax Exemptions

§2101-2111. Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part 2, Section 21 (F); R.S. 33:4702, 47:1121-1128, 47:3201-3206, 47:4301-4305, 51:1781-1787.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry; Financial Incentives Division; LR 17:768 (August 1991), repealed LR 18:

Inquiries and comments will be accepted through the close of business on April 21, 1992. Written comments should be addressed to: Paul Adams, Financial Incentives Director, Department of Economic Development, Office of Commerce and Industry, Box 94185, Baton Rouge, LA 70804.

Harold Price
Assistant Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Environmental Criteria for Rating Tax Exemptions

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

The repeal of the "Environmental Criteria for Rating Tax Exemptions" (the environmental scorecard) will not result in any implementation costs or savings to the state. The workload created by the environmental scorecard was assimilated by existing Office of Commerce and Industry staff. Some reductions in local government costs will occur resulting from the repeal of the environmental scorecard rules, however no estimate is available. Assessors will no longer have to maintain separate records of buildings, machinery, and equipment partially exempted by financial incentive, and partially taxed due to an environmental scorecard percentage.

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

No estimate is available on state revenue collections which may result from the repeal of the environmental scorecard rules. The Financial Incentives Division experienced a drop in application fee self generated revenue from the time the environmental scorecard was implemented in December, 1990, through calendar year 1991. Additionally, approximately 400 applications previously submitted were deferred from Board of Commerce and Industry action at the request of the applicants. Industry executives were "mothballing" new and expansion pro-

jects pending the outcome of the environmental scorecard.

No estimate is available on the revenues which would not be collected by local governments as result of the repeal of the environmental scorecard. Local government will collect approximately \$1.1 million in additional ad valorem property taxes annually for 10 years on the \$11 million of capital investments restricted pursuant to the environmental scorecard by the Board of Commerce and Industry in 1991.

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

No estimate is available on the economic benefits (savings) which will accrue to industry from the repeal of the environmental scorecard rules; however, the Financial Incentives Division estimates that net property tax exemptions granted under the Industrial Tax Exemption Program amount to approximately 1 percent per year of the value of the industry's capital investment. In the absence of the environmental scorecard rules, industry would have paid approximately \$1.1 million less in property taxes annually for 10 years on the \$11 million of capital investments restricted in 1991.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There should be no effect on in-state competition from either the use or repeal of the environmental scorecard. The rules would apply to industry in Louisiana regardless of the location or type of business. The effect on competition between in-state industry and out-of-state industry resulting from repealing the environmental scorecard is indeterminable. No estimate is available on the effect on employment resulting from the repeal of the environmental scorecard.

Robert Paul Adams
Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Standard 1.087.11 - American Sign Language

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the addition of Standard 1.087.11 to Bulletin 741 as stated below relative to the offering of American Sign Language when requested by 15 students and when a qualified teacher is available: Add Standard 1.087.11 as stated below:

1.087.11 School systems shall offer an elective course in American Sign Language if at least 15 students in a school request the course and if a qualified teacher is available. A qualified teacher is a secondary certified (regular or special education) teacher who has minimal proficiency in ASL.

Refer to R.S. 17.284.

Interested persons may comment on the proposed policy changes in writing, until 4:30 p.m., May 8, 1992 at the following address: Eileen Bickham, State Board of Element-

tary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Carole Wallin
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Motion 10-H-8 (Motion 8) SBESE
Meeting 12-19-91**

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

The cost to reprint and distribute page 64 of Bulletin 741 will be approximately \$100.

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

The rule will have no effect on the revenue collections of state or local government.

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

No cost will directly affect non-government groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The rule will have no effect on competition and employment.

John Guilbeau
Acting Deputy Superintendent
for Management and Finance

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

8(g) Annual Program and Budget-FY 92-93

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the Louisiana Quality Education Support Fund (8g) budget for Fiscal Year 1992-93 as follows:

LOUISIANA STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION

8(g) Annual Program and Budget
FY 1992-93

(Final Adoption - January 23, 1992)

I. Exemplary Competitive Programs Designed to Improve Student Academic Achievement or Vo-Tech Skills		
A.	Pre-K - 3rd Grade	\$1,500,000
B.	Student Enhancement (Grades 4-12)	1,500,000
C.	Vocational Education	2,000,000
 II. Exemplary Block Grant Programs Designed to Improve Student Academic Achievement or Vo-Tech Skills		
A.	Elementary and Secondary Education	4,000,000
	1. Early Childhood Education (Pre-K - 3rd Grade)	
	2. Student Enhancement (Grades 4 - 12)	
	3. Educational Technology	
B.	Vocational Education	650,000
	1. Extension	
 III. Exemplary Statewide Programs Designed to Improve Student Academic Achievement or Vo-Tech Skills		
A.	Administrative Leadership Academy (SDE)	300,000
B.	Teacher Exemption Programs (SDE)	
	1. Tuition Exemption	3,100,000
	2. NTE Test Preparation Clinic	100,000
C.	Louisiana Writing Project (SDE)	250,000
D.	Talent Improvement Program for Gifted and Talented Students (NSU)	60,000
E.	Vocational Education (SDE)	
	1. Curriculum Upgrade	80,000
	2. Occupational Competency Testing Program	20,000
	3. VTIE Tuition Exemption Program	70,000
	4. Statewide Quickstart	1,000,000
	5. Accreditation/Certification	100,000
	6. Vocational Skills Enhancement	1,320,131
F.	Mini Grant Awards of Excellence (SDE)	400,000
G.	Statewide Distance Learning Network (SDE)	2,500,000
H.	Humanities Institutes (SDE)	250,000
I.	Model Early Childhood Program (SDE)	3,000,000
J.	Enhancement of Secondary Math and Physics (UNO)	150,000
K.	LA Geography Education Alliance (SDE)	50,000
L.	Summer High School Credit Program (LSU)	50,000
M.	Classroom Strategies for Dyslexia (SDE)	570,000
N.	Taft Institute (Southern)	65,000
O.	Economic Education (SDE)	100,000
P.	Academic/Vocational Enhancement of BESE Special Schools	150,000

IV. Research or Pilot Programs Designed to Improve Student Academic Achievement

A. Louisiana Educational Assessment Program (SDE)	1,200,000
B. Parent Education Project (SDE)	300,000
C. Spalding Phonics Project (SDE)	80,000
D. Instructional Enhancement Through the Arts (SDE)	150,000
E. Accelerated Schools for At-Risk Students (UNO)	400,000
F. Identifying and Serving Under-Represented Gifted (SDE)	200,000
G. Pilot Technology Institutes (SDE)	200,000
H. BESE/Regents NSF Project: Math & Science (SDE)	1,000,000
I. Middle Schools Initiative (SDE)	68,000
J. System Accreditation (K - 12) (SDE)	75,000
K. Teacher Mentor Program (SDE)	100,000

V. Purchase of Superior Textbooks, Library Books, Supplemental and/or Reference Materials (SDE)

3,000,000

VI. Remediation Programs

A. Extended Programs for Students Failing the High School Graduation Test (SDE)	700,000
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VII. Teaching of Foreign Languages in Elementary and Secondary Schools

A. Foreign Language Model Program (SDE)	175,000
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VIII. Scholarships or Stipends to Prospective Teachers

A. Education Majors Program (SDE)	1,900,000
B. Post-Baccalaureate Scholarship Program (SDE)	500,000

IX. Management and Oversight

A. BESE Administration (.9%)	307,889
B. BESE Fiscal/Programmatic Evaluation (1.1%)	<u>373,399</u>

TOTAL

\$34,064,419

Interested persons may comment on the proposed rule until 4:30 p.m., May 8, 1992 at the following address: Eileen Bickham, State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Carole Wallin
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: 8(g) Allocation by B.E.S.E. for FY 1992-93

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

The Board of Elementary and Secondary Education has adopted its Louisiana Quality Education Support Fund budget for FY 1992-93. This budget is funded with 8(g) dedicated funds. If the Legislature appropriates these funds as allocated by BESE, the cost over the 1991-92 budget will be \$5,892,604. Of this amount, state-wide program funding will increase by \$3,898,000, vo-tech funding will increase \$1,900,131, and funding for administration/evaluation will increase \$94,473.

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

Revenues to local education agencies for competitive projects and block grant awards will not exceed \$7,000,000.

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

Up to \$7,000,000 will be available for exemplary competitive projects and block grants for programs designed to improve student academic achievement.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Carole Wallin
Executive Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Technical Institute/Regional Management Center Calendars

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved a new calendar for the Technical Institute/Regional Management System. This is an amendment to LAC 28:XV.1525.

**Title 28
EDUCATION**

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

§1525. Institute/Regional Management Center Calendars

A. All postsecondary technical institutes will be open a minimum of 238 days for a five-day work week and 200 days for a four-day work week per fiscal year, inclusive of administrative days, vacation days and the annual LVA/SDE inservice conference/workshop.

Regional Management Centers will be open a minimum of 238 days for a five-day work week, inclusive of vacation days.

B. The Office of Vocational Education will issue to each school, a five-day/four-day calendar of work each year for their selection which must be submitted to the Department of Education, prior to June 1 of each fiscal year, for final approval.

Effective date of this rule is July 1, 1992.

Interested persons may comment on the proposed policy changes in writing, until 4:30 p.m., April 9, 1992 at the following address: Eileen Bickham, State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Carole Wallin
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: New Calendar for the Technical Institutes

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

To make these changes to the calendar system for the

technical institutes, there will be no difference in costs to state or local governmental units.

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

There will be no effect on revenue collections of state or local governmental units.

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

There will be no costs or economic benefits to the non-governmental groups. Because of the decrease in the number of instructional hours offered per year under this new system, we might have an increase in the cost to a student.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment as a result of this action.

John Guilbeau
Acting Deputy Superintendent
for Management and Finance

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Waivers of Minimum Standards: Procedures
Pilot Programs in Special Education

In accordance with R.S.49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following policy which is an amendment to the Louisiana Administrative Code.

**Title 28
EDUCATION**

**Part I. Board of Elementary and Secondary Education
Chapter 3. Rules of Procedure**

§313. Waivers of Minimum Standards: Procedures

E. Pilot Programs in Special Education

1. The department may grant annual approval to school systems to conduct pilot programs upon receipt of a request signed by the superintendent which details how the pilot program is to be implemented and the reason for its implementation.

2. An annual report must be submitted to the department upon completion of the pilot program.

3. The department will submit to the board, a semi-annual report on approvals granted.

4. A school system may appeal department disapproval of a pilot program to the board.

Interested persons may comment on the proposed rule until 4:30 p.m., May 8, 1992 at the following address: Eileen Bickham, State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Carole Wallin
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Procedures (E) Pilot Programs in Special Education

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be neither costs nor savings to state or local governmental units in the implementation of this change.
- 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 or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment.

John Guilbeau
Acting Deputy Superintendent
for Management and Finance

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Education
Bureau of Continuing Education**

Educational Employees
Professional Improvement Program (PIP)

In accordance with the provisions of the Administrative Procedure Act, (R.S. 49:950 et seq.), notice is hereby given that the State Committee for the Louisiana Educational Employees Professional Improvement Program (PIP) adopted Bulletin 1619, compiled 1990-91 (R.S. 17:3601-R.S. 17:3667), in context, prior to its dissolution on September 30, 1990.

In summary, Bulletin 1619, compiled 1990-91, is a summary of all the rules and regulations promulgated for the implementation of the Professional Improvement Program from 1980, the year the initiating legislation was passed, through 1991, the last year for which related legislation was enacted. No new regulations, with the exception of information regarding statutes passed after 1987, is included in these guidelines. They are simply a final, complete compilation of all the rules and regulations included in Bulletin 1619, revised 1986, the addendums published thereafter, etc., and an update regarding pertinent legislation. They were compiled in response to a strong suggestion made by the legislative auditor that they be provided as continued direction for the implementation of the program.

Interested persons may present their views or make inquiries about this intended action to Erin Lewis, Department of Education, 626 North Third Street, Baton Rouge, LA, (504) 342-6216, between March 20 and April 12, 1992.

Requests for copies of these documents, should be

addressed to Office of the State Register, 1051 North Third Street, Baton Rouge, LA 70804 or to Janie Ponthieux, Director of the Bureau of Continuing Education, Department of Education, Box 94064, Baton Rouge, LA 70804-9064.

Betty Hill
Former Chairman of the State Committee and current Hearing Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Bulletin 1619**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The estimated cost of \$1,994 is for printing and mailing of the PIP guidelines only. There is no anticipated increase in funding since the rules/regulations are already being implemented.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no estimated effect or impact.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There is no effect or impact on current costs for PIP participants or current workloads for local PIP offices.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no estimated effect or impact.

John Guilbeau David W. Hood
Acting Deputy Superintendent Senior Fiscal Analyst
Management and Finance

NOTICE OF INTENT

**Student Financial Assistance Commission
Office of Student Financial Assistance**

Scholarship and Grant Policy
to Stop Payment on Award Checks

The Louisiana Student Financial Assistance Commission, Office of Student Financial Assistance, announces its intention to amend its Scholarship/Grant Policy Procedure Manual by adding a policy to stop payment on unclaimed or unnegotiated scholarship or grant awards.

Chapter VII shall be amended by adding Paragraph F, as follows:

F. Stop Payment of Uncleared Checks

On September 1 of each year, OSFA will stop payment on all checks that have not been negotiated and which were issued as scholarship or grant awards for the prior ending academic year.

Interested persons may submit written comments on the proposed regulations until 4:30 p.m., May 20, 1992 at the following address: Jack L. Guinn, Executive Director, Office of Student Financial Assistance, Box 91202, Baton Rouge, LA 70821-9202.

Jack L. Guinn
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

**Rule Title: Scholarship/Grant Policy to Stop Payment on
Award Checks**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No costs are estimated to implement the proposed rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No impact on revenue collections is forecast from implementation of this rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
No impact on non-governmental groups is anticipated from this rule change.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No impact on competition or employment is anticipated from the implementation of this rule.

Jack L. Guinn
Executive Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Student Financial Assistance Commission
Office of Student Financial Assistance**

Release of Midyear Scholarship Awards

The Louisiana Student Financial Assistance Commission proposes to amend the Scholarship/Grant Policy and Procedure Manual by adding rules which define the criteria under which institutions are authorized to release midyear scholarship awards to students. Chapter VII of the Scholarship/Grant Policy and Procedure Manual shall be amended by adding Paragraph E to read:

E. Release of Midyear Scholarship Awards

Midyear scholarship checks and tuition reimbursement should be released to students by the institution if the student is listed on an OSFA eligibility roster or master listing and is enrolled full time for the spring term (winter and spring in the case of Louisiana Tech). Institutions are not responsible for verifying grades or hours earned at the conclusion of the fall term (or fall and winter terms in the case of Louisiana Tech). However, institutions continue to be responsible for verifying that Paul Douglas and Rockefeller Scholarship recipients are enrolled in the required field of study prior to the release of spring award checks.

Interested persons may submit written comments on the proposed regulations until 4:30 p.m., May 20, 1992 at the following address: Jack L. Guinn, Executive Director, Office of Student Financial Assistance, Box 91202, Baton Rouge, LA 70821-9202.

Jack L. Guinn
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Release of Midyear Scholarship Awards

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No costs are estimated to implement the proposed rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No impact on revenue collections is forecast from implementation of this rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Educational institutions will save staff time previously spent to verify grades or hours earned at the conclusion of the fall term.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No impact on competition or employment is anticipated from the implementation of this rule.

Jack L. Guinn
Executive Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Student Financial Assistance Commission
Office of Student Financial Assistance**

Tuition Assistance Plan Application Deadline

The Louisiana Student Financial Assistance Commission, Office of Student Financial Assistance, announces its intention to permanently extend the deadline for filing applications for the Tuition Assistance Plan (TAP). Chapter VI C 1a shall be amended to read as follows:

C 1) a. Submit the completed application for state and federal aid by September 1 (or the next business day if the first falls on a weekend).

Interested persons may submit written comments on the proposed regulations until 4:30 p.m., May 20, 1992 at the following address: Jack L. Guinn, Executive Director, Office of Student Financial Assistance, Box 91202, Baton Rouge, LA 70821-9202.

Jack L. Guinn
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

**Rule Title: Tuition Assistance Plan (TAP)
Application Deadline**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation costs anticipated from finding any ad-

ditional students eligible for the Tuition Assistance Plan will be covered by the FY 92-93 budget allocation for TAP. Normally, this provision would result in a cost increase, but an extended deadline has already been used since 1990.

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

No impact on revenue collections is forecast from implementation of this rule.

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

Students who are eligible for the tuition plan will have more opportunity to apply for it with an extended deadline.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No impact on competition or employment is anticipated from the implementation of this rule,

Jack L. Guinn
Executive Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Student Financial Assistance Commission
Office of Student Financial Assistance**

Tuition Assistance Plan Billing Procedures

The Louisiana Student Financial Assistance Commission, Office of Student Financial Assistance, announces its intention to amend the Scholarship/Grant Policy and Procedure Manual by adding Subparagraphs E 3 and G 3 f to Chapter VI, to read as follows:

E 3) Follow LASFAC billing procedures, as follows:

a. Institutions may bill LASFAC only for students certified eligible by OSFA.

b. Institutions will bill LASFAC based on their certification of new students' first time, full-time enrollment and renewal students' full-time enrollment as of the fourteenth class day ninth class (day for Louisiana Tech). Institutions are not to bill LASFAC for students who are enrolled less than full time on the fourteenth class day. In such cases, the students are responsible for reimbursing the institutions for any monies owed. Refunds for less than full-time enrollment after the fourteenth class day are to be retained by the institution.

c. Annually, institutions are required to provide OSFA a current fee schedule. Fee schedule is defined as a listing of the actual tuition and mandatory fees for attendance at that school as defined by the institution. An itemized description of the composition of the mandatory fees listed on the fee schedule must also be supplied.

d. Upon the school's certification of the TAP recipient's full-time enrollment, OSFA will reimburse the institution up to the maximum amount listed on the approved fee schedule.

G 3) f. Reimburse the tuition waived by colleges and universities.

i. Review and approve the school's current schedule of fees.

ii. Mail TAP billing packet to schools.

iii. Verify and reconcile the school's TAP Billing Roster and School Invoice.

iv. Correct discrepancies, if applicable.

v. Mail payment acknowledgement and check to school.

Interested persons may submit written comments on the proposed regulations until 4:30 p.m., May 20, 1992 at the following address: Jack L. Guinn, Executive Director, Office of Student Financial Assistance, Box 91202, Baton Rouge, LA 70821-9202.

Jack L. Guinn
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Tuition Assistance Plan (TAP)
Billing Procedure**

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

No costs are estimated to implement the proposed rule.

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

No impact on revenue collections is forecast from implementation of this rule.

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

No impact on non-governmental groups is anticipated from this rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No impact on competition or employment is anticipated from the implementation of this rule,

Jack L. Guinn
Executive Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Environmental Quality
Office of Air Quality**

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.3815, (Log #AQ47).

This proposed rule is identical to 40 CFR 60, Subpart DDD with changes to the outline and internal references to match the *Louisiana Administrative Code* (LAC). This pro-

posed rule does not deviate from the CFR except for the above referenced format. It defines the emission standards for volatile organic emissions from the polymer manufacturing industry, monitoring requirements, test methods and procedures, and recordkeeping and reporting requirements.

This proposed regulation is to become effective on June 20, 1992, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be held on Friday, April 24, 1992 at 1:30 p.m. in the Maynard Ketcham Building, Room 341 (Recital Room), 7290 Bluebonnet Boulevard, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

Copies of this proposed rule may be obtained from the Office of the State Register, 1051 North Third Street, Baton Rouge, LA 70802.

All interested persons are invited to submit written comments on the proposed regulation. Such comments should be submitted no later than Monday, April 27, 1992, at 4:30 p.m., to David Hughes, Enforcement and Regulatory Compliance Division, Box 82282, Baton Rouge, LA 70884-2282 or to 7290 Bluebonnet Boulevard, 4th Floor, Baton Rouge, LA 70810. Commentors should reference this proposed regulation by the Log #AQ47. This proposed regulation is available for inspection at the following locations from 8 a.m. until 4:30 p.m.

Department of Environmental Quality, 7290 Bluebonnet Boulevard, 4th Floor, Baton Rouge, LA 70810;

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.

James B. Thompson, III
Assistant Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: LAC 33:III.3815 Standards of Performance for Volatile Organic Compound (VOC) Emissions From the Polymer M'fg Industry (Subpart DDD)

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

There are no costs or savings expected from this proposal.

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

No impact is expected on revenue collections.

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

No estimated costs and/or economic benefits are expected from this proposal.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There isn't any anticipated effect on competition and employment.

Gustave Von Bodungen
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. 30:2104.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 Radiation Protection Regulations, LAC 33:XV.Chapter 14, (Log #NE04).

This proposed rule will replace Chapter 14 in its entirety. This Chapter governs the licensing of naturally occurring radioactive material (NORM) with respect to the exposure rate level at which oil production equipment should be subject to general licensure. It will also provide for the exclusion of soil concentration limits for radium isotopes, above which, land would be subject to general licensure.

This proposed regulation is to become effective on June 20, 1992, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be held on Friday, April 24, 1992 at 1:30 p.m. in the Maynard Ketcham Building, Room 341 (Recital Room), 7290 Bluebonnet Boulevard, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

Copies of this proposed rule may be obtained from the Office of State Register, 1051 North Third Street, Baton Rouge, LA 70802.

All interested persons are invited to submit written comments on the proposed regulation. Such comments should be submitted no later than Monday, April 27, 1992, at 4:30 p.m., to David Hughes, Enforcement and Regulatory Compliance Division, Box 82282, Baton Rouge, LA 70884-2282 or to 7290 Bluebonnet Boulevard, 4th Floor, Baton Rouge, LA 70810. Commentors should reference this proposed regulation by the Log #NE04. This proposed regulation is available for inspection at the following locations from 8 a.m. until 4:30 p.m.

Department of Environmental Quality, 7290 Bluebonnet Boulevard, 4th Floor, Baton Rouge, LA 70810;

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.

James B. Thompson, III
Assistant Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

**Rule Title: Louisiana Radiation Regulations LAC 33:XV.
Chapter 14**

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

No implementation costs are anticipated for the Radiation Protection Division. Existing staff can perform the services required by the proposed rule changes.

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

There will not be any significant effect on revenue collections by state governmental agencies as a result of these proposed regulations. Local governmental agencies will not be affected.

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

The oil and gas production industry will incur additional costs because NORM disposal will be more strictly regulated. Under the proposed regulations there are a number of disposal alternatives including the following primary methods:

1. Downhole disposal
2. Well injection
3. Shipping to a licensed disposal site

Downhole Disposal

When production has ended, tubing may be left in place in the well. Scrap tubing and/or NORM may be placed in that well.

Costs should be relatively small.

Well Injection

With well injection, NORM is injected into a deep permeable formation separated from formations above it by impermeable layers.

If a suitable well already exists on site, the costs should be relatively small. However, if it is necessary to drill an additional well specifically for NORM disposal, then costs could rise substantially.

Shipping to a Licensed Disposal Site

If it is not possible to dispose of NORM by an approved method then this material must be shipped to a licensed disposal site.

Currently, there is one site in central Louisiana for storage and one in Utah for disposal. The Louisiana site collects small quantities of NORM and when it accumulates enough for a truckload, the NORM is to be shipped.

The Utah site disposal costs range from \$200 to over \$300 per barrel. Materials with radioactivity levels higher than 2000 picocuries per gram of waste are not accepted.

There are also transportation costs but are relatively low because they are not subject to United States Department of Transportation (USDOT) regulations governing shipment of radioactive materials.

Concluding Comments

It is not possible to accurately estimate the costs to the regulated community because, among other reasons, the volume of NORM waste is unknown and it is impossible to predict which disposal methods will be used and

in what proportion.

The proposed regulations do not significantly change the current rules under which the regulated community operates.

**IV. ESTIMATED EFFECT ON COMPETITION AND EM-
PLOYMENT (Summary)**

There may be some additional jobs created by licensed NORM remediation and disposal activities. Costs to the regulated community are difficult to estimate, but is expected to be relatively small in relation to total production costs for major producers; however, the cost may be considerably proportionally higher for the small producer of oil and gas. Within the state of Louisiana the impact on competition and employment may be relatively small; however, the effect on Louisiana industry as compared with other oil producing states is such that Louisiana producers may have marginally higher production costs unless other states follow our rules.

Gustave Von Bodungen, P.E.
Assistant Secretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Office of the Governor
Office of Elderly Affairs**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs (GOEA) intends to amend the GOEA Policy Manual, effective July 1, 1992. The purposes of this rule change are: to incorporate the minimum funding requirements for priority service categories under the Older Americans Act; to specify the services which are directly related to an area agency on aging's administrative functions, and therefore may be provided directly by an area agency on aging; and to have the policy manual conform to the changes in the Small Purchases Law, Executive Order 88-31.

PROPOSED RULE

Title 4

ADMINISTRATION

Part VII. Governor's Office

Chapter II. Elderly Affairs

Subchapter B. Area Agency on Aging

§1141. Priority Services

A. General Rules

1. The area agency must allot the following minimum percentages of their funding under Title III-B of the Older Americans Act for the designated service categories:

- a. access services = 30%;
- b. in-home services = 15%; and
- c. legal assistance = 5%.

2. - 3. ...

B. ...

AUTHORITY NOTE: Promulgated in accordance with OAA §306(a)(2), §306(b)(2), and §307(a)(12).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 18:

§1143. Service Procurement

A. General Rules for Services Funded under Title III of

the Older Americans Act

1. Area agencies on aging use procurement contracts or subcontracts with service providers to provide all Title III services under their respective approved area plans except as provided in Subsection B of this Section.

2. - 5. ...

B. Criteria for Direct Delivery of Services by an Area Agency

1. Area agencies may directly deliver services determined by the Governor's Office of Elderly Affairs to be directly related to area agency on aging administrative functions. GOEA has defined these services as the following: Advocacy/Representation, Assessment/Screening, Discount, Follow-Up/Evaluation, Guardianship/Protective Services, Information and Referral, Interpreting/Translating, Letter Writing/Reading, Material Aid, Outreach/Client Finding, and Placement.

2. - 3. ...

C. - F. ...

AUTHORITY NOTE: Promulgated in accordance with OAA Section 307(a)(10), OMB Circular A-110.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:621 (June 1985), LR 11:1078 (November 1985), LR 16:503 (June 1990), LR 18:

Subchapter D. Service Provider Responsibilities

§1199. Property Control and Disposition

A. ...

B. Definitions

1. Equipment - tangible personal property with an acquisition cost equal to or greater than \$250 and a useful life of more than one year. All such property must be tagged.

2. - 6. ...

C. - F. ...

AUTHORITY NOTE: Promulgated in accordance with OAA Section 307(a)(7) and 45 CFR Part 74 Subpart 0.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 18:

§1201. Purchasing

A. - C. ...

D. Small Purchase Procedures

1. Purchases equal to or less than \$250. No competitive bidding is required.

2. Purchases over \$250 but less than or equal to \$2,000 shall be made by soliciting three written price quotations whenever time permits. If time does not permit, telephone and/or telegraph quotations may be obtained and purchases made on the basis of the lowest quotation received. However, it shall be determined in writing why time did not permit written quotations.

3. Purchases Over \$2,000 but less than or equal to \$5,000.

No such purchase shall be made except by sending out written invitations for bids to at least eight bona fide qualified bidders. In addition, the agency may advertise at its discretion. Written invitations for bids shall contain complete specifications, the quantity required, and shall stipulate that bids will be publicly opened and read at a specific date and time as well as such other pertinent information as the delivery point and other information sufficient for a supplier to make an acceptable bid.

4. Purchases Over \$5,000.

No purchase where the estimated cost is over \$5,000 shall be made except by advertising in accordance with Subsection E of this Section and sending out written invitations for bids to at least eight bona fide qualified bidders.

5. Automotive, Machinery and Equipment Parts

Repairs and parts associated with these repairs for automobiles and machinery shall be obtained by either:

a. The use of an *authorized dealer*—a dealer certified by the manufacturer to perform maintenance on their equipment.

b. Obtaining competitive bids as indicated above.

6. Exceptions to minimum competitive requirements:

a. Federal government surplus property.

b. Textbooks, newspapers, subscriptions, or foreign publications, and membership.

c. All public utilities.

d. All services provided by local government (example: garbage pick-up).

7. Telephone or telegraph quotations should be obtained from at least three bona fide, qualified bidders where possible in the purchase of farm products which may include, but are not limited to, fresh vegetables, milk, eggs, fish, or other perishable foods.

E. - K. ...

AUTHORITY NOTE: Promulgated in accordance with OAA §307(a)(7).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 18:

Interested persons may submit written comments to the following address: Betty Johnson, Planning and Development Manager, Box 80374, Baton Rouge, LA 70898-0374. She is the person responsible for responding to inquiries concerning this proposed rule change. Comments will be accepted until 5 p.m. May 1, 1992.

A public hearing on this proposed rule change will be held on Wednesday, April 29, 1992 in the GOEA Conference Room, 4550 North Boulevard, Second Floor, Baton Rouge, LA at 1:30 p.m. All interested parties will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

Bobby Fontenot
Director

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: GOEA Policy Manual §1141, 1143, 1199, and 1201

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

The proposed rule change will not result in costs or savings to state or local governmental units.

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

The proposed rule change will not affect revenue collections of state or local governmental units.

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

The proposed rule change will decrease the docu-

mentation needed for inventory by GOEA contractors and subcontractors.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will not affect competition and employment.

Bobby Fontenot
Executive Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and the Dental Practice Act, R.S. 37:760(8), notice is hereby given that the Board of Dentistry intends to adopt the following rules and regulations:

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXXIII. Dental Health Professions

Chapter 7. Dental Hygienists

§706. Requirements of Applicants for Licensure by Credentials

A. Before any applicant is awarded a license according to his/her credentials in lieu of an examination administered by the board, said applicant shall provide to the board satisfactory documentation evidencing:

1. satisfactorily passing an examination administered by the Louisiana State Board of Dentistry testing the applicant's knowledge of the Louisiana Dental Practice Act and the Jurisprudence affecting same;

2. is currently licensed in another state as defined in R.S. 37:751(I);

3. has been in active practice or full-time dental hygiene education for a minimum of one year immediately prior to applying for licensure;

4. is endorsed as being in good standing by the State Board of Dentistry in the state of current practice and all prior states of licensure and practice;

5. has not failed the clinical examination of the Louisiana State Board of Dentistry within the last three years;

6. has never been convicted of a felony;

7. has no pending criminal charges against him/her;

8. has never been charged with and found guilty of or entered into a consent agreement with any State Board of Dentistry to any charge affecting his/her ability to practice dental hygiene or showing evidence of unprofessional conduct;

9. has paid all costs and fees (non-refundable);

10. has fully completed required application form with all supporting data and certification of competency and good character;

11. has appeared for a personal interview before the board;

12. has submitted two recent passport type color photographs;

13. has all units of time accounted for;

14. has provided true copy of diploma(s) and/or National Board examination grades and transcript of dental hygiene school grades;

15. has furnished three letters of recommendation from professional associates, i.e. associations, boards, or prior employers listed on application for licensure on letterhead stationery from said organization;

16. possesses a current certificate in cardiopulmonary resuscitation;

17. is a citizen or permanent resident of the United States;

18. is free of any communicable or contagious disease, including but not limited to Human Immunodeficiency Virus and Hepatitis B Virus, and provide a certificate of health to the board from a qualified licensed physician.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(B) and R.S. 37:768.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:

§707. Criteria to be Utilized to Determine Professional Competence, Conduct and Ethics of an Applicant Seeking Licensure by Credentials

A. The following procedures shall be utilized by the board in determining the professional ability, conduct, and character of all applicants for a dental hygiene license in Louisiana by licensure by credentials:

1. information from the National Practitioner Data Bank and/or the American Association of Dental Examiners Clearinghouse for Disciplinary Information;

2. questioning under oath;

3. results of peer review reports from constituent societies of the American Dental Hygienists' Association and the constituent societies of the American Dental Association in all states wherein the applicant is or has been licensed, and/or federal dental hygiene services;

4. drug testing if reasonable cause is presented;

5. background check for criminal or fraudulent activities or conduct reflecting upon one's professional conduct or ability;

6. the board reserves the right to conduct investigations into any and all information provided to satisfy statutory or regulatory requirements for licensure by credentials. False or fraudulent statements or material omission will result in denial of licensure or suspension of licensure if discovered after issuance of a license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(B) and R.S. 37:768.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:

Interested persons may submit written comments on this proposed rule to C. Barry Ogden, Executive Director, Board of Dentistry, 1515 Poydras Street, Suite 1850, New Orleans, LA 70112. Written comments must be submitted to and received by the board within 60 days of this notice. A request pursuant to R.S. 49:953 (A) (2) for oral presentation, argument or public hearing must be made in writing and received by the board within 20 days of the date of this notice.

C. Barry Ogden
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Dental hygienists' licensure, professional competence, conduct and ethics.

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

There is no estimated implementation of costs or savings to the Board of Dentistry or any other state or local governmental unit.

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

There will be no effect on revenue collections by the Board of Dentistry or any other state or local government unit. It is expected that the board may collect \$5,000 in fiscal year 1991-1992 and \$10,000 in fiscal year 1993 in application fees for licensure by credentials. However, it is expected that these sums will be expended investigating the credentials of those applicants.

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

There will be no costs ad/or economic benefit to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

C. Barry Ogden
Executive Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and the Dental Practice Act, R.S. 37:760(8), notice is hereby given that the Board of Dentistry intends to amend the following rules and regulations.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXXIII. Dental Health Professions

Chapter 3. Dentists

§301. Listing as Dental Specialists

A. Dentists who are not specialists certified by a certifying board under educational standards approved by the Louisiana State Board of Dentistry, but who advertise a field of practice for which approved educational standards exist, must advertise their field of practice in such a way that the public is not misled into believing that the dentist has met the educational requirements for a certified specialist.

B. The board has reviewed and approved the Standards for Advanced Specialty Education Programs set forth by the Commission on Dental Accreditation of the American Dental Association in following the specialties:

C. Definitions

Dental Public Health - the science and art of preventing and controlling dental diseases and promoting dental health through organized community efforts. It is that form of dental practice which serves the community as a patient rather than the individual. It is concerned with the dental health education of the public, with applied dental research, and with the administration of group dental care program, as well as the prevention and control of dental diseases on a community basis. Implicit in this definition is the requirement that the specialist have broad knowledge and skills in public health administration, research methodology, the prevention and control of oral diseases, the delivery and financing of oral health care, and the identification and development of resources to accomplish health goals.

Endodontics - the branch of dentistry that is concerned with the morphology, physiology, and pathology of the human dental pulp and periradicular tissues. Its study and practice encompasses the basic clinical sciences including biology of the normal pulp; the etiology, diagnosis, prevention, and treatment of diseases and injuries of the pulp; and associated periradicular condition.

Oral and Maxillofacial Surgery - the specialty of dentistry which includes the diagnosis, surgical and adjunctive treatment of diseases, injuries and defects involving both the functional and esthetic aspects of the hard and soft tissues of the oral and maxillofacial region.

Oral Pathology - the specialty of dentistry and discipline of pathology which deals with the nature, identification, and management of diseases affecting the oral and maxillofacial regions. It is a science that investigates the causes, processes and effect of these diseases. The practice of oral pathology includes research; diagnosis of diseases using clinical, radiographic, microscopic, biochemical, or other examinations; and management of patients.

Orthodontics - the area of dentistry concerned with the supervision guidance and correction of the growing or mature dentofacial structures, including those conditions that require movement of teeth or correction of malrelationships and malformations of their related structures and the adjustment of relationships between and among teeth and facial bones by the application of forces and/or the stimulation and redirection of functional forces within the craniofacial complex. Major responsibilities of orthodontic practice include the diagnosis, prevention, interception and treatment of all forms of malocclusion of the teeth and associated alterations of their surrounding structures; the design, application and control of functional and corrective appliances; and the guidance of the dentition and its supporting structures to attain and maintain optimum occlusal relations in physiological and esthetic harmony among facial and cranial structures.

Pediatric Dentistry - the practice, teaching of and research in comprehensive and therapeutic oral health care of children from birth through adolescence. It shall be construed to include care for special patients beyond the age of adolescence who demonstrate mental, physical and/or emotional problems.

Periodontics - the branch of dentistry which deals with the diagnosis and treatment of the supporting and surrounding tissues of the teeth or their substitutes. The maintenance of the health of these structures and tissues, achieved through periodontal procedures, is also considered to be the responsibility of the periodontist. Scope shall be limited to

preclude permanent restorative care.

Prosthodontics - the branch of dentistry pertaining to the restoration and maintenance of oral function, comfort, appearance and health of the patient by the restoration of the natural teeth and/or the replacement of missing teeth and contiguous oral and maxillofacial tissue with artificial substitutes.

D. Anyone not qualified for the specialties listed in Subsection C must disclose "General Dentistry" or "Family Dentistry" in print larger than any field of practice or service.

E. In radio or television advertising, the disclosure must be made in the same mode (visual or audio) as the representation concerning the field(s) of practice. Audio disclosures must be made at the same decibel level as the representation concerning the field(s) of practice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(B)

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Dentistry, December 1970, amended LR 13:179 (March 1987), amended by Department of Health and Hospitals, Board of Dentistry, LR 15:966 (November 1989), LR 18:

§304. Address of Dental Practice

A. Each dentist shall inform the Louisiana Board of Dentistry of all office addresses at which the dentist practices dentistry in conformity with R.S. 37:770 B. Failure of a dentist to notify the board within 30 days of any office move or relocation will result in the imposition of any one or more of the penalties set forth in R.S. 37:780 B.

B. Within 30 days following the abandonment of any office located within Louisiana, all signs or references to the practice of dentistry at said former office by the dentist shall be removed. This pertains to all references whether attached or not attached to the abandoned premises. A licensee's failure to remove said signs in accordance with this section will result in the imposition of any one or more of the penalties set forth in R.S. 37:780 B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(B).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 15:965 (November 1989), amended LR 18:

§306. Requirements of Applicants for Licensure by Credentials

A. Before any applicant is awarded a license according to his/her credentials in lieu of an examination administered by the board, said applicant shall provide to the board satisfactory documentation evidencing:

1. satisfactorily passing an examination administered by the Louisiana State Board of Dentistry testing the applicant's knowledge of the Louisiana Dental Practice Act and the Jurisprudence affecting same;

2. is currently licensed in another state as defined in R.S. 37:751(I);

3. has been in active practice or full-time dental education for a minimum of three years immediately prior to applying for licensure; or has completed a two-year general dentistry residency program or training in one of the eight board-recognized dental specialties as defined in §301 of this Chapter within three years immediately prior to applying for licensure by credentials;

4. is endorsed as being in good standing by the State Board of Dentistry in the state of current practice and all prior

states of licensure and practice;

5. has not failed the clinical examination of the Louisiana State Board of Dentistry within the last three years;

6. has never been convicted of a felony;

7. has no pending criminal charges against him/her;

8. has never been charged with and found guilty of or entered into a consent agreement with any State Board of Dentistry to any charge affecting his ability to practice dentistry or showing evidence of unprofessional conduct;

9. has paid all costs and fees (non-refundable);

10. has fully completed required application form with all supporting data and certification of competency and good character;

11. has appeared for a personal interview before the board;

12. has submitted Drug Enforcement Administration registration certificate number and state narcotics license number in all states wherein same are held or have been held;

13. has submitted two recent passport type color photographs;

14. has all units of time accounted for;

15. has provided true copy of diploma(s) and/or national board examination grades;

16. has furnished three letters of recommendation from professional associates, i.e. associations, boards, or prior employers listed on application for licensure on letter-head stationery from said organization;

17. possesses a current certificate in cardiopulmonary resuscitation;

18. is a citizen or permanent resident of the United States;

19. is free of any communicable or contagious disease, including but not limited to Human Immunodeficiency Virus and Hepatitis B Virus, and provide a certificate of health to the board from a qualified licensed physician.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(B) and R.S. 37:768.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:

§307. Criteria to be Utilized to Determine Professional Competence, Conduct and Ethics of an Applicant Seeking Licensure by Credentials

A. The following procedures shall be utilized by the board in determining the professional ability, conduct, and character of all applicants for a dental license in Louisiana by licensure by credentials:

1. information from the National Practitioner Data Bank and/or the American Association of Dental Examiners' Clearinghouse for Disciplinary Information;

2. questioning under oath;

3. results of peer review reports from constituent societies of the American Dental Association or in all states wherein the applicant is or has been licensed, and/or federal dental services;

4. drug testing if reasonable cause is presented;

5. background check for criminal or fraudulent activities or conduct reflecting upon one's professional conduct or ability;

6. the board reserves the right to conduct investigations into any and all information provided to satisfy statutory or regulatory requirements for licensure by credentials. False or fraudulent statements or material omission will result in

denial of licensure or suspension of licensure if discovered after issuance of a license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(B) and R.S. 37:768.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:

§308. Licensure by Credentials for Those Applicants Possessing D.D.S., D.M.D. and/or M.D. Degrees.

A. The board shall issue a license to an applicant without the necessity of further examination except as required by R.S. 37:761, if it is determined that the applicant meets the requirements of §306 of this Chapter or:

1. is a graduate, with either a D.D.S. or D.M.D., of an accredited dental school or college or of a dental department of a university approved by the board and accredited by the Commission on Dental Accreditation of the American Dental Association; and

2. is licensed to practice dentistry in another state as defined in R.S. 37:751(I); and

3. has successfully completed a graduate training program in a recognized specialty branch of dentistry; or has completed a residency in general dentistry as recognized by the American Dental Association; and

4. is currently duly licensed to practice medicine in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(B) and R.S. 37:768.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:

Interested persons may submit written comments on this proposed rule to C. Barry Ogden, Executive Director, Board of Dentistry, 1515 Poydras Street, Suite 1850, New Orleans, LA 70112. Written comments must be submitted to and received by the board within 60 days of this notice. A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument or public hearing must be made in writing and received by the board within 20 days of the date of this notice.

C. Barry Ogden
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Dental Specialist Practice; Credentials Requirements; Professional Competence, Conduct, and ethics; Applicants Possessing D.D.S., D.M.D. and/or M.D. degrees.

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

There is no estimated implementation of costs or savings to the Board of Dentistry or any other state or local governmental unit.

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

There will be no effect on revenue collections by the Board of Dentistry or any other state or local government unit. It is expected that the board may collect \$5,000 in fiscal year 1991-1992 and \$10,000 in fiscal year 1993 in application fees for licensure by credentials. However, it is expected that these sums will be expended investigating the credentials of those applicants.

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

There will be no costs and/or economic benefit to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

C. Barry Ogden
Executive Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and the Dental Practice Act, R.S. 37:760(8), notice is hereby given that the Board of Dentistry intends to adopt the following rule and regulations:

Title 46

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

Chapter 1. General Provisions

§104. Display of License

A. All Louisiana licensees holding either a dental or dental hygiene license shall display their license in full and open view for all patients to observe along with all current renewal permits of said license.

B. All certificates or permits authorizing the administration of anesthesia, analgesia or sedation shall also be displayed in full and open view in close proximity to those licenses and renewal certificates required by this rule to be kept in open and full view for the public to observe.

C. When licensees provide dental services in more than one facility, a copy of those licenses and/or certificates shall suffice in place of the original and said copy shall be displayed in full and open view for all patients to see.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(B).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:

Interested persons may submit written comments on this proposed rule to C. Barry Ogden, Executive Director, Board of Dentistry, 1515 Poydras Street, Suite 1850, New Orleans, LA 70112. Written comments must be submitted to and received by the board within 60 days of this notice. A request pursuant to R.S. 49:953 (A) (2) for oral presentation, argument or public hearing must be made in writing and received by the board within 20 days of the date of this notice.

C. Barry Ogden
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Display of License**

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

There is no estimated implementation of costs or savings to the Board of Dentistry or any other state or local governmental unit.

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

There will be no effect on revenue collections by the Board of Dentistry or any other state or local government unit.

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

There will be no costs ad/or economic benefit to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

C. Barry Ogden
Executive Director

David W. Hood
Senior Fiscal Analyst

**NOTICE OF INTENT
Department of Health and Hospitals
Board of Dentistry**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., and the Dental Practice Act, R.S. 37:760(8), notice is hereby given that the Board of Dentistry intends to amend the following rules and regulations:

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXXIII. Dental Health Professionals

Chapter 4. Fees and Costs

Subchapter C. Fees for Dentists

§415. Licenses, Permits and Examinations

A. For processing applications for licensure, permits and examination, the following fees shall be payable in advance to the board:

1. Examination and licensing of dental applicant \$400
2. Temporary dental license \$100
3. Issuance of a restricted dental license (excluding advanced education students and dental residents) . . . \$200
4. Annual renewal fee for dental license \$150
5. Annual renewal fee for restricted dental license (excluding advanced education students and dental residents) \$150
6. Replacement or duplicate dental license, certificate, temporary permit \$ 50
7. Delinquency fee in addition to renewal fee for any dental license \$250
8. Reinstatement of a license which has been suspended, revoked or which has lapsed by non-renewal . \$500

9. Annual processing fee for application for retired dentist classification \$ 25
10. Restricted dental license, advanced education students and dental residents:
 - a. For period July 1 - December 31 \$100
 - b. For each full year
(January 1 - December 31) thereafter \$200
 - c. For period January 1 - June 30 \$100
11. Dental application and licensure by credentials (non-refundable) \$1,500

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:60(B) and R.S. 37:768.

HISTORICAL NOTE: Promulgated by Department of Health and Hospitals, Board of Dentistry, LR 14:792 (November 1988), amended LR 16:566 (June 1990), LR 18:

**Subchapter D. Fees for Dental Hygienists
§419. Licenses, Permits and Examinations**

A. For processing applications for licensure, permits and examination, the following fees shall be payable in advance to the board:

1. Examination and licensing of dental hygienist applicant \$200
2. Temporary dental hygienist permit \$100
3. Annual renewal fee for dental hygienist license \$ 50
4. Replacement or duplicate dental hygienist license, certificate, temporary permit \$ 50
5. Delinquency fee in addition to renewal fee for any dental hygienist license \$100
6. Reinstatement of a dental hygienist license which has been suspended, revoked or which has lapsed by non-renewal \$250
7. Annual processing fee for application for nonpracticing dental hygienist status \$ 25
8. Dental hygiene application and licensure by credentials (non-refundable) \$600

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760 (8) and R.S. 37:768.

HISTORICAL NOTE: Promulgated by Department of Health and Hospitals, Board of Dentistry, LR 14:792 (November 1988), amended LR 16:566 (June 1990), LR 18:

Interested persons may submit written comments on this proposed rule to C. Barry Ogden, Executive Director, Board of Dentistry, 1515 Poydras Street, Suite 1850, New Orleans, LA 70112. Written comments must be submitted to and received by the board within 60 days of this notice. A request pursuant to R. S. 49:953 (A) (2) for oral presentation, argument or public hearing must be made in writing and received by the board within 20 days of the date of this notice.

C. Barry Ogden
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Fees and Costs**

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

There is no estimated implementation of costs or savings to the Board of Dentistry or any other state or local governmental unit.

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

There will be no effect on revenue collections by the Board of Dentistry or any other state or local government units. It is expected that the board may collect \$10,000 in fiscal year 1991-1992 and \$20,000 in fiscal year 1993 in application fees for licensure by credentials. However, it is expected that these sums will be expended investigating the credentials of those applicants.

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

There will be no costs and/or economic benefit 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.

C. Barry Ogden
Executive Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., and the Dental Practice Act, R.S. 37:760(8) and R.S. 37:1747, notice is hereby given that the Board of Dentistry intends to adopt the following rule and regulation:

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXXIII: Dental Health Professions

Chapter 12. Transmission Prevention of Hepatitis B Virus and Human Immunodeficiency Virus

§1202. Scope of Chapter

As authorized and mandated by R.S. 37:1747, the rules of this chapter prescribe practice and reporting requirements for dental health care providers including, but not limited to, dentists and dental hygienists to protect the public from the risk of the transmission of the Hepatitis B Virus (HBV) and the Human Immunodeficiency Virus (HIV) to patients.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1746-1747 and R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:

§1201. Definitions

As used in this Chapter, the following terms shall have the meanings specified:

AIDS - acquired immune deficiency syndrome, as determined by the Federal Centers for Disease Control.

Board - Louisiana State Board of Dentistry.

Dental Health Care Providers - any dentist, dental hygienists, or other personnel working under the supervision of a dentist in a dental health care setting who may perform exposure-prone procedures during patient care.

Disinfect - to inactivate virtually all recognized pathogenic microorganisms, but not necessarily all microbial

forms (e.g. bacterial endospores) on inanimate objects.

Exposure-Prone Procedure - an invasive procedure in which there is an increased risk of percutaneous injury to the practitioner by virtue of digital palpation of a needle tip or other sharp instrument in a body cavity or the simultaneous presence of the practitioner's fingers and a needle or other sharp instrument or object in a poorly visualized or highly confined anatomic site, or any other invasive procedure in which there is a significant risk of contact between the blood or body fluids of the dental health care provider and the blood or body fluids of the patient.

Function Ancillary to an Invasive Procedure - the preparation, processing, or handling of blood, fluids, tissues or instruments which may be introduced into or come into contact with any body cavity, internal organ, subcutaneous tissue, submucosal tissue, mucus membrane or percutaneous wound of the human body in connection with the performance of an invasive procedure.

HBV - the Hepatitis B Virus.

HBV Seronegative - a condition where one has been HBV seropositive but is no longer infectious under the criteria of the Federal Centers for Disease Control or the Association of State and Territorial Public Health Laboratory Directors.

HBV Seropositive - a condition where one has developed antigens sufficient to diagnosis seropositivity to HBV evidencing infectability under the criteria of the Federal Centers for Disease Control or the Association of State and Territorial Public Health Laboratory Directors.

HIV - any strain of the human immunodeficiency virus.

HIV Seropositive - a condition where one has developed antibodies sufficient to diagnose seropositivity to HIV under the criteria of the Federal Centers for Disease Control or of the Association of State and Territorial Public Health Laboratory Directors.

Invasive Procedure - any surgical or other diagnostic or therapeutic procedure involving manual or instrumental contact with or entry into any blood, body fluids, cavity, internal organ, subcutaneous tissue, mucous membrane, or percutaneous wound of the human body.

Sterilization - the process by which all forms of microorganisms within an environment are totally destroyed.

Universal Precautions - those generally accepted infection control practices, principals, procedures, techniques and programs as recommended by the Federal Centers for Disease Control to minimize the risk of transmission of HBV or HIV from a dental health care provider to a patient, from a patient to a dental health care provider, or from a patient to a patient, as such recommendations may be amended or supplemented from time to time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1746-1747 and R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:

§1203. Universal Precautions

All dental health care providers who perform invasive procedures or perform functions ancillary to invasive procedures shall in the performance of any such procedures or functions, strictly observe recognized universal precautions as currently recommended by the Federal Centers for Disease Control to minimize the risk of transmission of HBV or HIV.

AUTHORITY NOTE: Promulgated in accordance with

R.S. 37:1746-1747 and R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:

§1204. Investigations

In order to ensure compliance with this Chapter, the board shall conduct random announced inspections upon providing 48 hour notice. Notice may be provided by verbal, written, telephone or with other telecommunication means. Refusal by an licensee of access to licensee's premises for the purpose of conducting said inspection shall constitute a violation of R.S. 37:776(A)(24) and R.S. 37:775(6).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1746-1747 and R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:

§1205. Prohibitions and Restrictions

Except as may be permitted pursuant to §1206, §1207(G) and §1210 of this Chapter, a dental health care provider who is seropositive for HIV or HBV, or who otherwise knows or should know that he or she carries and is capable of transmitting HBV or HIV, shall not thereafter perform or participate directly in an exposure-prone procedure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1746-1747 and R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:

§1206. Exception; Informed Consent of Patient

A. Notwithstanding the prohibition of §1205 of this Chapter, a seropositive dental health care provider may nonetheless perform or participate in an exposure-prone procedure with respect to a patient when each of the following four conditions is met:

1. The dental health care provider has affirmatively advised the patient, or the patient's lawfully authorized representative, that the dental health care provider has been diagnosed as HBV seropositive and/or HIV seropositive as the case may be.

2. The patient, or the patient's lawfully authorized representative, has been advised of the risk of the dental health care provider's transmission of HBV and/or HIV to the patient during an exposure-prone invasive procedure. Such information shall be communicated personally by the dentist to the patient or the patient's lawfully authorized representative.

3. The patient, or the patient's lawfully authorized representative, has subscribed a written instrument setting forth:

a. identification of the exposure-prone procedure to be performed by the dental health care provider with respect to the patient;

b. an acknowledgement that the advice required by Subsections A.1 and 2 hereof have been given to and understood by the patient or the patient's lawfully authorized representative; and

c. the consent of the patient or the patient's lawfully authorized representative, to the performance of or participation in the designated procedure by the dental health care provider.

4. The dental health care provider's HBV and/or HIV seropositivity has been affirmatively disclosed to each dental health care provider or other health care personnel who may participate or assist in the exposure-prone procedure.

B. Consent given pursuant to Subsection A of this Section may be revoked by a patient, or a patient's lawfully

authorized representative, at any time prior to performance of the subject procedure by any verbal or written communication to the dental health provider expressing an intent to revoke, rescind or withdraw such consent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1746-1747 and R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:

§1207. Self-Reporting

A. Any dental health care provider who in the course of practice may at any time undertake to perform or participate in an exposure-prone procedure and who is or becomes HBV seropositive or HIV seropositive shall be required to give notice of such seropositivity to the board in accordance with the provisions of this Section.

B. Within 90 days of the effective date of this Chapter, any dental health care provider who has previously been verified as being HBV seropositive or HIV seropositive shall give notice of such diagnosis to the board on a reporting form supplied by the board.

C. Within 10 days from the date on which a dental health care provider has been verified as being HBV seropositive or HIV seropositive, the dental health care provider shall give notice of such diagnosis to the board on a reporting form supplied by the board which shall be mailed to the executive director of the board, marked "personal and confidential," by registered or certified mail.

D. An applicant for licensure as a dental health care provider who at the time of application is verified as being HBV seropositive or HIV seropositive shall acknowledge such diagnosis in his or her written application to the board.

E. Aforementioned reporting forms will be provided to each licensee with his or her license and additionally with his or her annual license renewal application, or upon request.

F. The seropositive dental health care provider must submit to evaluation within 15 working days of his notification by the board ordering said dental health care provider to be examined by experts selected by the board, and those experts must complete and submit their reports to the executive director of the board with 15 days following their examination.

G. Reports from two physicians and two laboratories evidencing change in the dental health care provider's serostatus shall be submitted to the executive director for board evaluation of the change of serostatus when any dental health care provider previously verified as HBV seropositive who becomes HBV seronegative.

H. Any dental health care provider or applicant for licensure who is required under this Section to report his/her HIV/HBV seropositive status and fails or neglects to provide notice as set forth in this Section shall be deemed in violation of R.S. 37:776(A)(1), (3), (7), (12), (16), (17), (20) and (24), and subject to sanctions associated therewith.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1746-1747 and R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:

§1208. Confidentiality of Reported Information

A. Reports and information furnished to the board pursuant to §1207 of this Chapter and records of the board relative to such information shall not be deemed public records, but shall be deemed and maintained by the board as confidential and privileged and shall not be subject to disclosure by means of subpoena in any judicial, administrative or in-

vestigative proceeding; provided that such reports, information and records may be disclosed by the board as necessary for the board to investigate or prosecute alleged violations of this Chapter.

B. The identity of the seropositive practitioner or applicant for licensure who has reported their status as being HIV or HBV seropositive pursuant to §1207 of this Chapter shall be maintained in confidence by the board on all matters pertaining to the HIV and HBV diseases, and shall not be disclosed to any other party, except as may be necessary in the investigation or prosecution of suspected violations of this Chapter, necessary for the evaluation and monitoring of the physical and psychological condition of the seropositive practitioner or applicant for licensure, or as allowed by R.S. 37:1299.193.

C. Provided that the identity of self-reporting practitioners and applicants seeking licensure is not disclosed, the provisions of this Section shall not be deemed to prevent disclosure by the board of statistical data derived from such reports, including, without limitation, the number and licensure class of those who have reported themselves as HIV or HBV seropositive and their geographical distribution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1746-1747 and R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:

§1209. Advertisement of HIV/HBV Status Prohibited

No licensee may advertise within the state of Louisiana his/her HIV/HBV status or whether the dental office or environment is free of HIV/HBV.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1746-1747 and R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:

§1210. Authorization to Practice; Expert Review Panel

A. Dental health care providers who are HIV/HBV seropositive shall not perform exposure-prone procedures unless and until they have provided proper notice as required by this Chapter; submitted to periodic physical and psychological evaluations by board-appointed expert review panel, and have received authorization to practice and perform procedures as determined by said appointed panel. The panel shall serve as a consultant on a case-by-case determination of whether a procedure, when performed by a particular dental health care provider, does not pose a danger to the public. The panel must timely report any adverse or detrimental changes in the physical or psychological condition of the dental health care provider to the board. Following receipt of any and all such reports, the board shall have the right and the duty to re-evaluate the authorized procedures being practiced by the dental health care provider and may revise same or revoke same in its entirety if said report shows a change in the dental health care provider's physical or psychological condition which may affect the safety of the public.

B. Upon receipt of an adverse report from the panel, the board must review and evaluate said report, within 15 days of receipt of same, and take any and all necessary action to protect the safety of the public.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1746-1747 and R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:

Interested persons may submit written comments on

this proposed rule to C. Barry Ogden, Executive Director, Board of Dentistry, 1515 Poydras Street, Suite 1850, New Orleans, LA 70112. Written comments must be submitted to and received by the board within 60 days of this notice. A request pursuant to R.S. 49:953 (A) (2) for oral presentation, argument or public hearing must be made in writing and received by the board within 20 days of the date of this notice.

C. Barry Ogden
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

**Rule Title: Transmission Prevention of Hepatitis B Virus
and Human Immunodeficiency Virus**

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

There is no estimated implementation of costs or savings to the Board of Dentistry or any other state or local governmental unit.

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

There will be no effect on revenue collections by the Board of Dentistry or any other state or local government unit.

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

Those persons directly affected by the proposed action may incur some economic loss depending on the severity of each individual case, and whether an expert review panel determines a limitation on their license is necessary in order to protect the public. Those persons who may not have already been following Federal Centers for Disease Control guidelines will incur a significant increase in costs relative to infection control. No reliable data is presently available on which to base an accurate estimate of this increase in cost.

**IV. ESTIMATED EFFECT ON COMPETITION AND EM-
PLOYMENT (Summary)**

There will be no effect on competition and employment.

C. Barry Ogden
Executive Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

The Department of Health and Hospitals, Office of Public Health proposes to update and revise Chapter XIV (Plumbing) of the Sanitary Code, State of Louisiana. This proposed rule change will replace in its entirety Chapter XIV (Plumbing) of the Sanitary Code, State of Louisiana, promulgated March 20, 1984, and all subsequent amendments. This rule adopts as the new Chapter XIV (Plumbing) of the

Sanitary Code, State of Louisiana (hereinafter referred to as "the Louisiana State Plumbing Code"): (1) the 1991 Edition of the Standard Plumbing Code and (2) the 1992 Louisiana Amendments to the 1991 Standard Plumbing Code. The Standard Plumbing Code is published by the Southern Building Code Congress International, Inc.

The proposed rule is as follows: **SANITARY CODE, STATE OF LOUISIANA, CHAPTER XIV, PLUMBING**

The Department of Health and Hospitals, Office of Public Health hereby updates and revises Chapter XIV (Plumbing) of the Sanitary Code, State of Louisiana. This rule replaces in its entirety Chapter XIV (Plumbing) of the Sanitary Code, State of Louisiana, promulgated March 20, 1984, and all subsequent amendments. This rule adopts as the new Chapter XIV (Plumbing) of the Sanitary Code, State of Louisiana (hereinafter referred to as "the Louisiana State Plumbing Code"): (1) the 1991 Edition of the Standard Plumbing Code and (2) the 1992 Louisiana Amendments to the 1991 Standard Plumbing Code.

14:001 Authority

This rule is adopted by the state health officer in accordance with R.S. 40:4, approved by the secretary of the Department of Health and Hospitals in accordance with R.S. 40:2, under the general powers and jurisdiction of the state health officer and the Office of Public Health in accordance with R.S. 40:5 and promulgated in accordance with R.S. 49:951 et seq.

14:002 Availability

Information concerning the availability of copies of the Louisiana State Plumbing Code may be obtained by contacting the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206, (205) 591-1853 or by contacting the Chief Sanitarian, Office of Public Health, 325 Loyola Avenue, Box 60630, New Orleans, LA 70160, (504) 568-5181.

The Standard Plumbing Code is published by the Southern Building Code Congress International, Inc.

The Louisiana State Plumbing Code may be reviewed at any of the Office of Public Health regional offices and at the office of the Chief Sanitarian between the hours of 8 a.m. and 4:30 p.m. on regular work days. The locations of the Office of Public Health offices are as follows: Region I, 3308 Tulane Ave., 5th Floor, New Orleans, (504) 826-2421; Region II, 1772 Wooddale Blvd., Baton Rouge, (504) 925-7230; Region III, 206 E. Third St., Thibodaux, (504) 447-0916; Region IV, 302 Jefferson St., Room 612, Lafayette, (318) 265-5311; Region V, 4240 Legion St., Lake Charles, (318) 491-2040; Region VI, 1335 Jackson St., Alexandria, (318) 487-5186; Region VII, 1525 Fairfields Ave., Room 566, Shreveport, (318) 226-7477; Region VIII, 2813 Betin St., Monroe, (318) 362-5246; Region IX, 111 North Causeway Blvd., Metairie, (504) 838-5100; Chief Sanitarian, 325 Loyola Ave., Room 210, New Orleans, (504) 568-5181.

14:003 Effective Date

This rule shall become effective on September 20, 1992.

This revision of the Louisiana State Plumbing Code updates materials of construction and standards referenced in the code, incorporates practices applicable to Louisiana conditions and provides for consistency with other Chapters of the Louisiana Sanitary Code.

A Plumbing Code Revision Committee has held 20 meetings over more than a two-year period to develop this

proposed Louisiana State Plumbing Code. This committee is composed of representatives from the Office of Public Health, the State Plumbing Board, public water supplies, Louisiana Association of Plumbing, Heating and Cooling, Louisiana Plumbing and Mechanical Inspectors Association, Louisiana Consulting Engineers Council and an environmental engineer. Minutes from each committee meeting were sent to 52 municipalities. The minutes contained announcements of the time and place of the next meeting and the meetings were open to any interested person.

Copies of this proposed rule, the 1991 Edition of the Standard Plumbing Code and the 1992 Louisiana Amendments to the 1991 Standard Plumbing Code may be reviewed at any of the Office of Public Health regional offices and at the Office of Public Health Central Office between the hours of 8 a.m. and 4:30 p.m. on regular work days. The locations of the Office of Public Health offices are as follows: Region I, 3308 Tulane Ave., 5th Floor, New Orleans, (504) 826-2421; Region II, 1772 Wooddale Blvd., Baton Rouge, (504) 925-7230; Region III, 206 E. Third St., Thibodaux, (504) 447-0916; Region IV, 302 Jefferson St., Room 612, Lafayette, (318) 265-5311; Region V, 4240 Legion St., Lake Charles, (318) 491-2040; Region VI, 1335 Jackson St., Alexandria, (318) 487-5186; Region VII, 1525 Fairfields Ave., Room 566, Shreveport, (318) 226-7477; Region VIII, 2813 Betin St., Monroe, (318) 362-5246; Region IX, 111 North Causeway Blvd., Metairie, (504) 838-5100; Central Office, 325 Loyola Ave., Room 403, New Orleans, (504) 568-5100.

Due to copyright laws the Office of Public Health is unable to distribute copies of the Standard Plumbing Code. Copies of the 1991 Edition of the Standard Plumbing Code may be obtained by contacting the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206, (205) 591-1853. Copies of the proposed rule and the 1992 Louisiana Amendments to the 1991 Standard Plumbing Code may be obtained by contacting the Chief Sanitarian, Office of Public Health, 325 Loyola Avenue, Box 60630, New Orleans, LA 70160, (504) 568-5181.

The Department of Health and Hospitals will conduct a public hearing at 10 a.m. on Monday, April 27, 1992, in the first floor auditorium of the Department of Transportation and Development building at 1201 Capitol Access Road in Baton Rouge. All interested persons are invited to attend and present data, views and comments, orally or in writing. No later than 45 days after this notice of intent is published, all written comments must be submitted to the Office of Public Health, Capitol Region II, 1772 Wooddale Blvd., Baton Rouge, LA 70706, Attention: William J. Hughes.

J. Christopher Pilley
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Louisiana State Plumbing Code**

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

The cost to the Office of Public Health (OPH) will be approximately \$9,000 every third year to purchase copies of the Standard Plumbing Code for OPH personnel and

approximately \$3,000 each of the other two years to purchase copies of the yearly revisions. The Standard Plumbing Code is published every third year and yearly revisions are published each of the other two years. Each local governmental unit with a building review section will incur a cost of \$45 every third year and \$15 each of the other two years to purchase copies of the Standard Plumbing Code and the yearly revisions. There will be no additional cost to state and local governmental units to administer this update of the Louisiana State Plumbing Code.

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

There will be no effect on revenue collections of state and local governmental units.

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

The cost to architects, engineers, contractors, plumbers, and individuals requiring a copy of the Louisiana State Plumbing Code will be \$45 every third year and \$15 each of the other two years to purchase copies of the Standard Plumbing Code and the yearly revisions.

The estimated costs and/or economic benefits of this proposed rule on the regulated community will be minimal since it is an update of an existing rule. The proposed update reflects current practices and standards related to materials of construction.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Dr. Larry J. Hebert, M.D.
Assistant Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Insurance
Commissioner of Insurance**

The Commissioner of Insurance hereby gives notice of his intent to amend Rule 12 by adopting Section Four. Rule 12 regulates the transmittal of information to the Department of Insurance. Section Four would allow for uses of alternative means of delivery in addition to United States Mail.

The proposed amendment adopting Section Four to Rule 12 is to become effective June 20, 1992.

RULE NUMBER 12

SECTION FOUR: Transmission of documents by facsimile machine, private courier service or hand delivery is permissible as long as the originals are mailed in the United States Postal Service and received by the Department of Insurance on or before the twentieth day after receipt of the facsimile transmission, private courier delivery or hand delivery. A document received in accordance with this Section shall be deemed received, and approved, if approval is necessary, on the date of the receipt of the original facsimile transmission, private courier delivery or hand delivery. Any departmental approval shall be indicated on the initial facsimile transmission, private courier delivery or hand delivery.

Interested parties may submit comments on the proposed Section Four until 4:30 p.m, April 20, 1992 at the following address: C. Noel Wertz, Staff Attorney, Box 94214, Baton Rouge, La 70804-9214.

James H. "Jim" Brown
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Information Transmittal**

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

The proposed rule has no financial impact on state and local governmental units.

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

The proposed rule has no financial impact on state and local governmental units.

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

Persons and non-governmental groups directly affected will be called upon to pay the cost of first class postage through the United States Postal Service.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will not have an effect on competition and employment.

Darrell L. Cobb
Deputy Commissioner
Chief of Staff

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Social Services
Office of Community Services**

The Department of Social Services, Office of Community Services (OCS), proposes to amend the following rule in the Child Protection Investigation Program. The rule entitled "Child Protective Services Prioritization", was published in the *Louisiana Register*, Vol. 17, No. 4, April 20, 1991, pages 387-388, is hereby amended.

The rule will be amended by:

I. Prioritization and Acceptance of Reports of Child Abuse and Neglect

The Office of Community Services will establish a Child Protection Investigation Program parish intake standard. The intake standard is based on a caseload standard of 12 new investigations per month per worker, with a provision for modification in some cases. The regional manager shall be contacted whenever the parish intake standard has been exceeded. The regional manager shall then attempt to provide assistance to the parish by available means without disrupting other mandated or critical services to provide coverage for Child Protection Investigation overload.

If available resources cannot correct the problem, and

the intake standard for the parish has been exceeded by three new investigations per worker in any one month, the regional manager shall have the authority to order a CPI Case Acceptance Emergency for that parish. The CPI intake supervisory staff may screen out, and therefore not assign for investigation, reports of child maltreatment which fall into the low priority classification.

As soon as the number of reports of alleged child abuse and/or neglect is less than the parish intake standard in any one month, the regional manager shall end the Case Acceptance Emergency.

In the event that screening out of reports which fall into the low category fails to bring caseloads below the parish standard within two months, regional managers shall have the authority to declare an Advanced Case Acceptance Emergency. Under this order, cases classified as medium priority may be given an extended response priority of up to a maximum of 10 calendar days. Regional managers will have the authority to continue an advanced CPI Case Acceptance Emergency until the number of reports falls below the parish CPI intake standard and full case acceptance is resumed. An alternative is to continue a CPI Case Acceptance Emergency, but lift the advanced CPI Case Acceptance Emergency when the number of reports decreases to the level that investigations for medium priority reports may be initiated

within the response priorities in CPI Program Policy.

If within three months of a declaration of an advanced Case Acceptance Emergency, CPI intake caseloads continue to be in excess of the standard, the regional manager shall notify the state office director of the division of field services. The director of field services will have the authority to direct parish intake staff to screen out cases judged at intake to represent a medium likelihood of immediate and substantial risk of harm, until such time as caseload standards are met.

During a CPI Case Acceptance Emergency and Advanced Case Acceptance Emergency, intake staff, with supervisory concurrence, shall determine for each report received whether or not the information received from the reporter, the local office clearance, and the agency data checks, constitute reason to believe that a child is at immediate and substantial risk of harm. The decision shall be made using the report categorization guidelines shown below, as well as the worker and supervisor's professional judgement of the extent to which it appears the alleged child victim is at risk of immediate and substantial harm.

Intake decision making will be documented on the intake forms. Decision making and caseloads will be monitored throughout the CPI Case Acceptance Emergency and any Advanced Case Acceptance Emergency.

REPORT CATEGORIZATION - PHYSICAL ABUSE

PRIORITIES: HIGH	MEDIUM	LOW	NON-REPORT
Brain or Central Nervous System Damage/Skull Fracture	Dislocation/Sprains	Emotional Maltreatment	
Internal Injuries	Human Bites	Unspecified Physical Abuse	
Poisoning	Minor head/facial injuries _____ *		
Subdural Hematoma	Mouth/dental trauma _____ *		
Suffocation			
Torture			
Whiplash - Shaken Infant Syndrome			
Wounds			
Bone Fracture			
* _____	Burns		
* _____	Bruises, Cuts, Welts _____ *		
Death (w/surviving children in home)		Death (w/out surviving children in home)	
* _____	Eye Injury		
* _____	Tying/Confinement		

*Indicates allegation may be up/down graded to that priority

The priority assignment for allegations which may be upgraded to a higher or down graded to a lower priority shall be based on an initial assessment of risk of harm to an alleged child victim. Factors which should be considered in the decision are the extent of the injury, the reported circumstances of the child such as age, health, current condition, vulnerability, and past history of abuse or neglect; and the circumstances of the family and the perpetrator.

REPORT CATEGORIZATION - NEGLECT

PRIORITIES: HIGH	MEDIUM	LOW	NON-REPORT
Abandonment Infant to Preteen		Abandonment - teenager temporarily w/other who will allow him to stay; preteen whose parents want us to take custody due to conflict/behavior	Teenager whose parents want us to take custody due to conflict/behavior
Dependency - incarceration/incapacitation of a parent of infant to preteen w/no other available caretaker (includes chronic addiction of parents which result in inability to care for child)		Child with relative/nonrelative who can no longer provide for the child	
Drug/alcohol abuse by infant or preschool child	Drug/alcohol abuse by preteen		Drug/alcohol abuse by teenager (w/or w/out parental permission)
Failure to Thrive		Clothing Inadequate	
Fetal Alcohol Syndrome/ Chemically Exposed Infant			
Malnutrition/Starvation			
Food Inadequate - Infant or toddler		Food Inadequate- School Age	
Lack of supervision - Infant alone, w/inadequate or incapacitated caretaker; parent hasn't returned for child as agreed and caretaker will not continue to provide care.	Lack of supervision - Parent has not returned as agreed, but caretaker will continue to provide care	Lack of supervision - residential facilities	Lack of supervision Teenagers (Unless MR or Physically handicapped)

REPORT CATEGORIZATION - NEGLECT

PRIORITIES: HIGH	MEDIUM	LOW	NON-REPORT
		Shelter Inadequate Emotional Maltreatment	Shelter Inadequate - about to be evicted
Medical Neglect - strong likelihood of serious immediate consequences		Medical Neglect - strong likelihood of serious but less immediate consequence	Immunizations, corrective shoes, glasses, orthodontia

REPORT CATEGORIZATION - SEXUAL ABUSE

PRIORITIES: HIGH	MEDIUM	LOW	NON-REPORT
Sexual Intercourse	Sexual Intercourse (occurred 3-12 mos. ago or perpetrator no longer has access)	Sibling/minor perp. w/alleged parent culpability or culpability unknown (Passive Abuse)	Sibling/minor perpetrator w/no alleged parental culpability
Oral Sex	Oral Sex (occurred over 3-12 mos. ago or perpetrator no longer has access)		
	Simulated Intercourse		
Digital/object penetration	Manipulation/fondling		
	Genital exposure of perpetrator or Masturbating in front of child	Other Enticement/ Harassment	
Venereal Disease			Venereal Disease (child over 12)
	Sexual Exploitation/ Pornography	Unspecified Sexual Abuse	

REPORT CATEGORIZATION - CHILD CARE DEFICIENCIES

PRIORITIES: HIGH	MEDIUM	LOW
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All child care deficiencies shall be rated as low risk of substantial and immediate harm, unless special circumstances indicate that there is reason to believe that a higher risk of harm exists.

Interested persons may submit written comments within 20 days of the publication of this notice to the following address: Brenda L. Kelley, Assistant Secretary, Box 44367, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries.

Gloria Bryant-Banks
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Child Protective Services Prioritization**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no costs associated with the amendment of this rule.
There will be an expense of \$200 for printing of manual material and instructional information.
- 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 not be any costs nor economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Robert J. Hand
Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Transportation and Development
Office of the Secretary
Public Transportation**

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 following rule on the subject

of speed restrictions for railroad traffic, in accordance with the provisions of R.S. 48:389.

Title 70
DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT
Part IX. Office of Public Transportation

Chapter 7. Speed Restrictions for Railroad Traffic
§701. General Procedure for Municipality Request

In accordance with the provisions of R.S. 48:389, the Department of Transportation and Development has set forth the following procedures for compliance therewith.

A. In order to establish speed restrictions for railroad traffic within the corporate limits of a municipality, the governing body of said municipality shall pass a resolution and forward it to the Director of the Public Transportation Section, Department of Transportation and Development, Box 94245, Baton Rouge, LA 70804. This written request in the form of a resolution shall contain the following:

1. Name and location of the railroad track to be affected, giving exact limits where the reduced speed limit(s) are requested.
2. Documentation and explanation of the particular safety hazard to be eliminated, including documentation of all accidents or incidents.
3. Regulatory and warning devices in existence and location of each.
4. Applicable automobile speed limits at the affected railroad crossing(s).

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:389.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 18:

§703. Notification of Railroad

Upon receipt of the request by the municipality, the director of Public Transportation shall contact the affected railroad(s) through the local railroad office. If unable to locate a local office, the director shall seek the assistance of the American Association of Railroads. A copy of the request of the municipality shall be forwarded to the railroad.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:389.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 18:

§705. Investigation

Prior to the evidentiary hearing referred to below, the department, through its appropriate district office, shall conduct an investigation of the particular site of the problem within the municipality and shall furnish a written report containing its findings to the director of Public Transportation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:389.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 18:

§707. Notification

Prior to the evidentiary hearing referred to below, the department shall publish in the "Potpourri" Section of the *Louisiana Register* notice of the date, time and place of the evidentiary hearing. Copies of the notice shall also be sent to the affected parties and other parties who have expressed an interest in the railroad speed limit being considered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:389.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 18:

§709. Location of Public Hearing

The public hearing to be conducted by the Department of Transportation and Development shall take place at the DOTD Headquarters Bldg., 1201 Capitol Access Road, Baton Rouge, LA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:389.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 18:

§711. Public Hearing

A committee shall be formed within the department to conduct the public hearing, accept evidence, and render written reasons for its findings. This procedure shall be conducted in accordance with the Administrative Procedure Act, R.S. 49:950, et seq., and R.S. 48:389. Said committee shall be composed of representatives of the following sections appointed by the secretary of the department: Public Transportation Section; Legal Section; Maintenance Section; Traffic and Planning Section. The committee shall publish necessary rules in accordance with the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:389.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 18:

§713. Appeal

An appeal may be made of the decision of the hearing committee by the affected party(s) as provided in the Administrative Procedure Act. Said appeal may be made to the appropriate State District Court.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:389.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 18:

§715. Regulation Order

Following adoption of the administrative rule establishing a railroad speed limit, a Regulatory Order shall also be filed within the Department of Transportation and Development and shall be filed in the office of the Clerk of Court in the parish affected.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:389.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 18:

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: Sherryl J. Tucker, Senior Attorney, Department of Transportation and Development, Box 94245, Baton Rouge, LA 70804-9245, phone (504) 379-1015.

Eugene P. Waguespack
Acting Secretary

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Railroad Speed Limits

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no implementation costs anticipated. The

required work will be accomplished by existing personnel.

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 anticipated.

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

There are no costs or economic benefits to persons or non-governmental groups anticipated.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There could be an effect on railroads whose trains are required to slow down within certain municipality limits however this effect should be negligible.

Eugene P. Waguespack
Acting Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

**Policies for Implementation of the Deferred
Retirement Option Plan**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Trustees of the Teachers' Retirement System approved the following policies for implementation of the Deferred Retirement Option Plan:

1. The Teachers' Retirement System of Louisiana (TRSL) will implement provisions of R.S. 17:645 - 645.5, the Deferred Retirement Option Plan (DROP), July 1, 1992.

2. DROP participation may begin or end any day of the month. The effective date for participation in DROP will be the date a properly executed DROP application, including the designation of a DROP account beneficiary(ies), is filed in the office of the TRSL or the stated effective date on the properly executed DROP application, whichever is later.

3. Deposits to DROP accounts will be effective on the first day of each month of participation in the plan.

4. DROP account statements will be furnished on a quarterly basis as follows:

a. statements issued during DROP participation will reflect all account deposits for a quarterly period;

b. statements issued after completion of DROP participation and termination of employment will reflect all account withdrawals for a quarterly period; and

c. interest earnings will begin accruing the day after termination of DROP participation and will be deposited to DROP accounts in December of each year. Interest deposits will reflect the interest earned on the account during the previous fiscal year and will be entered on quarterly statements issued for the period of October 1 through December 31.

5. Participation in DROP may not exceed a period of two consecutive years, and the selected period, of participa-

tion may only be shortened by the participant's termination of employment or death.

6. Retirement benefits shall begin on the first day of the month immediately following termination in DROP in all of the following cases:

a. voluntary termination (the participant, for any reason, elects to withdraw from DROP prior to completing the selected participation period and also terminates employment);

b. involuntary termination (the participant is terminated by the employer prior to completing the selected participation period and is not rehired by another TRSL employer on the following day); and

c. completion of selected DROP participation period and termination of employment.

7. Withdrawals from a DROP account are not permitted prior to the termination of DROP participation or during employment which continues immediately following the DROP participation period, and shall be limited to the following methods:

a. withdrawal of the total DROP account balance at the termination of DROP participation and employment;

b. monthly withdrawals in an amount to be determined by the life expectancy of the participant. This periodic payment shall not vary from month to month (refer to policy eight below);

c. monthly withdrawals based upon an amount to be withdrawn each month as specified by the participant. This periodic payment shall not vary from month to month, and the amount of the withdrawal must be greater than the amount necessary to liquidate the total account balance within the participant's life expectancy (refer to policy eight below);

d. annual withdrawals in an amount to be determined by the life expectancy of the participant. This periodic payment shall not vary from year to year. The participant shall select the month in which the annual payment is to be made, and the first payment must be made within the 12-month period immediately following DROP participation and termination of employment (refer to policy eight below);

e. annual withdrawals based upon an amount to be withdrawn each year as specified by the participant. This periodic payment shall not vary from year to year, and the amount of the withdrawal must be greater than the amount necessary to liquidate the total account balance within the participant's life expectancy. The participant shall select the month in which the annual payment is to be made, and the first payment must be made within the 12-month period immediately following DROP participation and termination of employment (refer to policy eight below); and

f. total DROP account balance withdrawal at any time after monthly or annual withdrawals have begun.

8. The participant will have one opportunity over the duration of DROP account withdrawals to change the chosen withdrawal method if the original method selected was either b., c., d., or e. in policy seven above. Any change in the withdrawal method must be made in accordance with the life expectancy of the participant, and at no time may the disbursement from the account be less than the amount of the originally selected periodic payment.

9. When the life expectancy of the participant governs the selected periodic withdrawal method, disbursements from the DROP account shall be made in accordance with the following schedule:

LIFE EXPECTANCY SCHEDULE

Age when DROP Participant Terminates Employment	Number of Months for Permitted Withdrawals	Number of Years for Permitted Withdrawals
Under 56	300 months	25 years
56 - 60	260 months	21 years
61 - 65	240 months	20 years
66 - 70	170 months	14 years
71 and older	120 months	10 years

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

11. When termination in DROP occurs because of the death of the DROP participant, the participant is considered retired the day death occurs, and retirement benefits will become effective for the regular and DROP beneficiary(ies) on the first day of the month immediately following the death of the participant.

12. In the event of the death of the participant during DROP participation, a spousal beneficiary shall select a withdrawal method from the options listed in policy seven above. Except for a total DROP account balance withdrawal, the spousal beneficiary will not be permitted to change the withdrawal method previously selected by the participant, if disbursements from the account began prior to the participant's death.

13. In the event of the death of the participant during DROP participation, a non-spousal beneficiary(ies) must either withdraw the total DROP account balance or elect equal monthly or annual payments from the DROP account for a period not to exceed five years, and the final distribution from the account shall be made no later than December 15 of the year in which the fifth anniversary of the death occurs. Except for a total DROP account balance withdrawal, the non-spousal beneficiary(ies) will not be permitted to change the withdrawal method previously selected by the participant if disbursements from the account began prior to the participant's death.

14. In the event of the death of a surviving spousal or non-spousal beneficiary, any remaining DROP account balance will be paid to the estate of the beneficiary.

15. Withdrawal payments from DROP accounts will be issued on the fifteenth day of each month.

16. DROP accounts will be subject to all Louisiana laws governing community property, inheritance and estate matters, and will be administered in accordance with applicable state laws and orders of the court.

Interested persons may comment on the proposed policies in writing until 4:30 p.m., May 31, 1992, at the follow-

ing address: Graig A. Luscombe, Assistant Director, Teachers' Retirement System of Louisiana, Box 94123, Capitol Station, Baton Rouge, LA 70804-9123.

James P. Hadley, Jr.
Director

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Implementation of the Deferred Retirement Option Plan (DROP)

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

It is estimated that state and local governmental units will save \$9 million the first year, \$18.5 million the second year and \$19.3 million the third year assuming that the employer contribution rate for the Teachers' Retirement System of LA (TRSL) remains at 18.5 percent during the 1993-94 and 1994-95 fiscal years. Employers including colleges and universities, local school systems, vocational technical institutes, special schools and the state Department of Education will not be required to remit contributions to TRSL while their employees participate in the Deferred Retirement Option Plan (DROP). The above figures are based upon the assumption that 1,575 employees participate each year and reflect total savings from state appropriations as well as local school system funds.

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

Assuming 1,575 employees participate each year, it is estimated that TRSL will earn approximately \$12.6 million from the investment of DROP account deposits. These interest earnings will be used to offset the costs of operating the program. Only a small portion, less than \$115,000 each year, will be used for program administration. The remainder of the earnings will be available to offset costs generated by this change in the retirement plan. The DROP is an actuarially designed program and has a cost/revenue neutral impact on TRSL.

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

Employees participating in the program will not be required to remit contributions to TRSL during program participation. Therefore individual paychecks will in-

crease by eight percent of gross salary. In addition, participants will have an opportunity to accumulate a savings account which will ultimately be used to supplement the normal retirement benefit they would have received.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This program allows individuals to consider working two additional years before retiring. Some may view this option as a method of retaining well-qualified individuals for an additional time period. Others may view the program as one which may limit newly trained individuals from being hired to positions from which a person may have retired had the DROP not been made available. TRSL does not view the program as having an impact on competition and employment.

James P. Hadley, Jr.
Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of the Treasury
Deferred Compensation Commission**

In accordance with the Louisiana Administrative Procedure Act (R.S. 49:950 et seq.) notice is hereby given that the Louisiana Deferred Compensation Commission intends to amend the Louisiana Public Employees Deferred Compensation Plan to read as follows:

**Louisiana Public Employees
Deferred Compensation Plan**

The Louisiana Public Employees Deferred Compensation Plan (the "Plan") was adopted by the Louisiana Deferred Compensation Commission, effective September 15, 1982. The plan was established in accordance with R.S. 42:1301 through 42:1308 and Section 457 of the Internal Revenue Code of 1954, as amended, for the purpose of providing supplemental retirement income to employees and independent contractors by permitting such individuals to defer a portion of compensation to be invested and distributed in accordance with the terms of the plan.

Effective, July 1, 1992, the plan is hereby amended and restated in its entirety. The restated plan shall supersede all plans and rules previously adopted in connection with the Louisiana Public Employees Deferred Compensation Plan.

Copies of this proposed rule may be obtained from the Office of the State Register, 1051 North Third Street, Baton Rouge, LA 70804 and from the Deferred Compensation Commission at the address below.

Interested persons may submit written comments on the proposed amendments to Kenneth C. DeJean, Secretary, Deferred Compensation Commission, Suite 702, 2237 South Acadian Thruway, Baton Rouge, LA 70808. Comments will be accepted through the close of business at 5 p.m. on April 20, 1992.

Kenneth C. DeJean
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Louisiana Public Employees Deferred
Compensation Plan**

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

The implementation of the proposed amendments to the plan will result in neither costs nor savings to the state and its local governmental units.

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

The adoption of the proposed amendments to the plan 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 adoption of the proposed amendments to the plan will:

(1) result in no additional costs to affected persons and will have no impact on non-governmental groups; and

(2) be of economic benefit to directly affected persons (the participants) only because the clarifying amendments that are proposed will strengthen the plan.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The adoption of the proposed amendments to the plan will have no effect on competition and employment.

Ellis C. Magee
Vice Chairman of Commission

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate rules and regulations governing the hunting of resident game birds and game quadrupeds. A synopsis of said rule is made part of this notice of intent.

**Summary of 1992-93 Resident Game Hunting Season
Dates and Bag Limits**

Quail: Nov. 26-Feb. 28 - Daily Bag Limit 10, Possession 20

Pheasant: Nov. 26-Dec. 6 (Cock Pheasant Only) - Daily Bag Limit 2, Possession 4

Squirrel: Oct. 3-Jan. 24 - Daily Bag Limit 8, Possession 16

Rabbit: Oct. 3-Feb. 28 - Daily Bag Limit 8, Possession 16

Deer: Dates Vary - See Schedule Below - Bag Limit: One per day, 6 per season by all methods of taking.

Archery: Oct. 1-Jan. 20
 Muzzleloader: Nov. 30-Dec. 4

Area 1 - 58 days	Days
Nov 21-Nov. 29	9 (still hunt only)
Nov. 30-Dec. 4	5 (still hunt, muzzleloader only)
Dec. 5-Dec. 31	27 (with or without dogs)
Jan. 1-17	17 (still hunt only)
	<u>58</u>

Area 2 - 65 days	Days
Oct. 31-Nov. 29	30 (still hunt only)
Nov. 30-Dec. 4	5 (still hunt, muzzleloader only)
Dec. 5-Dec. 11	7 (still hunt only)
Dec. 12-Jan. 3	23 (with or without dogs)
	<u>65</u>

Area 3 - 65 days	Days
Oct. 31-Nov. 29	30 (still hunt only)
Nov. 30-Dec. 4	5 (still hunt, muzzleloader only)
Dec. 5-Jan. 3	30 (still hunt only)
	<u>65</u>

Area 4 - 51 days	Days
Nov. 21-29	9 (still hunt only)
Nov 30-Dec. 4	5 (still hunt, muzzleloader only)
Dec. 5-Jan. 10	37 (still hunt only)
	<u>51</u>

Area 5 - 14 days	Days
Nov. 21-Nov. 29	9 (still hunt only)
Nov. 30-Dec. 4	5 (still hunt, muzzleloader only)
	<u>14</u>

Area 6 - 58 days	Days
Nov. 21-Nov. 29	9 (still hunt only)
Nov. 30-Dec. 4	5 (still hunt, muzzleloader only)
Dec. 5-Jan. 17	44 (with or without dogs)
	<u>58</u>

Area 7 - 65 days	Days
Oct. 31-Nov. 29	30 (still hunt only)
Nov. 30-Dec. 4	5 (still hunt, muzzleloader)
Dec. 5-Jan. 3	30 (with or without dogs)
	<u>65</u>

Turkey - Season Dates Vary - See Schedule Below -

Limit: One per day, 3 per season

Area A	Days
March 27-April 25	30

Area B	Days
March 20-April 25	37

Area D	Days
April 10-April 25	16

National Catahoula Wildlife Management Preserve
 March 27-April 25

National Red Dirt Wildlife Management Preserve
 March 27-April 25

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR 18:

Public hearings will be held at regularly scheduled Louisiana Wildlife and Commission meetings from April-July. Interested persons may submit written comments relative to the proposed rule until May 31, 1992 to Hugh A. Bateman, Administrator, Game Division, Box 98000, Baton Rouge, LA 70898.

For those interested, a more detailed copy of the rules and regulations is available upon request to Hugh A. Bateman, Administrator, Game Division, Box 98000, Baton Rouge, LA 70898-9000 and from the Office of the State Register, Box 94095, Baton Rouge, LA 70804-9095.

James H. Jenkins, Jr.
 Chairman

**Fiscal and Economic Impact Statement
 For Administrative Rules
 Rule Title: Hunting of Resident Game Birds and Game
 Quadrupeds, 1992-93**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
 Establishment of hunting regulations is an annual process. The cost of implementing the proposed rules, aside from staff time, is the production of the regulation pamphlet. Anticipated cost of printing this pamphlet will be \$20,000-\$25,000.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
 Projected hunting license fee collections for FY 92-93 will be approximately 4.7 million dollars. Failure to adopt rule changes would result in no hunting season being established and a loss of these revenues.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
 Hunting in Louisiana generates in excess of \$325,000,000 annually through the sale of outdoor related equipment, associated items and other economic benefits. Figures are based on the 1985 National Survey of Fish and Wildlife Associated Recreation.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
 There is no method by which this department can estimate the effects of hunting regulations on employment or competition statewide.

Joe L. Herring
 Secretary

David W. Hood
 Senior Fiscal Analyst

Potpourri

POTPOURRI

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

In accordance with the provisions of the Louisiana Administrative Code (LAC) 33:V.105.H.3, the secretary gives notice of the Department of Environmental Quality's tentative decision to deny the Safety Kleen Corporation petition to

amend the Hazardous Waste Regulations, LAC 33:V.Chapter 51 - Fee Schedule.

The Safety Kleen petition is tentatively being denied because the facilities hold commercial disposer status as treatment and storage facilities. Commercial disposers, such as Safety Kleen, are comparable to commercial treatment, storage and disposal (TSD) facilities and have similar permit, inspection, manifest, monitoring and annual report requirements.

The department is requesting written public comments which are to be submitted no later than 15 days following publication of this notice to the attention of Vince Sagnibene, Department of Environmental Quality - Hazardous Waste Division, Box 82178, Baton Rouge, LA 70884-2178. After evaluating all public comments, the administrative authority will publish a final decision in the *Louisiana Register*.

Upon the written request of any interested person, the administrative authority may, at its discretion, hold an informal public hearing to consider oral comments on the tentative decision to deny the petition. A person requesting a hearing must state the issues to be raised and explain why written comments would not suffice to communicate the person's views. The administrative authority may in any case decide on its own motion to hold an informal public hearing.

Kai David Midboe
Secretary

POTPOURRI

Department of Health and Hospitals Board of Medical Examiners

Notice is hereby given, in accordance with R.S. 49:953(A)(2), that the Board of Medical Examiners, will conduct a public hearing to receive oral comments on its proposed rules prescribing practice and reporting requirements for physicians and other practitioners who are carriers of the hepatitis B virus (HBV) or the human immunodeficiency virus (HIV).

The hearing will be held at 9 a.m., Friday, March 27, 1992, in the Ile de France II Room, Meridien Hotel, 614 Canal Street, New Orleans, LA. At such hearing all interested persons may appear and present data, views, arguments, information or comments on the proposed rules, which were previously published in the *Louisiana Register* as a notice of intent on February 20, 1992. Written comments on the proposed rules may be submitted to the board through April 15, 1992, by directing the same to the board at Suite 100, 830 Union Street, New Orleans, LA 70112-1499.

Delmar Rorison
Executive Director

POTPOURRI

Department of Health and Hospitals Board of Medical Examiners

Notice is hereby given, in accordance with R.S. 49:953(A)(2), that the Board of Medical Examiners, will conduct a public hearing to receive oral comments on its proposed rules governing physician use of medications in the treatment of obesity, at 11 a.m., Friday, March 27, 1992, in the Ile de France II Room, Meridien Hotel, 614 Canal Street, New Orleans, LA. At such hearing all interested persons may appear and present data, views, arguments, information or comments on the proposed rules, which were previously published in the *Louisiana Register* as a notice of intent on February 20, 1992.

Written comments on the proposed rules may be submitted to the board through April 15, 1992, by directing the same to the board at Suite 100, 830 Union Street, New Orleans, LA 70112-1499.

Delmar Rorison
Executive Director

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 41 claims in the amount of \$101,865.83 were received in the month of February 1992, 15 claims in the amount of \$36,883.23 were paid and four claims were denied.

Loran C. coordinates of reported underwater obstructions are:

27677	46909	St. Mary
27415	46936	Iberia
29001	46952	St. Bernard
28257	48825	Lafourche
28720	46809	Plaquemines
27363	46943	Vermilion
28088	46828	Terrebonne
27374	46936	Vermilion
28586	47033	Lake Pontchartrain
27326	46943	Vermilion
27573	46925	Iberia
26905	46966	Cameron
27250	46939	Vermilion
28983	46958	St. Bernard
27539	46929	Iberia
27015	46949	Vermilion
28640	47048	Lake Pontchartrain

A list of claimants, and amounts paid, may be obtained from the Fishermen's Gear Compensation Fund, Box 94396, Baton Rouge, LA 70804, or by telephone (504) 342-0122.

Jack McClanahan
Secretary

POTPOURRI

**Department of Social Services
Office of Community Services**

The Department of Social Services (DSS) announces the availability of \$739,000 in grant funds for distribution to applicant units of local government under the 1992 state Emergency Shelter Grants Program (ESGP). Program funds are allocated to the state by the U.S. Department of Housing and Urban Development (HUD) through authorization by the Stewart B. McKinney Homeless Assistance Act, as amended, and by the Cranston-Gonzales National Affordable Housing Act. Funding available under the Emergency Shelter Grants Program is dedicated for the rehabilitation, renovation or conversion of buildings for use as emergency shelters for the homeless, and for payment of certain operating costs and social services expenses in connection with homeless emergency shelter. The program also allows funding for use in homeless prevention activities as an adjunct to other eligible activities. As provided under previous federal and state policies, eligible applicants shall be limited to units of general local government (parishes and cities) for jurisdictions with a minimum 30,000 population according to recent census figures. Recipient units of local government may make all or part of grant amounts available to private nonprofit organizations for use in eligible activities.

To be eligible for funding participation, a private nonprofit organization as defined by ESGP regulations must be one which is exempt from taxation under Subtitle A of the Internal Revenue Code, has an accounting system and a voluntary board, and practices nondiscrimination in the provision of assistance.

Application packages for the state ESG Program have been issued by mail to the chief elected official of those qualifying units of general local government for jurisdictions containing the required 30,000 minimum population. In order to be considered for funding, applications must be received by DSS/Office of Community Services by the close of business, 4:30 p.m., Thursday, April 16, 1992.

Effective with the 1992 ESG program, the state DSS has established a geographic allocation formula in the distribution of the state's ESG funding to ensure that each region of the state is allotted a specified minimum of state ESG grant assistance for eligible ESGP projects. Regional allocations have been formulated based on factors for low income populations in the parishes of each region according to allocation factors utilized under the state's weatherization assistance program. Within each region, grant distribution shall be conducted through a competitive grant award process.

The following table lists the allocation factors and amounts for each region:

	Factor	Allocation
New Orleans	.1353290	\$ 100,008
Other Reg. I Parishes	.0763300	56,408
Region I total	.2116590	156,416
Region II	.1428232	105,546
Region III	.0430200	31,793
Region IV	.1137662	84,073
Region V	.0469270	34,679
Region VI	.1004339	74,220
Region VII	.1849992	136,714
Region VIII	.1563715	115,559

Regional funding amounts for which applications are

not received shall be subject to statewide competitive award to applicants from other regions and/or shall be reallocated among other regions in accordance with formulations consistent with the above factors. Should an eligible local government wish to apply for supplemental funds above its regional allocation, a separate second stage proposal may be submitted for consideration of award of funds remaining from grant distribution to other regions.

Grant awards shall be for a minimum of \$30,000 and a maximum of \$200,000 in accordance with the following specifications:

1. individual grant awards to applicant jurisdictions of less than 50,000 population shall not exceed \$65,000;
2. for jurisdictions over 50,000 and less than 250,000 in population, grant awards shall not exceed \$110,000;
3. an applicant jurisdiction of over 250,000 population may be awarded ESGP funding of up to \$150,000; and
4. the applicant jurisdiction with the largest homeless population (from documentation included in the application) is eligible to receive the maximum grant amount of \$200,000.

The most populous metropolitan jurisdiction in a region may apply for the full regional allotment regardless of the applicable maximum; however, funding awards to such applicant jurisdiction may be limited to the prescribed grant maximum or to a lesser amount in consideration of worthy competing application(s) from the same region. Grant maximums may also be adjusted at DSS's discretion in consideration of individual applicant's needs, total program funding requests, and available funding. DSS reserves the right to negotiate the final grant amounts, component projects, and local match with all applicants to ensure judicious use of program funds. Program applications must meet state ESGP requirements and must demonstrate the means to assure compliance if the proposal is selected for funding.

If, in the determination of DSS, an application fails to meet program purposes and standards, even if such application is the only eligible proposal submitted from a region or subregion, such application may be rejected in toto, or the proposed project(s) may be subject to alterations as deemed necessary by DSS to meet appropriate program standards.

The following are the priorities and objectives for ESG program funding as set forth in the State Comprehensive Housing Affordability Strategy (CHAS).

Priority: To increase the availability of longer term shelter and supportive services for homeless families with children to afford stable, decent and secure living environments and facilitation of movement to transitional or permanent housing arrangements.

Objective: To provide assistance for projects to expand capacity to serve 25 homeless families with longer term shelter and supportive services.

Priority: Increase in capacity of shelter programs with strong supportive service components or programs linking and coordinating shelter with available service resources to aid homeless persons.

Objective: To provide assistance for projects which include substance abuse recovery components, and/or case managed supportive services for special needs populations, to increase availability of such service enriched shelter by 50 persons.

Award of grant amounts between competing applicants will be based upon the following selection criteria:

1. Nature and extent of unmet need for emergency

- shelter in the applicant's jurisdiction 40 points
- 2. The extent to which proposed activities will address needs for shelter and assistance 30 points
- 3. The ability of the applicant to carry out the proposed activities promptly 15 points
- 4. Coordination of the proposed project(s) with available community resources, so as to be able to match the needs of homeless persons with appropriate supportive services and assistance 15 points

Successful applicants shall be required to provide matching funds in an amount at least equal to its ESGP grant amount except for those grant amounts awarded from the first \$100,000 of the state's allocation. With respect to this first \$100,000 which under statutory provisions is free from matching funds requirements, DSS will pass on this benefit to the recipient local government(s), and/or subrecipient(s), which shall be determined by DSS to have the least capability to provide the required matching funds based on information submitted in grant applications. For those grant amounts which remain subject to matching funds requirements, the value of donated materials and buildings, voluntary activities and other in-kind contributions may be included with "hard

cash" amounts in the calculation of matching funds. A local government grantee may comply with this requirement by providing the matching funds itself, or through provision by nonprofit recipients.

A recipient local government may at its option elect to use up to 2.5575 percent of grant funding for costs directly related to administering grant assistance or may allocate all grant amounts for eligible program activities. Programs rules do not allow the use of ESGP funds for administrative costs of non-profit subgrantees.

Availability of ESGP funding is subject to HUD's approval of the state's ESGP application for Fiscal Year 1992. No expenditure authority or funding obligations shall be implied based on the information in this notice of funds availability.

Inquiries and comments regarding the 1992 Louisiana Emergency Shelter Grants Program may be submitted in writing to the Office of Community Services, Division of Community Services Grants Management, Box 44367, Baton Rouge, LA 70804 or telephone (504) 342-2277.

Gloria Bryant-Banks
Secretary

CUMULATIVE INDEX
(Volume 18, Number 3)

1992		
Pages		Issue
4—	126	January
129—	218	February
227—	327	March

AGRICULTURE AND FORESTRY

Agricultural and Environmental Sciences, Office of

- Commercial aerial pesticide, 6ER
- Landscape architect, 240ER
- Pesticides, 247R
- Pink bollworm quarantine, 124P
- Varroa mite quarantine, 124P

Animal Health Services, Office of
(Livestock Sanitary Board)

- Cattle admission, 199N

Forestry, Office of

- Public lands, 295N

Horticulture Commission

- Examination, 217P, 218P
- Retail florist, 249R
- Stumpage values, 6ER

Secretary, Office of

- Rule procedures, 144R

CIVIL SERVICE

Civil Service Commission

- Elected Officials, Board of Ethics for
- Disclosure statement, 83N
- Public Employees, Commission on Ethics for
- Disclosure statement, 85N

ECONOMIC DEVELOPMENT

Architectural Examiners, Board of

- Continuing education, 250R
- Examinations, 87N, 88N

Business Development Services, Office of

- Regional Economic Development Alliance, 23R

Commerce and Industry, Office of

- Environmental tax exemption, 240ER, 296N
- Finance Division
- Capital companies tax credit, 251R
- Restoration tax abatement 252R

Economic Development Corporation

- BIDCO investment program, 89N

Financial Institutions, Office of

- Business/industrial development corporations, 24R
- Checks/money orders, 144R
- Licensed lenders, 26R

Racing Commission

- Drugged horse, 97N, 138ER
- Failure to comply, 93N, 136ER
- Field less than nine, 92N, 135ER
- Horse under investigation, 94N, 136ER

- Other reports, 136ER
- Pari-Mutuel Tickets, 92N, 135ER
- Publication of past performances, 94N, 136ER
- Steward qualifications, 137ER
- Testing split/referee sample, 95N, 137ER
- Two races on a day, 96N, 138ER
- Whips size/approval, 97N, 139ER

Real Estate Appraisal Subcommittee

- Adjudicatory proceedings, 144R
- Certification education, 139ER

Real Estate Commission

- Agency disclosure, 7ER, 26R

EDUCATION

Bureau of Continuing Education

- Professional Improvement Program (PIP), 301N

Elementary and Secondary Education, Board of

- 8(g) Annual Program, 297N
 - ACT/SAT, 255R
 - Algebra/Geometry curriculum, 27R
 - Children First Legislation, 12ER, 28R
 - Computer literacy, 240ER
 - Disabled infants/toddlers, 98N, 241ER
 - Dyslexic students, 9ER
 - Exploratory elective, 200N
 - Food and nutrition, 241ER
 - High school graduation, 27R
 - Holiday-presidential election, 27R
 - Home study, 255R
 - Institute/Regional Management Center, 300N
 - Minimum standards, 141ER
 - Model Career Options Program (MCOP), 146R
 - Montessori certification, 98N
 - Postsecondary curriculum, 27R
 - Postsecondary salaries, 256R
 - Special education, 12ER, 28R, 300N
 - Sign language, 297N
 - Teacher tuition exemption, 91N
 - Temporary employment permits, 13ER, 29R
 - Vocational/Vo-tech
 - Fees, 9ER, 13ER, 27R, 29R, 30R
 - Salaries, 140ER
- Student Financial Assistance, Office of**
- Award check stop payment, 301N
 - Cancelled loan/disbursement, 146R
 - Fee refund, 146R
 - GSL policy manual, 100N
 - Louisiana Opportunity Loan Program (LA-OP), 100N
 - Mid-year scholarship, 302N
 - Teacher shortage areas, 147R
 - Tuition assistance, 147R, 302N, 303N

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

EMPLOYMENT AND TRAINING

Labor, Office of

JTPA, 102N

Plumbing Board

Master plumber, 30R

Worker's Compensation, Office of

Employee rehabilitation, 147R

Utilization review, 257R

ENVIRONMENTAL QUALITY

Air Quality and Radiation Protection, Office of

Hydrogen chloride emissions (AQ55), 258R

Magnetic tape coating (AQ39), 31R

Naturally Occurring Radioactive Material (NORM) (NE04), 304N

Nonmetallic mineral processing (AQ45), 201N

Particulate emissions (AQ43), 262R

Polymer manufacturing (AQ47), 303N

Polymeric coating (AQ41), 150R

Radiation protection (NE02), 34R

Rubber tire manufacturing (AQ46), 205N

Steam generating units (AQ32), 150R

Steel plants (AQ44), 106N

Sulfur dioxide (AQ57), 104N

Toxic air emission (AQ50A), 31R

VOC emission

Industrial surface coating (AQ40), 31R

Petroleum refinery wastewater (AQ38), 158R

Wood heaters (AQ42), 110N

Solid and Hazardous Waste, Office of

Fee amendment petition, 324P

Waste tires (SW03), 34R, 164R

EXECUTIVE ORDERS

BR 91-23—Allocates \$15,200,000 from the 1991 bond ceiling for the New Orleans Home Mortgage Authority, 4

BR 91-24—Directs the Louisiana Housing Finance Agency to administer programs and resources and to promulgate regulations regarding the state's comprehensive housing affordability strategy (CHAS), 4

BR 91-25—Reduces appropriations in certain state agencies to avoid a general fund deficit, 5

BR 91-26—Allocates excesses to various issuers for carry-forward projects, 131

BR 91-27—Transfers functions, duties and responsibilities of the Office of Hospitals (with exceptions) to the Louisiana Health Care Authority governing board and the local boards, 131

BR 92-1—Authorizes and outlines duties and responsibilities of the Public Advisory Committee (PAC) with respect to environmental issues, 132

EWE 92-1—Allocates \$3,546,611 from the 1992 bond ceiling for the Louisiana Public Facilities Authority State-wide Student Loan Program, 134

EWE 92-2—Allocates \$20,000,000 from the 1992 bond ceiling for Louisiana Power & Light Company (Waterford) in St. Charles Parish, 134

EWE 92-3—Creates the Governor's Advisory Council on Drug-Free Schools and Communities and defines certain duties, 227

EWE 92-4—Creates and defines certain personnel and duties of the Office of Permits, 227

EWE 92-5—Creates a Task Force on African Trade, Finance and Development to market the state's products, goods, services and technologies to Africa, 228

EWE 92-6—Creates the Louisiana Interagency Action Council for the Homeless, designating agency representation and defining certain functions, 228

EWE 92-7—Prohibits sex discrimination by any state agency in employment practices and policies, in providing services, in purchasing services or in awarding service contracts, 229

EWE 92-8—Authorizes the secretary of the Department of Transportation and Development, with approval of the State Bond Commission, to issue Series 1992 Bonds not to exceed \$46,000,000 to fund Project 1992, 230

EWE 92-9—Establishes a Land Acquisition Task Force and defines certain responsibilities and duties, 231

EWE 92-10—Authorizes a substance abuse policy and awareness program applicable to state employees, 231

EWE 92-11—Establishes an Office of Maritime Advisor and defines certain duties and functions of the office, 232

EWE 92-12—Appoints the senior advisor in the Office of Maritime Advisor, 232

EWE 92-13—Establishes the Occupational Information Coordinating Committee (LOICC) and assigns its responsibilities, 233

EWE 92-14—Authorizes inmate labor to be used to replace roofing at Hunt Correctional Center facilities, 233

EWE 92-15—Establishes the position of Special Assistant to the Governor for Health Care and Hospitals and defines certain duties and functions of the position, 234

EWE 92-16—Creates and defines certain duties and functions of the Executive Board on Aging, 234

EWE 92-17—Creates the Emergency Response Commission and designates certain duties, 235

EWE 92-18—Rescinds BR 91-25 and directs adjustments of appropriations for expenditures to achieve a balanced budget in the current fiscal year, 236

GOVERNOR'S OFFICE

Division of Administration

Commissioner's Office

Medical Review Panel

Change of address, 51R

Elderly Affairs, Office of

Area agency on aging, 305N

Long-term care ombudsman, 267R

State ombudsman, 265R

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

**Law Enforcement and Administration of
Criminal Justice**

Felony sentencing, 44R, 164R

Patient's Compensation Fund Oversight Board

Enrollment, 167R

Veterans Affairs, Department of

War veterans' home, 269R

HEALTH AND HOSPITALS

Dentistry, Board of

Dental hygienists, 307N

Dental specialist, 308N

Display of license, 310N

Fees/costs, 311N

Hepatitis B Virus/HIV, 312N

Hospitals, Office of

LHCA service agreement, 14ER, 111N

Management and Finance, Office of

HIV health care, 125P

Rural hospital, 54R, 181R

Medical Examiners, Board of

Hepatitis/HIV procedures, 207N, 325P

Obesity medication, 205N, 325P

Nursing Home Administrations, Board of Examiners of

Administrator license, 181R

Pharmacy, Board of

Continuing education, 273R

Professional Counselors, Board of Examiners of

License/practice, 51R

Mental health counseling, 269R

Public Health, Office of

HIV/AIDS, 182R

Sanitary Code

General provisions, 114N

Mechanical wastewater, 115N

Plumbing, 314N

Sewage disposal, 115N

Water supplies, 116N

Tanning facilities, 274R

Secretary, Office of

AFDC/SSI eligibles, 18ER

Alimony/child support income, 54R

Anesthesia services, 19ER

Community/family support system, 185R

Concurrent care, 54R

Disproportionate share, 16ER

Federally-qualified health center, 16ER

Home health agencies, 57R

Infant, developmentally delayed, 210N

LHCA service agreement, 14ER, 111N

LaSalle Parish nursing facility, 218P

Non-ambulance reimbursement, 243ER

Nursing facility, 189R

Nursing home, 18ER

OBRA (1990), 19ER

Pharmacy service, 57R

Prescription limitation, 17ER

Rural care/hospital, 20ER

Traumatic brain injury, 21ER

Urine drug screening, 188R

Veterinary Medicine, Board of

Fees, 111N

INSURANCE

Commissioner of Insurance

Holding company (Reg 31), 274R

Information transmittal (Rule 12), 316N

Insolvency disclaimer (Reg 40), 215N

Insolvency protection (Reg 39), 213N

LOUISIANA ADMINISTRATIVE CODE UPDATE

Administrative Code Update

Cumulative, January 1991 - December, 1991, 121

NATURAL RESOURCES

Conservation, Office of

Compressed natural gas, 60R

Emergency Natural Gas Allocation Plan, 64R

Mineral Resources, Office of

Geophysical/geological surveys, 70R

Secretary, Office of

Coastal restoration, 281R

Fishermen's Gear

Claims, 125P, 218P, 325P

Fees, 117N

PORT COMMISSIONS

Port of New Orleans

Associated Branch Pilots, Board of Examiners of

Conduct/safety, 72R

Associated Branch Pilots, Board of Review of

Complaint procedures, 76R

PUBLIC SAFETY AND CORRECTIONS

Corrections Services

Death penalty, 77R

Fire Marshal, Office of

Uniform construction code, 21ER

Private Security Examiners, Board of

Contract security, 189R

State Police, Office of

Bingo, Keno, raffle, 283R

Hazardous materials transport, 78R

Video draw poker, 196R

PUBLIC SERVICE

Public Service Commission

Classified employees, 216N

REVENUE AND TAXATION

Sales Tax Division

Sales/use tax, 287R

Tax Commission

Ad valorem, 197R

Orleans Parish appraisal/assessment, 125P

Stampage values, 6ER

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

SOCIAL SERVICES

Community Services, Office of

Adoption program, 141ER, 198R
Child abuse/neglect, 79R
Child protection, 198R, 316N
Emergency shelter, 326P
Repeal of rules, 79R
State Voluntary Registry, 22ER
Weatherization Assistance Program, 126P

Family Support, Office of

Food stamps, 22ER, 142ER, 245ER
JOBS

Aid to Families with Dependent Children (AFDC),
244ER

Participation requirements, 80R

Project Independence, 244ER

Lottery winnings, 118N

Refugee assistance, 22ER

Rehabilitation Services, Office of

Examination, 218P

Secretary, Office of

Child Care and Development Block Grant, 288R

Community/family support system, 185R

Title IV-A At-Risk Child Care, 288R

STATE

Uniform Commercial Code, Office of

Secured transactions, 118N

TRANSPORTATION AND DEVELOPMENT

Secretary, Office of

Oversize permit, 216N

Railroad traffic speed, 319N

TREASURY

Deferred Compensation Commission

Restated plan, 323N

State Employees Group Benefits Program, Board of Trustees of the

Participant employer, 246ER

State Employees' Retirement System, Board of Trustees of the

Deferred Retirement Option Plan (DROP), 81R
Trustees, 81R

Teachers' Retirement System, Board of Trustees of the

Deferred Retirement Option Plan (DROP), 321N

WILDLIFE AND FISHERIES

Wildlife and Fisheries Commission

Commercial fisherman

Sales card, 81R

Sales report, 82R, 198R

Crab trap, 199R

Fish/wildlife values, 290R

Gill/trammel net, 294R

King Mackerel, 143ER

Lake Bruin, 294R

Mayhaw fruit, 290R

Mullet, 143ER

Records confidentiality, 82R

Resident game, 323N

Seed oysters, 23ER

Shrimp season

Chandeleur Sound, 246ER

Spotted Seatrout, 199R, 217CR

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



