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Executive Orders

EXECUTIVE ORDER EWE 92-19

WHEREAS, pursuant to the Tax Reform Act of 1986 (the "Act") and Act 51 of the 1986 Louisiana Legislative Session, Executive Order No. BR 88-35 establishing (i) a method for the allocation of bonds subject to the private activity bond volume limits, including the method of allocation of bonds subject to the private activity bond volume limits for this calendar year 1992 (the "1992 Ceiling"), (ii) the procedure for obtaining an allocation of bonds under the 1992 Ceiling and (iii) a system of central record keeping for such allocations; and

WHEREAS, the state of Louisiana, through the State Bond Commission, has requested an allocation in the amount of \$15,225,000 from the 1992 Ceiling to be used in connection with the financing of certain projects identified on Exhibit A hereto and incorporated herein by reference to be financed with a portion of the proceeds of the \$229,715,000 principal amount of state of Louisiana General Obligation Bonds, Series 1992-A (the "Project"); and

WHEREAS, the governor has determined that the project serves a crucial need and provides a benefit to the state of Louisiana; and

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

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

SECTION 1: The bond issue hereinabove described is hereby granted an allocation from the 1992 Ceiling in the amount shown:

AMOUNT OF ALLOCATION	NAME OF ISSUER	NAME OF PROJECT
\$15,225,000	Louisiana State Bond Commission	See Exhibit A hereto

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

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 17th day of March, 1992.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXHIBIT A

1. Union Parish - Land Acquisition and Site Improvements for Economic Development - \$3,150,000 (allocation: \$1,586,725)
2. Biomedical Research Institute of Northwest Louisiana Research and Related Equipment - \$8,750,000 (allocation: \$4,407,561)
3. Department of Military Affairs - Plan and Construct U.S. Marshals Training Facility Camp Beauregard - \$3,365,000 (allocation: \$1,695,025)
4. Port of South Louisiana - Property Acquisition for Multi-Use Port Facility - \$4,000,000 (allocation: \$2,014,888)
5. Iberia Airport Authority - Acadiana Regional Airport Aircraft Hangar Expansion Planning - \$1,935,000 (allocation: \$974,702)
6. Chenault Industrial Airpark Authority - Improvements for Commercial Aircraft Maintenance Facility - \$2,300,000 (allocation: \$1,158,561)
7. Madison Parish Port Authority - Road and Spur Construction and Drainage - \$75,000 (allocation: \$37,779)
8. Port of Iberia - Expansion and Improvement of Public Dock and 75-acre site for economic development - \$2,305,000 (allocation: \$1,161,080)
9. St. Bernard Port, Harbor and Terminal District - Kaiser Site - Acquisition, Planning and Facility Improvements - \$4,000,000 (allocation: \$2,014,888)
10. State Fair of Louisiana Fairgrounds Improvements - \$345,000 (allocation: \$173,784)

EXECUTIVE ORDER EWE 92-20

WHEREAS, pursuant to the provisions of R.S. 39:75 Paragraph B., the Joint Legislative Committee on the Budget has notified the governor that a projected decline in revenues for the Transportation Trust Fund exists for FY 91-92; and

WHEREAS, to avoid incurring a deficit in the Transportation Trust Fund in accordance with R.S. 39:75, R.S. 49:314, and Section 13.B. of Act 12 of 1991, reductions are necessary;

THEREFORE, I, EDWIN W. EDWARDS, Governor of the State of Louisiana, find it necessary to order and direct the following to ensure a balanced budget in Transportation Trust Fund in the current fiscal year.

SECTION 1: Appropriations for expenditures in Act 12

of 1991 shall be adjusted for the following budget units in the amounts as shown below:

Department of Transportation and Development	
Office of Secretary Budget Unit: 07-8272	
Amount of Reduction	\$ 21,429
Office of Management and Finance Budget Unit: 07-8273	
Amount of Reduction	\$ 526,531
Office of Engineering Budget Unit: 07-8276	
Amount of Reduction	\$ 4,698,978
Department of Public Safety and Corrections	
Office of State Police Budget Unit: 08-8419	
Amount of Reduction	\$ 759,184
Other Requirements	
Parish Transportation Fund Budget Unit: 20-8903	
Amount of Reduction	\$ 1,224,490
SECTION 1: TOTAL	\$ 7,230,612

SECTION 2: Appropriations for expenditures in Act 1013 of 1991 shall be adjusted for the following budget units in the amounts as shown below:

Department of Transportation and Development	
Office of Management and Finance	
Relocation of District 2 Subdistrict Headquarters	
Amount of Reduction	\$ 6,122
Office of Engineering	
Highway Construction Program	
Amount of Reduction	\$ 1,224,490
Office of Engineering	
Overlay Program	
Amount of Reduction	\$ 1,928,571
Office of Engineering	
State Funded Construction	
Amount of Reduction	\$ 544,898
Office of Engineering	
Statewide Flood Control Program	
Amount of Reduction	\$ 306,122
Office of Engineering	
Port Construction and Development Priority Program	
Amount of Reduction	\$ 459,185
SECTION 2: TOTAL	\$ 4,469,388
GRAND TOTAL	\$11,700,000

SECTION 3: Budget cuts pursuant to this order shall become effective March 18, 1992 at 5 p.m.

SECTION 4: If any provision or item of this order or the application thereof is held invalid, such invalidity shall not affect other provisions, items or application 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 18th day of March 1992.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 92-21

WHEREAS, Louisiana has a vital interest in the affairs of the various military components within the state, including federal military installations located within its borders, the national guard, as well as active and retired military personnel who are domiciled in the state of Louisiana; and

WHEREAS, the state of Louisiana does not currently have any coordinating body to pull together the various military interests which exist within the state, to provide a forum for those interests, as well as to serve as a liaison between the various military entities and various civilian interests within the state; and

WHEREAS, various issues have arisen regarding such coordination and communication which necessitate the appointment of such a coordinating body;

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 Governor's Military Advisory Commission, and do hereby order and direct as follows:

SECTION 1: The commission shall be comprised of at least 21 members appointed by the governor to serve for a term of three years. Membership shall consist of the following:

- A. the adjutant general of Louisiana or designee;
- B. the chairman of the state committee for employer support of the guard and reserve or designee;
- C. the secretary of the Department of Economic Development or designee;
- D. commanders from major military installations within the state of Louisiana or designee;
- E. commanders from major military commands stationed within Louisiana or designee;
- F. one member from the House of Representatives;
- G. one member from the Senate;
- H. the remaining members shall be chosen from active and retired military personnel, representatives of state and local government, and citizens interested in military affairs.

SECTION 2: The commission shall meet regularly at the call of the chairman and may hold special meetings at any time at the call of the chairman, the governor or the secretary of the Department of Economic Development.

SECTION 3: The commission shall have the following duties:

- A. provide a forum for the discussion of issues concerning major military installations in the state, active and retired military personnel and their families;
- B. formulate goals and objectives which enhance cooperation and understanding between the military compo-

nents, the communities, our congressional delegation, the general public, and state, federal and local governments;

C. strengthen the state's role in securing defense related business for Louisiana businesses and in selling Louisiana products to Louisiana military bases;

D. collect and study information related to supporting and strengthening the military presence within the state;

E. review proposed military affairs legislation;

F. advise the governor on measures and activities which would support and enhance defense installations and military families within the state.

SECTION 4: Support staff of the commission shall be provided by the Department of Economic Development. Members shall serve without compensation but may receive reimbursement contingent upon the availability of funds, for travel and per diem expenses in accordance with state guidelines and procedures.

SECTION 5: 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 19th day of March, 1992.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 92-22

WHEREAS, the health, welfare, and prosperity of thousands of Louisiana's citizens depend on the productivity of Louisiana's shrimp fisheries, the largest and most valuable fishery in the state; and

WHEREAS, there are currently numerous problems confronting the Louisiana shrimp industry including, but not limited to, the importation of foreign shrimp, the question of shrimp habitat, and a conflict concerning shrimping equipment; and

WHEREAS, these problems present an exigency to Louisiana's shrimp industry, therefore requiring action to be taken; and

WHEREAS, it is the intent of the governor of the State of Louisiana that this executive order supersede and prevail over Executive Order BR 89-39 and its specified provisions;

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 create the Governor's Task Force on Shrimp Management and do hereby order as follows:

SECTION 1: The Governor's Task Force on Shrimp Management shall be composed of the following members who shall be appointed by and serve at the pleasure of the governor:

1. one shrimp broker;
2. two members of the Louisiana Shrimp Association;
3. two Louisiana members from the American Shrimp Processors Association;

4. twelve shrimp fishermen from throughout coastal Louisiana;

5. two shrimp buyers;

6. two staff members from the Department of Wildlife and Fisheries to serve as non-voting members; and

7. two facilitative aides to serve as non-voting members.

SECTION 2: The governor shall appoint the chairman of the Task Force.

SECTION 3: The functions and goals of the Task Force include, but are not limited to:

1. reviewing the current statutes, regulations and management techniques employed by the Department of Wildlife and Fisheries as they relate to the Louisiana shrimp industry;

2. recommending management criteria to open and close the shrimp seasons in offshore waters and the fall in-shore season;

3. reviewing licensing programs and requirements as it might apply to the Louisiana shrimp industry;

4. taking all reasonable steps to assure the proper management of the Louisiana shrimp resource; and

5. submitting a written report to the governor within one year after issuance of this executive order, and thereafter as the situation warrants, or as requested by the governor.

SECTION 4: In order to accomplish such goals, the Shrimp Task Force may request such assistance reasonably necessary from the Department of Wildlife and Fisheries.

SECTION 5: All departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with the Governor's Task Force on Shrimp Management in implementing the provisions of this executive order.

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

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 20th day of March, 1992.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 92-23

WHEREAS, Louisiana's Maritime Industry including ports, both deep-draft and shallow-draft, have been and are a key to the economic well-being and the continuing economic development of the state; and

WHEREAS, because of changing circumstances in the Maritime industry in recent years, particularly in the character, volume, and directional flow of cargo, and corresponding in the nature of facilities needed to handle such cargo, there is a need for a current assessment of the role that ports

presently play in Louisiana, and the role that such ports should play in the future. Additionally, changes in federal and state regulations must be reviewed to determine their impact on Louisiana's Maritime Industry as a whole;

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 Governor's Task Force on Maritime Industry within the Executive Department, Office of the Governor, and do hereby order and direct as follows:

SECTION 1: The Governor's Task Force on Maritime Industry is hereby established.

SECTION 2: The task force shall be composed of the following members, each of whom shall be appointed by and serve at the pleasure of the governor;

1. two members of the steamship industry;
2. two Louisiana state commissioned ship pilots;
3. one member from the port-related organized labor force;
4. one member from deep draft ports;
5. one member from shallow draft ports;
6. chairman of the transportation committee of the House of Representatives;
7. chairman of the transportation committee of the Senate;
8. one member of the mineral and oil industry;
9. one member from Louisiana's commercial fishing industry;
10. one member of the ship/barge building-repair industry;
11. one member from the towing industry;
12. two members from the state at large.

SECTION 3: The governor shall designate the chairman and vice chairman of the task force.

SECTION 4: The duties of the task force include, but are not limited to:

1. evaluate the Transportation Trust Fund in direct respect to the annual appropriations to the ports. Review the priority and permitting program with a goal of obtaining capital out laid funds through DOTD;
2. develop a program of support to accomplish the dredging of the Mississippi River to 45 feet from Mile 180 to Baton Rouge;
3. study and if feasible recommend measures to form a joint marketing program for the Ports of Louisiana and coordinate this program with the DED;
4. study and if feasible recommend the appointment of an under secretary or deputy secretary of maritime under DOTD;
5. work with the governor's oil spill coordinator, Department of Environmental Quality, Department of Natural Resources, and other state agencies in forming a state program for response and clean up of any unauthorized oil spill;
6. investigate potential ways in which state government can assist and support the state's maritime industry port system;
7. study and if feasible recommend a mechanism for coordination of the state's deep-draft ports in order to encourage the state's broader international trade and economic development objectives;
8. recommend measures to enhance and promote the position of Louisiana's ports in national and international cargo market;

9. research and recommend measures to provide improved interaction between Louisiana's deep-draft ports as links in the inland waterways, shallow-draft ports, and international shipping systems;

10. research and recommend measures to assist shallow-draft ports in their planning, marketing and program implementation and other port-related matters;

11. develop a plan to insure an optimal allocation of local, state and federal resources available to develop the state's intermodal transportation system as it relates to domestic and international trade;

12. finalize those issues as developed by the governor's Maritime Transportation Transition Team;

13. submit to the governor a preliminary written report of its findings and recommendations within 90 days of the execution of this executive order;

14. submit to the governor written reports of its findings and recommendations as the situation warrants, or as requested by the governor.

SECTION 5: No member of the task force shall receive a per diem but shall be reimbursed for actual travel expenses in accordance with regulations of the Division of Administration.

SECTION 6: The task force shall appoint advisory committees composed of the various segments of Louisiana's maritime industry and of the Departments of Commerce, National Resources, Transportation and Development, Environmental Quality; and DOED. These advisory committees shall serve as a resource group to provide information to the task force upon request by the task force.

SECTION 7: The task force is authorized to receive or accept grants, donations, contributions or appropriations from public and private sources and is further authorized to expend any funds made available from these sources to carry out the purpose of the task force.

SECTION 8: All departments, commissions, boards, agencies and officers of the state or any political subdivision thereof are authorized and directed to cooperate with the governor's task force on maritime industry in implementing the provisions of this executive order.

SECTION 9: 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 25th day of March, 1992.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 92-24

WHEREAS, the people of Louisiana are in significant part composed of minority residents; and

WHEREAS, the minority residents of Louisiana have special concerns relative to their health, safety, and welfare; and

WHEREAS, the minority population of Louisiana in-

cludes, but is not limited to, African Americans, women, and the handicapped; and

WHEREAS, the economic development of small disadvantaged businesses would improve and enhance the quality of life for the minority residents in Louisiana; and

WHEREAS, the efforts on behalf of the minority residents of Louisiana may be best coordinated and directed from an office established within the Executive Department, Office of 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 Minority Affairs within the Executive Department, Office of the Governor, and do hereby order and direct as follows:

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

SECTION 2: The duties and functions of the Office of Minority Affairs shall include, but are not limited to, oversight, developing, coordinating, and directing the efforts to enhance the quality of life of the minority residents of Louisiana; providing, promoting, and coordinating enabling legislative initiatives for minorities; providing, promoting, and oversight of economic development programs and activities for minorities; providing and promoting assistance to the small disadvantaged businesses of Louisiana; providing and coordinating information to and among the various private and state agencies which serve to enhance the health, safety, and welfare of the minority residents of Louisiana; advising the governor on issues relative to minority affairs; assisting the Office of the Governor in constituent services; and other duties and functions as requested by the governor.

SECTION 3: The Office of Minority Affairs shall be directed by an executive assistant to the governor for Minority Affairs. The executive assistant to the governor for Minority Affairs shall be appointed by and serve at the pleasure of the governor, who shall also determine the executive assistant's salary.

SECTION 4: The Office of Minority Affairs shall locate in and operate from the Office of the Governor.

SECTION 5: The Office of Minority Affairs may procure reasonable office personnel and equipment so as to effectively conduct its business, as approved by the Office of the Governor.

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 Minority Affairs in implementing the provisions of this executive order.

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

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 1st day of April, 1992.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 92-25

WHEREAS, the Louisiana Legislature passed House Concurrent Resolution No. 6 of the First Extraordinary Session of 1991 which proclaimed that the POW/MIA flag be flown over the Louisiana State Capitol for the three-month period of April, May, and June, to honor and express our gratitude to those men and women who have been or remain prisoners of war and those who are missing in action and unaccounted for; and

WHEREAS, Executive Order BR 91-13 ordered and directed that the POW/MIA flag shall continue to be flown over the Louisiana State Capitol until December 31, 1991;

NOW THEREFORE I, EDWIN W. EDWARDS, Governor of the State of Louisiana, do hereby order and direct that the POW/MIA flag shall be flown over the Louisiana State Capitol building from April 1, 1992, and continue to fly for the duration of my term as governor, as a symbol of our gratitude to all those who are listed as missing in action and all those who have been forcibly detained as prisoners of war by our enemies, suffering torture, hunger, humiliation, and disease. They have made the ultimate sacrifice without benefit of the freedom they fought so hard to maintain.

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 1st day of April, 1992.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 92-26

WHEREAS, the Community Development Block Grant (CDBG) program (Public Law 93-383) has been amended to authorize the states to assume the administration of the "Small Cities" grant so that each state may most effectively design its community development program to meet its specific needs; and

WHEREAS, the 1981 Omnibus Reconciliation Act (Title III, Sub-title A) requires the states to establish their community development goals and plans for using their CDBG monies to implement their goals; and

WHEREAS, the states have the opportunity to formulate a set of guidelines for the CDBG program which reflects the priorities of their people; and

WHEREAS, the Division of Administration is the fiscal and administrative arm of the governor:

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

SECTION 1: The Division of Administration is hereby designed as the recipient of said CDBG funds and the operations of the Governor's Community Development Advisory Committee are hereby continued.

SECTION 2: The committee's duties shall be to identify the community development problems in Louisiana and the causes thereof and to recommend guidelines to govern

the distribution of the CDBG funds that the state will receive so that these monies will be used most effectively in mitigating community development problems in Louisiana.

SECTION 3: The committee shall be composed of seven members, five of whom shall be appointed by the governor to serve at his pleasure. These members shall represent parish and municipal governments, the legislature and the public-at-large. The remaining two members will consist of the commissioner of administration and one member appointed by the commissioner from the public-at-large.

SECTION 4: The commissioner of administration, or a designee, shall serve as the committee's executive secretary. The executive secretary shall secure adequate staff assistance for the committee and shall be responsible for transmitting a report containing the committee's recommendations to the governor or his designee.

SECTION 5: The recommendations of the committee and the program design shall be reviewed by the governor or his designee.

SECTION 6: Upon arrival by the governor or his designee of program shall be administered by the Division of Administration.

SECTION 7: This order shall remain in effect until amended or rescinded by order 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 1st day of April, 1992.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen

EXECUTIVE ORDER EWE 92-27

WHEREAS, the State of Louisiana through its Council for the Development of French in Louisiana (CODOFIL) and through its Consortium of Louisiana Universities is committed to preserving its French heritage and has developed considerable expertise in the promotion of the French language and culture; and

WHEREAS, the State of Louisiana through its Council for the Development of French in Louisiana (CODOFIL) and through its Consortium of Louisiana Universities has managed numerous programs pursuant to the teaching of French at all levels and to the training of Louisiana teachers of French; and

WHEREAS, the State of Louisiana is deeply interested in pursuing opportunities to share its French heritage with French-speaking entities, particularly with France, Quebec, the Canadian Maritime Provinces (New Brunswick, Nova Scotia and Prince Edward Island), and Belgium with whom the United States and the State of Louisiana have enjoyed cordial and productive relations over the years; and

WHEREAS, France, Quebec, the Canadian Maritime Provinces, and Belgium have pledged and demonstrated outstanding support for the efforts of the State of Louisiana to develop its cultural heritage in a spirit of international friendship and understanding; and

WHEREAS, France, Quebec, the Canadian Maritime Provinces, and Belgium, and the State of Louisiana have regularly met over the years in joint commission meetings to discuss and organize various prospects of pursuing educational, cultural, and touristic exchanges; and

WHEREAS, it is the mutual interest of the State of Louisiana and the people of France, Quebec, the Canadian Maritime Provinces, and Belgium to further this international cooperation and develop their cultural and commercial exchanges:

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

SECTION 1: The France-Louisiana Joint Committee, the Quebec-Louisiana Joint Committee, the Maritime Provinces-Louisiana Joint Committee, and the Belgium-Louisiana Joint Committee are hereby established.

SECTION 2: These committees shall be composed of the following members: the governor or his designee; the lieutenant governor or her designee; the chairman of CODOFIL Consortium of Universities or his designee; the director of CODOFIL; the president of the State Board of Elementary and Secondary Education or his designee.

SECTION 3: The chairman of CODOFIL shall serve as chairman of these committees.

SECTION 4: These committees shall meet at least once every three years.

SECTION 5: No member of these committees shall receive a per diem or other compensation for his services.

SECTION 6: The actual expenses of the members of the committees may be borne by the appropriate agency of the state government.

SECTION 7: This order shall remain in effect until modified, amended or rescinded 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 2nd day of April, 1992.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

Emergency Rules

DECLARATION OF EMERGENCY

Department of Education
Board of Elementary and Secondary Education

Bulletin 1858

AMENDMENTS TO THE LOUISIANA STATE PLAN FOR ADULT EDUCATION FY 1989-1993

The State Board of Elementary and Secondary Education, at its meeting of March 26, 1992, exercised those powers conferred by the Administrative Procedure Act, R.S. 49:953(B) and adopted the following proposed amendments to the Louisiana State Plan for Adult Education for FY 1989-1993, effective March 26, 1992.

Emergency adoption is necessary in order for the proposed amendments to be received by the U.S. Department of Education, Office of Adult Education and Literacy, no later than April 1, 1992 for the Louisiana Department of Education to receive 1992-93 federal funding for the statewide adult education program in a timely manner. The extensive approval process of these amendments is briefly described below.

The National Literacy Act, P. L. 102-73, enacted July 25, 1991, as amended by P.L. 102-103, enacted August 27, 1991, requires that the Louisiana State Plan for Adult Education, 1989-93 be revised. The proposed amendments were examined by education agencies, supervisors of adult education, the Participatory Planning Task Force, public and private non-profit organizations, community-based organizations, and private providers. The document was available for public review and comments for a period of 60 days. Two public hearings were held during the development of the proposed amendments. The document was further examined by the Board of Regents, the State Job Training Coordinating Council, the Adult Education Advisory Council, and the Adult Education Committee prior to BESE approval.

1.4 Assurances

Three new assurances (11, 12 and 13) have been added to the Assurances on Page 7 of the current State Plan.

11. The SEA will provide direct and equitable access to federal funds provided under the Act to local educational agencies, public or private nonprofit agencies, community-based organizations, correctional education agencies, post-secondary educational institutions, and institutions which serve educationally disadvantaged adults as provided under Section 322 of the Adult Education Act.

12. The SEA will use federal funds granted to the state under the Act to assist and expand existing programs and to develop new programs for adults whose lack of basic skills

- (a) renders them unemployable;
- (b) keeps them, whether employed or unemployed, from functioning independently in society; and
- (c) severely reduces their ability to have a positive effect on the literacy of their children.

13. The SEA will use not less than 15 percent of the federal funds granted to the state for special experimental demonstration projects and teacher training projects as authorized under Section 353 of the Act and will adhere to the special rule in Section 353 (b) in the expenditure of these funds which provides that two-thirds of the 15 percent will be dispensed for teacher training activities.

1.7 Formulation of State Plan Amendments

This section has been added to include the process used in developing the proposed amendments, and follows Page 16 in the current State Plan.

The bureau of Adult and Community Education developed a draft of the proposed amendments to the *Louisiana State Plan for Adult Education, 1989-93* in compliance with federal requirements of the Adult Education Act, as amended by the National Literacy Act, Public Law 102-73, enacted July 25, 1991, as amended by Public Law 102-103, enacted August 17, 1991. Available program information was used to develop the amendments, including local program evaluations, statistical data, analysis of goals and accomplishments, and current program needs and resources.

Louisiana does not have a State Advisory Council for adult education appointed in accordance with Section 332 of the Adult Education Act. The state will have a governor-appointed State Advisory Council for Adult Education and Literacy by July 1, 1992.

The Board of Elementary and Secondary Education, local education agencies, the Participatory Planning Task Force, the Adult Education Advisory Council of the State Board of Elementary and Secondary Education, and the public contributed to the formulation of the amendments.

Local Education Agencies

A draft of the proposed amendments was sent to the superintendent of each local education agency requesting those officials to review and comment on the document. The bureau also asked that the proposed amendments be available for public review and comment for a period of 60 days ending March 31, 1992.

A statewide meeting of supervisors of Adult Education was held at the Sheraton Hotel in Baton Rouge on March 9-11, 1992. The primary purpose of this meeting was to review the proposed amendments to the State Plan and receive recommendations and comments related to the proposed changes to the Plan.

Public Review and Comment

The public was informed of the development of the proposed amendments to the State Plan through published notices in major newspapers statewide. The notices read as follows:

PUBLIC NOTICE

A draft of the proposed amendments to the Louisiana State Plan for Adult Education, 1989-93, is currently available for public review in all local public school board offices in Louisiana. Two public hearings are scheduled as follows.

February 20, 1992, Rapides Parish Adult Learning Center, Peabody Extended Campus, 3441 Prescott Road, Alexandria, Louisiana, 10 a.m. - 11:30 a.m.

February 21, 1992, Louisiana Department of Education, Second Floor Conference Room, 626 North Fourth Street, Baton Rouge, Louisiana, 8:30 a.m. - 10 a.m.

Speakers should restrict their comments to the provisions of the State Plan and the proposed amendments with respect to the Adult Education Act, P.L. 100-297, as

amended. Other public comments will be accepted in writing through March 31, 1992.

Public hearings on the proposed amendments to the State Plan were held on the above dates in the specified locations.

The State Board of Elementary and Secondary Education will publish a notice of intent in the Louisiana Register, indicating that the public has 90 days to comment on the proposed amendments.

The proposed amendments were submitted for review to the State Board of Elementary and Secondary Education (agency for vocational education), the Board of Regents (agency for postsecondary education), and the State Job Training Coordinating Council. The local education agencies and the Adult Education Advisory Council of the State Board of Elementary and Secondary Education also examined the proposed amendments.

Evidence of notification and circulation of the proposed amendments from all of the above sources is included in the Exhibits.

Comments and Recommendations

A summary of the recommendations submitted for consideration and incorporation into the proposed amendments to the State Plan follows, along with the Bureau of Adult and Community Education's response.

Recommendation: that Goal One, Activity L, be revised as follows--"Establish and maintain classes that address the academic needs of elderly adults by assuring increased adult education availability through establishing and maintaining personal contacts between each of the 64 Councils on Aging and their local adult education organizations."

Response: This statement has been added to Goal One, Activity L.

Recommendation: that a sentence be added that states that "the state will have a governor-appointed State Advisory Council for Adult Education and Literacy by July 1, 1992."

Response: This statement has been added to Section 1.7.

Recommendation: that funding to support the revised Goals and Activities reflected in the proposed amendments be provided.

Response: The State Department of Education will continue its efforts to secure adequate funding to support expansion and maintenance of adult education services to the undereducated adults of Louisiana.

Recommendation: that Section 3.0 reflect the change that was made in Section 1.7 and Section 7.0 regarding a governor-appointed State Advisory Council for Adult Education and Literacy.

Response: The change has been made in Section 3.0 as requested.

Recommendation: that page 22 of the State Plan be revised to show the new members of the Adult Education Advisory Council.

Response: The change has been made in Section 2.2 as requested.

2.2 Adult Education Advisory Council

This section replaces Page 22 of the current State Plan.

The Adult Education Advisory Council is a standing advisory committee of the State Board of Elementary and Secondary Education and is governed by the rules and procedures of all such committees. This council consists of one member from each of the eight board districts plus three

at-large members, all appointed by the State Board. The council is funded solely through state funds. Federal funds or non-federal matching funds are not used for this purpose.

2.3 Representation

This section has been added and follows Page 22 of the current State Plan.

The following entities contributed to the development of the proposed amendments to the State Plan: the Board of Elementary and Secondary Education; the Adult Education Advisory Council of the State Board of Elementary and Secondary Education; local education agencies; adult education supervisors; the Participatory Planning Task Force; community-based organizations; private providers; and the public were informed of the development of the amendments and were invited to offer recommendations and comments. Individuals from throughout Louisiana represented various constituencies with an interest in adult education.

An evaluation instrument that includes indicators of program quality will be developed in consultation with a widely representative group of appropriate experts, educators, and administrators. The instrument will reflect whether local programs are effective, successfully recruiting, effectively retaining, and improving literacy skills of the individuals served in their program. Members of the Board of Elementary and Secondary Education; the Adult Education Advisory Committee of the Board of Elementary and Secondary Education; the local education agencies; adult education supervisors; the Participatory Planning Task Force; community-based organizations; private providers; the Louisiana Association for Public Community and Adult Education; and the public will participate in the development and implementation of the evaluation instrument.

3.0 STATE ADVISORY COUNCIL

This section replaces Page 23 of the current State Plan.

Louisiana does not have a State Advisory Council appointed by the governor in accordance with Section 332 of the Adult Education Act. The state will have a governor-appointed State Advisory Council for Adult Education and Literacy by July 1, 1992.

5.1 Goal Accomplishments, 1988-89 Through 1990-91

This section has been added to include the accomplishments for the years 1988-89 through 1990-91, and follows Page 62 of the current State Plan.

The Louisiana adult education program has been successful in meeting the eight goals established in the Louisiana State Plan for Adult Education, 1989-1993. Progress was made to expand educational services to those adult education programs that served individuals who were least educated and most in need of assistance. Goals and accomplishments are described as follows:

Goal One. To serve all segments of the undereducated adult population in the 66 local school systems of the state.

The adult education program operated in all populated areas of the state in cooperation with local education agencies, vocational and technical schools, business and industry, labor unions, health agencies, public and private institutions, institutions for the handicapped, manpower and training programs, and other public and private agencies and institutions.

Classes were offered in urban, suburban, and rural areas of the state. Where feasible, classes were situated near public transportation facilities and were scheduled at times convenient to the target population. Local adult education

supervisors were encouraged to consider the child care needs of students so that parents could attend classes.

Instruction was offered a minimum of 36 weeks during the 1989-90 and 1990-91 years. Sessions were conducted at full-time learning centers, vocational-technical schools, public school buildings, worksites, housing developments, community centers, prisons, libraries, churches, nursing

homes, hospitals, and other sites.

The chart below summarizes the activities of the statewide adult education program and compares data from the 1988-89 program year with data from the 1990-91 program year. The 1988-89 program year reflects the data from the last year from the previous State Plan. The positive or negative changes are noted in the last column of the table.

	<u>1988-89</u>	<u>1990-91</u>	<u>Change</u>
Total enrollment	39,400	43,349	+ 10%
GED graduates	6,645	7,127	+ 7%
Enrollment in grade levels 0-4.9	4,606	6,710	+ 46%
Enrollment in grade levels 5.0-8.9	14,622	15,226	+ 4%
Enrollment in advanced ESL and adult secondary education	20,172	21,413	+ 6%
Completed 8th grade	4,255	4,090	- 4%
Issued upgrading certificates	5,006	5,384	+ 8%
Enrollment in full-time adult learning centers	28,262	31,149	+ 10%
Adults in rural areas	4,239	6,704	+ 58%
Adults in urban areas with high rates of unemployment	6,081	8,769	+ 44%
Disabled adults	902	628	- 30%
Immigrant adults	346	594	+ 72%
Adults in correctional facilities	1,533	1,646	+ 7%
Other institutionalized adults	245	525	+114%
Employed adults	3,679	2,473	- 33%
Unemployed adults	6,197	3,248	- 48%
Adults on public assistance	2,591	2,979	+ 15%
Students who obtained employment	2,441	2,174	- 11%

	<u>1988-89</u>	<u>1990-91</u>	<u>Change</u>
Students who secured job retention or obtained job advancement	2,268	1,200	+ 3%
Elderly adults	529	468	- 12%
Adults with limited English language skills	623	937	+ 50%
Minority groups	7,072	9,509	+ 35%
ESL enrollment	1,131	1,435	+ 27%
Full-time learning centers	44	42	- 5%
Vocational-technical centers	23	26	+ 13%
Full-time administrators	20	22	+ 10%
Full-time teachers	93	93	N/C
Full-time paraprofessionals	72	73	+ 1%
Part-time administrators	62	61	- 1%
Part-time teachers	503	482	- 4%
Part-time paraprofessionals	96	98	+ 2%
Part-time evening classes	N/A	503	N/A
Enrollment in literacy outreach	1,765	1,234	- 30%
Total classes offered	604	602	- 1%

N/A --- Not available

N/C --- No change

Goal Two. To administer the adult education program

The adult education program in Louisiana was administered in accordance with the State Plan for Adult Education, 1989-93 during the 1989-90 and 1990-91 program years. Policies, procedures, and regulations were established to guide local education agencies and non-profit entities in program operation. Technical assistance and mandatory reporting forms were available to each organization that received adult education funds.

The Bureau of Adult and Community Education evaluated 100 percent of the local adult education programs for each of the two years to determine the extent that local objectives were accomplished. Monthly reports were monitored for class activity, and expenditures were compared with approved local budgets. Annual reports were collected, data aggregated, results analyzed to determine overall program effectiveness, and completed reports sent to the U.S. Department of Education.

The following forms were used by local adult education program directors to administer their programs:

- Monthly Report and Request for Reimbursement
- Teacher's Annual Evaluation Reports (ABE and R.S. 17:14)
- Annual Financial Report
- Annual Performance Reports (ABE and R.S. 17:14)
- Plans and Requests for an Allocation of Funds (ABE and R.S. 17:14)

Technical assistance forms were available to local programs to manage student files.

Goal Three. To expand the delivery system of adult education through supplementary funding sources and cooperative efforts with other agencies, organizations, and institutions serving undereducated adults.

The adult education program continued to expand the

delivery system in an effort to enable more eligible undereducated adults to enter the program and upgrade their academic skills.

Statistical data is reflected below that summarizes the state's progress toward accomplishing Goal Three of the State Plan for 1989-1993:

	<u>1988-89</u>	<u>1990-91</u>	<u>Change</u>
Worksite classes	N/A	19	N/A
JTPA/Adult Education cooperative classes	46	30	- 35%
Adults in correctional facilities	1,533	1,646	+ 7%
Other institutionalized adults	245	525	+114%
ESL enrollment	1,131	1,435	+ 27%
Vocational-technical centers	23	26	+ 13%

N/A --- Not available

For both 1989-90 and 1990-91 program years, funds were awarded to Louisiana Public Broadcasting (LPB) to air a series of programs aimed at the undereducated population. The LPB network was able to reach viewers who wanted to participate in the series. The programs which were broadcast included "GED on TV," "Another Page," and "Learn to Read." The "GED on TV" program was broadcast in English throughout the state, and also in Spanish in the New Orleans metropolitan area.

Goal Four. To improve the quality of local adult education instruction programs.

Full-time adult education teachers are required to be certified in the field of adult education. In 1989-90, 91 percent of the full-time instructors were certified in adult education, and, though not required, 40 percent of the part-time instructors were certified in adult education. In 1990-91, 94 percent of the full-time teachers had gained certification, and 30 percent of the part-time instructors had earned this endorsement.

In 1989-90, 73 instructional personnel attended adult education institutes or completed adult education courses at the university level; 244 attended adult education conferences or meetings; and 544 participated in local adult education workshops. A total of 411 individuals joined the Louisiana Association of Public Community and Adult Education (LAPCAE), the professional organization for adult educators.

During 1990-91, 113 instructional personnel attended adult education institutes or completed adult education courses at the university level; 233 individuals attended adult education conferences; and 499 participated in local workshops. Additionally, 331 teachers joined or renewed their membership with LAPCAE.

A total of 47 adult education programs supplemented

their traditional teaching methods with computer-assisted instruction, an increase of 81 percent from the previous year. Section 353 funds enabled the Department of Education to fund teacher-training activities at three state universities during the 1989-90 and 1990-91 years. Louisiana State University provided training to 170 teachers in the area of mathematics. Southern University in Baton Rouge offered a series of seven college-level courses which could be applied to adult education certification. Northwestern State University provided telecourses and offered a mentoring program for interested teachers.

LAPCAE developed a teacher-training program to address the needs of teachers who work with teenagers who have entered the adult education program. This Section 353 project provided training for 350 participants.

"Project Printshop" and "Project WorldView" were grants awarded to East Baton Rouge School Board from section 353 funds. Those projects were developed to enhance the learning opportunities of students who were performing at the 6.0-8.5 grade level.

Goal Five. To initiate and expand literacy efforts through local adult education programs, volunteer groups, and established literacy programs to reach the least educated and most in need of assistance

Through cooperative efforts with various agencies, institutions, and organizations, 1,234 individuals least educated and most in need of assistance were served by 360 volunteers during 1990-91.

In addition to the local education agencies providing services to this target population, academic training was offered through private, non-profit organizations. The following organizations conducted programs: St. Paul Adult Learning Center, Hope House Adult Learning Center, and

Central City Adult Learning Center.

Activities were offered in adult education centers, housing developments, community centers, prisons, libraries, and other locations. Civic organizations, local businesses, public organizations, media, and cultural establishments contributed to outreach activities in an effort to recruit those individuals who could be served by the program.

Laubach Tutor Training Workshops were conducted in several locations for interested volunteers. In Acadia Parish, 30 adults received training in 1990-91, and 35 tutors were trained in the prior year.

The North Central Louisiana Literacy Consortium was created in 1989-90 to conduct a comprehensive needs assessment in cooperation with various industries, agencies, institutions, and organizations in Bienville, Claiborne, Jackson, Lincoln, and Union Parishes.

Forty-five students enrolled in a program devoted to serving an elderly population in Calcasieu Parish in 1989-90. The program was designed to provide basic literacy skills in reading and writing to adults who were non-readers and low-level readers.

Project Literacy U.S. (PLUS) and Dollar General awareness campaigns continued to generate interest in obtaining adult education services. PLUS activities continued to be coordinated statewide, and information was disseminated to local programs relative to inquiries received at the state level.

Goal Six. To initiate and support public and private sector involvement in planning and implementing Louisiana's adult education program.

A statewide adult education supervisors' meeting was jointly sponsored by the Bureau of Adult and Community Education and the Louisiana Office of Literacy. Participants discussed issues that would determine the direction and success of adult education in Louisiana. Participants included community-based organizations, literacy providers, supervisory personnel, members of the Participatory Planning Task Force, and members of the Board of Elementary and Secondary Education's Adult Education Advisory Council. Annual public announcements were published in seven large newspapers located throughout Louisiana. These notices informed the general public and interested agencies of the availability of funds to operate adult education programs.

Goal Seven. To implement special experimental demonstration and teacher-training projects annually under section 353 of the Act.

Public announcements were published each year in seven newspapers notifying the public of funds available to support Section 353 special experimental demonstration projects and teacher training grants. Direct notice was sent to local education agencies, colleges and universities, current grant recipients, and non-profit agencies or organizations who had applied for funds recent years. Over the past two years, the bureau received 48 proposals requesting financial support. A total of 22 proposals were funded to eligible applicants based on established priorities and review procedures.

Goal Eight. To promote the adult education program by increasing public awareness of available services and benefits. In conjunction with the "GED on TV" television series and other literacy telecourses, Louisiana Public Broadcasting printed and distributed 30,000 flyers announcing the series of programs. See Goal 3 for additional information regarding the "GED on TV" broadcasts. LPB was also instrumental in

producing 16 half-hour programs entitled "Access." These programs were broadcast through the public television network and shared information about successful efforts underway in local systems. The telecasts informed the public of available adult education services and provided a local phone number. An additional one-hour special on awareness of the illiteracy problem in Louisiana was broadcast during prime time viewing hours.

6.0 GOALS AND ACTIVITIES, 1989-95

This section replaces Pages 63-75 of the current State Plan.

Goals for the years 1989-90 through 1991-92 and the amendments for the years 1992-93 through 1994-95 were established through examination of federal regulations, program evaluations, statistical data, analyses of program effectiveness, staff discussions, administrative input, cooperation from professional organizations, and suggestions from the Board of Elementary and Secondary Education, the Adult Education Advisory Council of the Board of Elementary and Secondary Education, adult education supervisors, local education agencies, community-based organizations, private providers, the Participatory Planning Task Force, and the public.

The goals and accomplishments during the period of the prior State Plan and the effectiveness of the program during the current State Plan were assessed in redefining this section. Projections for the years 1992-93, 1993-94 and 1994-95 have been considered to reflect growth and change since the State Plan was originally developed. Once the goals of the State program were clearly established, the methods and activities to be implemented in achieving them were redefined.

The state's administrative costs will not exceed five percent each program year for the duration of the State Plan. Allowable expenditures for administration of the program not used during the year of the grant award may be used in subsequent years.

All activities will be initiated to the extent that existing resources allow.

Goals and Activities 1989-95

Percentage of
Non-Federal
Funds (State
and Local)

Percentage of
Federal Funds
1991-92 1993-94
1992-93 1994-95

Percentage
of Other
Federal
Funds

Goal One. To serve all segments of the undereducated adult population through the local school systems, community-based organizations, public and private non-profit agencies, and literacy organizations

81%

66%

- a. Provide a minimum of 36 weeks of instruction in basic academic skills annually.
- b. Provide a minimum of 36 weeks of instruction for GED preparation annually.
- c. Assure program accessibility by increasing the number of conveniently located full-time adult education learning centers from 42 to 46 statewide by 1995, a 10 percent increase.
- d. Maintain program accessibility through flexible scheduling and convenient location of the 595 part-time classes in all 66 school systems.
- e. Increase the number of educationally disadvantaged adults enrolled in Level I programs (grades 0-4.9) from 6,700 per year to 8,000 per year by 1995, a 19 percent increase.
- f. Increase the number of adults enrolled in Level II programs (grades 5.0-8.9) from 15,200 per year to 17,000 per year by 1995, a 12 percent increase.
- g. Increase the number of adults enrolled in GED programs from 21,400 to 23,000 per year by 1995, a seven percent increase.
- h. Establish and maintain classes that address the academic needs of adults in rural and urban areas with high rates of unemployment from 15,473 to 17,200 by 1995, an 11 percent increase.
- i. Increase enrollment in academic outreach programs established to address the needs of the least educated and most in need population from 1,234 to 1,400, a 10 percent increase.

Goals and Activities 1989-95

	Percentage of Non-Federal Funds (State and Local)	Percentage of Federal Funds 1991-92 1993-94 1992-93 1994-95	Percentage of Other Federal Funds
j. Increase the enrollment of institution- alized adults from 2,171 per year to 2,500 per year by 1995, a 15 percent increase.			
k. Expand English as a Second Language enrollment from 1,435 per year to 1,700 per year by 1995, an 18 percent increase.			
l. Establish and maintain classes that address the academic needs of elderly adults by assuring increased adult education availability through establishing and maintaining personal contacts between each of the 64 Councils on Aging and their local adult education organizations.			
m. Increase the enrollment in classes that address the academic needs of the chroni- cally unemployed from 8,769 to 9,600, a nine percent increase.			
n. Increase the enrollment of handicapped adults from 628 to 710 by 1995, a 13 percent increase.			
o. Increase the enrollment of minority adults from 17,766 to 19,720 by 1995, an 11 percent increase.			

Goals and Activities 1989-95

	Percentage of Non-Federal Funds (State and Local)	Percentage of Federal Funds 1991-92 1993-94 1992-93 1994-95	Percentage of Other Federal Funds
--	--	--	--

Goal Two. To administer the adult
education program

6%

5%

- a. Develop and administer the State
Plan.
- b. Prepare the annual State budget
request with justifications for
adequate funding to implement a
statewide adult education program.
- c. Review and rate applicants' annual
budget requests and recommend funding
based on basic needs and account-
ability assessment allocations.
- d. Notify recipients of allocations and
request that "Plans and Requests for
an Allocation of Funds" be submitted
based on these awards.

Goals and Activities 1989-95

Percentage of
Non-Federal
Funds (State
and Local)

Percentage of
Federal Funds
1991-92 1993-94
1992-93 1994-95

Percentage
of Other
Federal
Funds

-
- e. Approve budgets for local providers in compliance with State and federal guidelines.
 - f. Provide supervision and monitoring of local program activities.
 - g. Submit annual aggregate programmatic, statistical, and financial reports to federal and State officials.
 - h. Issue public notification of the availability of State and federal funds and resources to support adult education statewide.

Goals and Activities 1989-95

Percentage of
Non-Federal
Funds (State
and Local)

Percentage of
Federal Funds
1991-92 1993-94
1992-93 1994-95

Percentage
of Other
Federal
Funds

Goal Three. To improve the effectiveness of the delivery system by mobilizing local education agencies, public and private non-profit agencies, community-based organizations, agencies responsible for institutionalized adults, post-secondary educational institutions, and other institutions that serve educationally disadvantaged adults.

5%

4%

- a. Support local activities that establish cooperative relationships with business and industry, labor organizations, vocational-technical schools, libraries, community-based organizations, literacy organizations, and other agencies that express an interest in adult education programs.
- b. Increase local interagency coordination with JTPA private industry councils from 30 to 32 projects by 1995, a seven percent increase.
- c. Promote the expansion of workplace literacy programs from 19 to 25 by 1995 through local cooperative efforts, a 32 percent increase.

Goals and Activities 1989-95

Percentage of
Non-Federal
Funds (State
and Local)

Percentage of
Federal Funds
1991-92 1993-94
1992-93 1994-95

Percentage
of Other
Federal
Funds

- d. (delete)
- e. Cooperate with Louisiana Public Broadcasting to air the GED television series on networks statewide.
- f. Maintain and expand referral networks between local adult education programs and cooperating agencies and organizations statewide.
- g. Explore other sources of funding to expand the delivery system of academic services to educationally disadvantaged adults.

Goals and Activities 1989-95

Percentage of
Non-Federal
Funds (State
and Local)

Percentage of
Federal Funds
1991-92 1993-94
1992-93 1994-95

Percentage
of Other
Federal
Funds

Goal Four. To improve the quality of
local adult education instructional
programs

3%

3% (See also Goal Seven)

- a. Increase from 94 percent to 100 percent the number of full-time teaching personnel certified in adult education.
- b. Conduct annual on-site evaluations of local programs in compliance with State and federal guidelines (at least 20 percent annually)
- c. (delete)
- d. Sponsor teacher training activities that emphasize training for full-time professional adult educators; training for minority educators; training for educators of adults with limited English proficiency; and training for teachers to serve illiterate individuals who have learning disabilities or who have a reading ability below the fifth grade.
- e. Increase the number of computer assisted instructional programs from 47 in 1990-91 to 54 in 1994-95, a 15 percent increase.
- f. Sponsor inservice training for GED examiners.

Goals and Activities 1989-95	Percentage of Non-Federal Funds (State and Local)	Percentage of Federal Funds		Percentage of Other Federal Funds
		1991-92 1992-93	1993-94 1994-95	
g. Disseminate information on activities instructional techniques, materials, and current policies and practices in adult education.				
h. Provide leadership and assistance to higher education and local personnel in developing adult education curriculum and training programs.				
i. To pre- and post-test at least 70 percent of the students in order to measure student achievement during their term of enrollment.				
j. Recognize those programs which achieve or exceed local goals and identify the indicators of program quality.				

<u>Goals and Activities 1989-95</u>	Percentage of Non-Federal Funds (State and Local)	Percentage of Federal Funds		Percentage of Other Federal Funds
		1991-92 1992-93	1993-94 1994-95	
<u>Goal Five.</u> To initiate and expand literacy efforts through local adult basic education programs, volunteer groups, and established literacy programs to increase the reading, writing, speaking, computing, and and problem solving skills of under-educated adults to enable them to function on the job and in society; to achieve one's goals; and develop one's knowledge and potential	4%		6%	
a. Provide leadership and technical assistance to local programs in initiating literacy instructional activities in convenient locations.				
b. Support developmental efforts of literacy providers in establishing instructional programs to serve undereducated adults.				
c. Increase the use of volunteers from 360 to 432 by 1995, a 20 percent increase.				

Goals and Activities 1989-95

Percentage of
Non-Federal
Funds (State
and Local)

Percentage of
Federal Funds
1991-92 1993-94
1992-93 1994-95

Percentage
of Other
Federal
Funds

- d. Encourage cooperation between local adult education programs, literacy organizations, and public libraries.
- e. Encourage literacy organizations to seek public and private sector funding for use in local literacy efforts.
- f. Assist local ABE programs and literacy organizations by serving as a clearing-house for literacy information.
- g. Support and maintain a literacy network within the State to coordinate State and national publicity efforts.
- h. Cooperate with literacy efforts established through the Governor's office and other State agencies.

Goals and Activities 1989-95

Percentage of
Non-Federal
Funds (State
and Local)

Percentage of
Federal Funds
1991-92 1993-94
1992-93 1994-95

Percentage
of Other
Federal
Funds

Goal Six. To initiate and support public and private sector involvement in planning and implementing Louisiana's adult education program

18

- a. Coordinate the formation of a Participatory Planning Task Force for Adult Education.
- b. Conduct planning and assessment meetings for task force input.
- c. (delete)
- d. Support the Adult Education Advisory Council of the Board of Elementary and Secondary Education as it provides input and advice to the Board.
- e. Involve the Louisiana Association for Public Community and Adult Education (LAPCAE) in professional activities that enhance and promote program goals.

Goals and Activities 1989-95

Percentage of
Non-Federal
Funds (State
and Local)

Percentage of
Federal Funds
1991-92 1993-94
1992-93 1994-95

Percentage
of Other
Federal
Funds

Goal Seven. To implement special
experimental demonstration and teacher-
training projects annually under section
353 of the Adult Education Act

15%

15%

- a. Issue public notification of the availability of section 353 project funds and request proposals for special experimental demonstration projects and teacher training grants.
- b. Evaluate proposals and submit funding recommendations to the Board of Elementary and Secondary Education for action.
- c. Notify successful applicants of grant awards, negotiate contracts, and execute funding decisions.
- d. Evaluate projects and submit final reports to the U.S. Department of Education within 90 days of the close of the program.

Goals and Activities 1989-95

Percentage of
Non-Federal
Funds (State
and Local)

Percentage of
Federal Funds
1991-92 1993-94
1992-93 1994-95

Percentage
of Other
Federal
Funds

Goal Eight. To promote the adult
education program by increasing public
awareness of available services and
benefits

1%

- a. Develop media materials for statewide dissemination that enhance the credibility of the adult education program and the GED equivalency diploma.
- b. Assist local programs in promotional and recruitment efforts through media and direct mail campaigns.
- c. Support the GED television series by producing and disseminating 30,000 promotional brochures annually.

6.1 Resources

For the 1991-92 year, the federal share of expenditures will not exceed 80 percent of the total program expenditures. For 1992-93 and subsequent years, the maximum federal contribution to adult education expenditures will be 75 percent.

Federal funds awarded to the Louisiana adult education program shall be disbursed as follows:

1. Beginning with the 1991-92 fiscal year, a maximum of five percent of the annual federal grant will be spent for state administrative costs, including employee salaries and related benefits, travel, operating services, supplies, and other allowable expenses. Ancillary services such as evaluation, teacher-training, dissemination, and curricular development expenditures are not considered administrative costs.

2. Beginning in 1992-93, a minimum of 15 percent of the annual federal grant will be used to fund special experimental demonstration and teacher-training grants. At least two-thirds of this amount will be used for teacher training activities. Proposed budgets submitted for review must comply with Section 15.0 of this Plan.

3. A maximum of 20 percent of the total federal grant will be used for programs of equivalency for a certificate of graduation from a secondary school.

4. A minimum of 10 percent of the federal grant will be spent on the education of institutionalized adults.

Administrative funds used to recruit students and emphasize the retention of students in adult education programs will be monitored to determine how effectively those resources are being used to meet the goals and activities outlined in this Plan.

Direct and equitable access to federal funds will be granted to eligible local recipients and other eligible applicants who have a demonstrated ability to offer academic services to institutionalized and non-institutionalized adults. To receive these funds, applications must adhere to the guidelines set forth in Section 8.0.

7.0 State Administration

This section replaces page 76 of the current State Plan. For the 1991-92 program year and subsequent years, a maximum of five percent of the annual federal award will be used for state-level administration.

The bureau will use the funds designated for state administration to:

1. develop and implement the State Plan and any amendments;
2. monitor program activities;
3. consult with other agencies, groups, and individuals involved in the planning, administration, evaluation, and coordination of programs funded under the Act; and
4. assign personnel as necessary.

Costs for ancillary services are not considered as administrative costs. Ancillary services include evaluation, teacher training, dissemination, and curriculum development. Louisiana does not have a governor-appointed State Advisory Council for adult education. The state will have a governor-appointed State Advisory Council for Adult Education and Literacy by July 1, 1992.

8.0 Policies, Activities and Procedures for Approving Applications

This section replaces Pages 77-86 of the current State Plan.

8.1 Eligibility of Applicants

The following entities are eligible to receive federal funding:

1. local education agencies;
2. correctional education agencies;
3. community-based organizations;
4. public or private non-profit agencies;
5. postsecondary educational institutions; and
6. agencies that have the ability to provide literacy services to adults and families.

A public or private non-profit agency, organization, or institution may apply on behalf of a consortium that includes a for-profit organization.

For a consortium to be eligible to receive federal funds, the LEA or public or private non-profit agency, organization, or institution shall enter into a contract with the for-profit entity. Any award of funds will be made to the local education agency or public or private non-profit entity that applies on behalf of the consortium.

For-profit agencies, organizations, and institutions must be able to make a significant contribution to attaining the objectives of the Adult Education Act. They must also provide substantially equivalent education at a lesser cost or provide services and equipment not available in public institutions. The bureau will determine that a for-profit applicant meets these requirements before consideration of the application.

Applications received from individuals or schools or departments of divinity are ineligible to receive federal funding.

The bureau will give preference to local applicants that have a demonstrated or can demonstrate a capability to recruit and serve educationally disadvantaged adults, particularly in areas with a high proportion of adults who do not have a certificate of graduation from a school providing secondary education or its equivalent.

8.2 Notice of Availability

In an effort to provide direct and equitable access to all federal funds provided under the Act, the bureau will issue a public notice to major newspapers in the state announcing the availability of state and federal funds to support adult education programs. Further, the bureau staff will establish a mailing list to notify local school systems, Participatory Planning Task Force members, correctional education agencies, community-based organizations; public or private non-profit agencies, post-secondary educational institutions, and agencies that have the ability to provide literacy services to adults and families, and other agencies that have a demonstrated ability to serve the target population, of the availability of funds.

8.3 Application Process

Funding for the local adult education programs is allocated for both basic needs and accountability assessment purposes.

Basic Needs Allocations

The amount of basic needs allocation to each population area (parish) is based upon the 1980 Census report of the number of adults who reside in each population area, are 16 years of age and older, who are not enrolled in the K-12 system, and who have not graduated from high school. The number of eligible adults in each parish is divided by the statewide eligible population. The resulting percentage is multiplied by the total funds available for distribution to

determine the basic needs allocation for each population area. As a requirement for qualification, local school systems must budget allocations for basic needs to operate minimum nine-month programs. All other eligible applicants are not required to operate a minimum nine-month program.

To assure that each population area has an opportunity to have a meaningful adult education program, a minimum of 50 percent of the total state and federal allocation designated for each population area will be distributed proportionately. A local education agency may agree to accept less than the basic needs allocation determined by the formula if that amount exceeds the LEA's funding request.

Accountability Assessment Allocations

Accountability assessment allocations are those funds in addition to basic needs allocations which may be granted to local educational agencies; correctional education agencies; community-based organizations; public or private non-profit agencies; postsecondary educational institutions; and agencies that have the ability to provide literacy services to adults and families. These funds are used to initiate, continue, develop, and expand new, established, and exceptional programs. Any program granted an assessment allocation from these funds must provide measurable evidence of accountability.

An LEA or private provider that requests accountability assessment funds shall present his proposal at a meeting of the state director of Adult Education, selected members of the State staff, and the local adult education supervisor, or representative of the private provider. Evidence substantiating the need for accountability assessment funds and the manner in which they will be used should be submitted by the local supervisor or private provider at that time. Local adult education supervisors and private providers will be encouraged to develop or enhance programs which serve incarcerated or other institutionalized adults; educationally disadvantaged adults; adults with limited English proficiency; and adults whose lack of academic skills renders them unemployed, underemployed, or reduces their ability to have a positive effect on the literacy of their children. The awarding of funds to local education agencies and private providers is reviewed at this meeting.

The director of the Bureau of Adult and Community Education may request that a written needs assessment and proposal for funding be submitted in lieu of the meeting mentioned in the preceding paragraphs. Written proposals must conform to the guidelines set forth in Section 8.4.

Funds will be allocated based on the goals and activities of the State Plan (Section 6.0) and on the criteria cited in "Submission of Funding Applications" (Section 8.4).

A minimum of one percent of the federal adult education grant will be awarded to public housing authorities for Gateway Grants provided fundable proposals are submitted for the minimum amount. These grants will be awarded competitively for two years. Any public housing authority that receives a grant shall consult with the local education agency in establishing a program. Proof must be provided in the application for funds that the local education agency has had adequate opportunity to comment on the public housing authority's proposal. The grants will be subject to all guidelines stipulated by state and federal regulations.

At least 95 percent of the federal funds provided to local recipients should be expended for adult education

instructional activities. In cases where the administrative cost limit of five percent restricts the LEA in adequately planning, administering, evaluating, and coordinating local activities, the bureau shall negotiate with the local recipient to determine an adequate level of funds to be used for non-instructional purposes.

Agencies that are awarded funds must not spend more than 30 percent of the combined federal and state adult education allocations for administrative purposes.

8.4 Submission of Funding Applications

All interested applicants will have a minimum of 30 days from the date of notification of availability of funds to submit a request. Closing dates will be announced by the State Department of Education in the original notification. Applicants must submit a narrative justification which includes (1) a description of current programs, activities, and services receiving assistance from federal, state and local sources that provide adult education in the geographic area; (2) a description of cooperative arrangements; (3) assurances that the adult education program is coordinated with and does not duplicate programs available to adults under other federal, state, and local programs; and (4) the projected goals with respect to participant recruitment, retention, and educational achievement and how the applicant will measure and report progress in meeting its goals.

The Bureau of Adult and Community Education will examine the past effectiveness of applicants in providing services (especially with respect to recruitment, retention, and student progress); the degree the applicant coordinates and utilizes other literacy and social services in the community; and the applicant's commitment to serve those individuals who are most in need of literacy services.

Applications should also include a needs assessment, program objectives, personnel information, budget request, and any other additional information which strengthens the presentation.

Description of Current Programs

Narratives submitted by eligible applicants must include a description of current programs, activities, and services receiving assistance from federal, state, and local sources that provide adult education services in the geographic area proposed to be served by the applicant. The narrative must include a specific explanation and substantiation of the agency's ability to provide direct services and expertise that is not being provided by the local adult education program.

Cooperative Arrangements

The narrative should contain a full description of cooperative arrangements that have been established for the delivery of services to the target population. Additionally, the narrative must include specific explanation and substantiation of interagency coordination for expanding adult education services. The applicant should provide an inventory of all other resources available to the program. Organizations are encouraged to coordinate activities and services with local education programs.

Assurances

The application should be certified by the local superintendent or the appropriate director of the private provider as follows:

1. The applicant will comply with all provisions of, and regulations pursuant to Title VI of the Civil Rights Act of 1964, to the end that no person in the United States, shall, on the grounds of race, color or national origin, be excluded

from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any activity for which the applicant receives federal financial assistance.

2. The applicant will comply with all provisions of, and regulations pursuant to Title IX of the Educational Amendments of 1974, P.L. 92-318, to the end that discrimination on the basis of sex shall be prohibited.

3. The applicant will comply with all provisions of, and regulations pursuant to Title V, Section 504, of the Rehabilitation Act of 1973, P.L. 93-112, to the end that no otherwise qualified handicapped individual shall, solely on the basis of his or her handicap, be subjected to discrimination under activity for which applicant receives federal financial assistance.

4. The proposed program will be conducted in accordance with all relevant federal and state laws and with any other applicable policies and administrative guidelines issued by the Louisiana Department of Education, including requirements regarding certification of eligibility and submission of reports.

5. The proposed programs, services, or activities will be coordinated with and not duplicative of other services from other federal, state, and local programs.

Program Goals and Activities

This section of the proposal should be a comprehensive description of the program for the coming year. The narrative must include goals and activities which can be measured in quantity and in quality. Goals and activities must be specific rather than global and must relate to the academic needs of the population to be served.

The narrative should include information regarding the number of classes, institutions, locations, recruiting and retention methods, facilities, target population, hours of operation, instructional materials, and an explanation of local support for the program. The proposal must address identified needs of the educationally disadvantaged adult population. Particular attention should be given with respect to participant recruitment, retention, and educational achievement and how the applicant will measure and report progress in meeting its goals.

Needs Assessment

This portion of the narrative should justify the need for funding through use of statistical information, survey results, scope of current adult education offerings, identification of special needs groups, and extent of community support.

Program Objectives

Program objectives should be specific, measurable, and attainable using the methods and resources proposed in the application.

Program Personnel

The proposal should provide a brief description of the personnel to be employed, terms of employment, special training, areas of certification, and responsibilities. When feasible, consideration should be given to the employment of full-time instructional personnel as opposed to part-time instructors. Funding may be a determining factor in the selection of personnel to be employed. A "Personnel Information Form" (DE-504) on all individuals to be employed must be attached to the request for funding.

Proposed Budget

A precise detailed budget explanation of planned expenditures and a completed "Request for an Allocation of Funds" (DE-507) must be attached. The applicant must show

evidence of a minimum of 10 percent cash or in-kind support.

Each applicant must spend a minimum of 70 percent of its combined federal and state expenditures for instructional purposes.

8.5 Criteria for Evaluating Applications

Applicants must submit a proposal each year to be considered for funding. Financial support provided in one year does not necessarily assure funding in subsequent years. Evaluative criteria to be used in reviewing applications will include an assessment of:

1. academic needs of the population to be served;
2. extent to which applicant proposes to recruit educationally disadvantaged adults;
3. extent to which applicant gives special emphasis to adult basic education projects;
4. adequacy of outreach activities which address flexible scheduling, recruiting methods, convenient locations of facilities, availability of child care, and transportation;
5. extent to which identified needs are addressed;
6. other resources available to serve the needs of the target population;
7. extent to which objectives can be accomplished within the proposal budget request;
8. identification of current programs, activities and services receiving assistance from federal, state, and local sources in the area to be served by the applicant;
9. extent of cooperative arrangements that have been made to deliver services to adults;
10. extent of non-duplication and coordination of services within the proposed geographic boundaries;
11. past effectiveness of providing services, especially with respect to recruitment and retention of educationally disadvantaged adults and the learning gains demonstrated by such adults;
12. extent of coordination and utilization of other literacy and social services available in the community;
13. extent of the commitment to serve individuals in the community that are most in need of literacy services; and
14. other criteria to be determined.

Preference will be given to those applicants who have demonstrated or can demonstrate a capability to recruit and serve educationally disadvantaged adults, particularly in areas with a high proportion of adults who do not have a certificate of graduation from a school providing secondary education or its equivalent.

8.6 Approval of Applications

The Bureau of Adult and Community Education staff will determine the eligibility of each applicant. Each eligible applicant's request will be reviewed by staff members and, if approved, funding may be negotiated. The Bureau will submit its recommendations to the State Board of Elementary and Secondary Education for final action.

8.7 End-of-the-Year Reports

Each program must submit an end-of-the-year narrative report covering all aspects of local program activities and operations for the term of the grant. The narrative should restate the program's objectives that were presented in the original proposals; address the progress toward attaining each objective; describe the instruments used to measure the program's success and attach available forms; indicate what cooperative agreements were enacted and explain the degree of affiliation; provide statistical data on the students enrolled at each level in the program, upgrading information, and

reasons for student separation; provide information on class locations, times, child care and transportation; outline specific recruitment and retention efforts; the amount of funds used to improve the program; and state any factors which contributed to the success or failure of the program. Particular attention should be given to the accuracy of statistical information requested in the Annual Performance Report.

Each local program will be responsible for completing the "Teacher's Annual Evaluation Reports" (DE-503 and DE-503A), an "Annual Financial Report" (DE-525), Annual Performance Reports, and any other reports required by State and federal authorities.

8.8 Funds to Agencies Other Than Local Education Agencies

The state adult education program uses a number of agencies, institutions, and organizations other than local school systems to provide adult education and support services to undereducated adults. Both Section 321 and Section 353 funds under the Adult Education Act are allocated to eligible groups. Customarily, the bureau is made aware of the names of these agencies, institutions, and organizations when proposals are submitted for Section 353 funding. In many cases, the bureau has continued funding in subsequent years using Section 321 funds. Below is a list of agencies, institutions, and organizations that have received adult education funds during recent years:

Literacy Council of Southwest Louisiana
Southern University
University of New Orleans
Lafayette Parish Correctional Center
Operation Upgrade, Inc.
Hope House
Displaced Homemakers Program
St. Paul Adult Learning Center
Central City Adult Education Center
Operation AACE
19th Judicial Court
Louisiana Association for Public Community and Adult Education (LAPCAE)
Orleans Parish Criminal Sheriff's Office
Hunt Correctional Institute
North Louisiana Literacy Consortium
Louisiana Public Broadcasting
Northwestern State University
Louisiana State University

11.0 Expansion of Delivery System

This section replaces Pages 97-98 of the current State Plan.

The activities that will be initiated to expand the delivery system of adult education services are described in Section 6.0 of this Plan. This expansion will result in an increase in the services provided to those adults least educated and most in need of assistance and also increase the number of agencies, institutions, and organizations used to provide adult education support services.

Projections for expanding the delivery of adult education services by 1995 include:

increasing full-time centers by 10 percent;
increasing enrollment in Level I programs by 19 percent;
increasing enrollment in Level II programs by 12 percent;
increasing enrollment in GED programs by seven percent;

increasing enrollment of institutionalized adults by 15 percent;

increasing ESL enrollment by 18 percent;

increasing the enrollment in classes that address the academic needs of the chronically unemployed by nine percent;

increasing the enrollment of handicapped adults by 13 percent;

increasing the enrollment of minority adults by 11 percent; and

increasing the use of volunteers by 20 percent.

Expansion of services provided through increased coordination with non-public agencies, organizations, and institutions will include:

increasing academic outreach programs by 10 percent;

supporting local activities that establish cooperative relationships with business and industry, labor organizations, vocational-technical schools, libraries, community-based organizations, literacy organizations, and other agencies that express an interest in adult education programs;

increasing interagency coordination with JTPA private industry councils by seven percent; and

increasing workplace literacy programs by 32 percent.

These efforts will be implemented through the use of federal, state, and local resources. Sections 321 and 353 funds, as well as monies awarded through other federal assistance programs will be used to expand services.

15.0 Special Experimental Demonstration and Teacher Training Projects

This section replaces Pages 107-112 of the current State Plan.

Section 353 of the Adult Education Act (Public Law 100-297) requires a minimum of 15 percent of the annual federal grant to be expended for special experimental demonstration projects and teacher training activities beginning with the fiscal year 1992-93.

15.1 State Priorities

Special experimental demonstration projects and teacher training proposals must meet one or more of the following priorities.

Priority One: To implement pilot programs, special experimental demonstration activities, and/or curricular development projects to expand the delivery systems of adult education involving coordination with various agencies, thereby providing comprehensive educational services to adults in rural and urban areas, adults with limited English language skills, institutionalized adults, immigrants, the handicapped, the elderly, and other adults with special needs.

Priority Two: To implement pilot programs, special experimental demonstration activities, and/or curricular development projects designed to reduce the illiterate population in the state;

Priority Three: To implement pilot programs, special experimental demonstration activities, and/or curricular development projects which can improve the quality of instructional offerings in adult education programs, especially those which include continued development of an Individualized Program of Instruction (IPI), emphasis on life-coping skills, expansion of reading programs for adults, computer literacy, and computer assisted instruction;

Priority Four: To provide teacher-training activities for those individuals engaged in, or preparing to engage in, employment in adult education programs with major emphasis

on the following areas.

1. Support for the continued development of undergraduate and graduate course offerings leading to a degree and/or certification in adult education.

2. Specialized training for adult education personnel (including teachers, paraprofessionals, administrators, volunteers, and counselors, with particular emphasis on

a. training for full-time professional adult educators;

b. training for minority educators;

c. training for educators of adults with limited English proficiency; and

d. training teachers to recognize and more effectively serve illiterate individuals with learning disabilities and individuals who have a reading ability below the fifth grade level.

Priority Five: To implement pilot programs, special experimental demonstration activities, and/or curricular development projects which are designed to coordinate and cooperate with

a. human service agencies and organizations

b. community education programs

c. business and industry

d. vocational-technical schools

e. government agencies

f. correctional institutions

g. literacy organizations

h. other community organizations

for the purpose of providing a more comprehensive educational delivery system for reaching adults who are least educated and most in need of assistance.

Special Rule

A minimum of two-thirds of the funds set aside for special experimental demonstration projects and teacher-training grants will be used for staff development projects outlined under Priority Four.

15.2 Eligible Applicants

Local education agencies, the Bureau of Adult and Community Education, institutions of higher learning, educational television stations, and nonprofit agencies, institutions, and organizations are eligible for grants under this section of the Plan. Individuals and schools or departments of divinity are not eligible for grants.

For a consortium to be eligible to receive federal funds, the local education agency or public or private non-profit agency, organization, or institution shall enter into a contract with the for-profit entity. Any award of funds will be made to the local education agency or public or private non-profit entity that applies on behalf of the consortium.

Applicants must provide the same assurances that are listed in Section 8.0 of this Plan.

15.3 Announcement of Availability of Funds

Public notices will be issued through major newspapers annually announcing the availability of federal funds to support special experimental demonstration projects and teacher-training activities. Opening and closing dates for annual receipt of proposals will be announced during the spring of the year.

The bureau will directly notify local school systems, higher education institutions, members of the Participatory Planning Task Force, previous applicants, and any other agency, institution, or organization which requests this information. Application information is available from the Bureau of Adult and Community Education, Louisiana

Department of Education, P.O. Box 94064, Baton Rouge, Louisiana 70804-9064.

15.4 Submission of Proposals

The proposal should be concise but complete, providing reviewers with information necessary for a sound evaluation. Each proposal must consist of the following sections:

1. cover sheet

2. abstract

3. assurances

4. narrative description of the project

5. budget summary and explanations

Detailed information on how the proposal should be prepared and submitted appears in Policies and Procedures for the Preparation and Operation of Special Experimental Demonstration and Teacher-Training Projects, Bulletin 1860. Copies of this bulletin are mailed to eligible applicants upon request.

15.5 Review Procedures

Proposals will be reviewed and rated by staff members in the Department of Education, subject to review and action by the State Board of Elementary and Secondary Education and the Office of Contractual Review. Each applicant is notified of the board's decision.

Appeals should be made in writing to the director of Adult and Community Education stating reasons for the appeal. The director will review the appeal and render a decision within 30 days of its receipt.

If an unsuccessful applicant wishes to have a proposal reconsidered during a subsequent fiscal year, it must be resubmitted. Approval of a proposal in one year does not guarantee a grant renewal. Proposals must be submitted annually. Multi-year proposals will not be accepted.

Proposals will be evaluated based upon the following criteria:

1. A description of current programs, activities, and services receiving assistance from federal, state, and local sources that provide adult education in the geographic area to be served by the applicant;

2. The projected goals specify the applicant's plans with respect to student recruitment, retention, and progress, and how these efforts will be measured and reported;

3. the objectives are clearly stated, capable of being attained by the proposed procedures, and measurable;

4. the project objectives are designed to serve adults who are least educated and most in need of assistance;

5. the proposed plan of operation is sound and does not duplicate programs, services, or activities currently available in the area under other federal, state and local programs;

6. the proposed activity is relevant to the state's priorities and addresses the needs of the applicant's geographic area, with consideration for programs, activities, and services currently receiving assistance in the area to be served;

7. The designated project personnel possess qualifications and experience to implement project activities and, where appropriate, provisions are made for inservice training of personnel;

8. The facilities and other resources are adequate to carry out the objectives of the project;

9. The project provides for cooperative involvements (including arrangements with business, industry, and volunteer literacy organizations) to deliver services to adults;

10. The project will use innovative methods, systems,

materials, or programs to secure productive results, and the estimated cost will be reasonable in relation to project objectives;

11. The potential for using project results in other programs and the provision for disseminating these results are adequate;

12. Provisions are included for an evaluation of project effectiveness and for determining the extent to which objectives are accomplished; and

13. In-kind and/or other financial contributions are given. Successful applicants contract with the State Department of Education, as required by R.S. 39:16, to receive final approval from the state's Division of Administration.

15.6 Distribution of Funds

Funding of approved applications will be on the basis of a negotiated budget based on the budget requested relative to the activities to be accomplished and the availability of funds. The contractual agreement for awarded grants will include an approved budget, eligibility certification, and all conditions binding upon the grantee.

15.7 Project Monitoring

The Bureau of Adult and Community Education will be responsible for monitoring all special projects. Monitoring will be conducted through on-site visits to the projects and through telephone and written communications. Each project will be reviewed in terms of the objectives, accomplishments, and expenditures. Technical assistance will be provided as determined necessary by the review.

The state education agency will provide such information as the secretary (U.S. Department of Education) may require about special experimental demonstration projects and teacher training projects supported under Section 353 of the Act.

15.8 Responsibilities of Grantee

The grantee is responsible for complying with all guidelines as specified in Bulletin 1860 including dissemination of reports and products resulting from the project. Continuation of a project after completion of funding under the Act, if feasible, will be the responsibility of the applicant organization.

17.0 Evaluation and Program Reviews

This section replaces Pages 115-117 of the current State Plan.

The Bureau of Adult and Community Education will evaluate state-administered adult education programs to assess the extent to which local goals and the goals established in this Plan have been accomplished. At least 20 percent of the local programs will be evaluated annually for the duration of this Plan.

Program activities will be monitored on a continual basis through progress reports, telephone communication, and on-site visitations. The state staff will review the findings to determine the extent to which undereducated adults are being served, to identify those local programs which have achieved measurable success in attaining the goals outlined in the program application, and to plan technical assistance efforts and inservice training.

The bureau staff will develop a procedure to use the findings of program reviews and evaluations to identify those programs, services, and activities that are not meeting their goals. Local programs will be notified in a timely manner of program changes that should be made so that goals can be

achieved. The bureau staff will continue to monitor and evaluate those adult education programs as necessary in order to ensure continued improvement.

The bureau will develop and implement an evaluation model which will include indicators of program quality. This model will be developed in consultation with education experts, educators, and administrators, and will be used to determine the effectiveness of local programs, including the extent to which local programs are successfully recruiting, retaining, and improving the literacy skills of individuals being served. The following factors will be examined as the model is developed:

1. the goals of the recipient as described in the application;
 2. the planning and content of the programs, services, and activities;
 3. the curriculum, instructional materials, and equipment;
 4. the adequacy and qualifications of all personnel;
 5. the achievement of the goals set forth in this Plan;
 6. the extent to which educationally disadvantaged adults are being served;
 7. the extent to which local recipients of funds have improved their capacity to achieve the purposes of the Act;
 8. the success of the recipient in meeting the state's indicators of program quality after those indicators are developed; and
 9. other factors that affect the program's operations.
- The model will be implemented by July 25, 1993.

17.1 Evaluation of Section 321 Activities

Local adult education programs are required to develop specific written goals and objectives to be achieved each program year. These goals are kept on file in the bureau and serve as the basic criteria for evaluation. Beginning with fiscal year 1991-92, the bureau staff will evaluate at least 20 percent of the grant recipients each year so that at least 80 percent of all grant recipients will have been evaluated by the end of fiscal year 1994-95.

In addition to on-site visits and evaluations, local programs are monitored on a monthly basis. Each program must submit a "Monthly Report and Request for Reimbursement" (DE-506). Information analyzed includes data on instructional and administrative costs, number of students served, number of hours taught, and information on individual classes.

The bureau requires local adult education programs to submit "Teacher's Annual Evaluation Reports" (DE-503 and DE-503A). The forms reflect information on all students who enrolled during the year, pre- and post-test scores of each student, total hours of attendance, extent of student achievement, and reasons for separation. The effect of the program on the subsequent work experience of participants, completers, and graduates will be determined through locally conducted follow-up. Also, submission of the "Annual Performance Report," which includes statistical information and data on local programs, is required. These reports, coupled with a narrative description of program activities and an analysis of standardized test scores, are analyzed to determine overall effectiveness of local adult education programs. Teacher training and staff development, combined with the above information, are used to improve capabilities of local adult education personnel to achieve the purposes of the Act.

Effective with the 1991-92 fiscal year, the U.S. Department of Education will be provided information on the number and percentage of local education agencies, community-based organizations, volunteer groups, and other organizations who are recipients of grants. The results of local program evaluations will also be provided to USDE.

17.2 Evaluation of Section 353 Activities

The bureau staff will conduct an annual evaluation of Section 353 special experimental demonstration projects and teacher training activities using the "353 Special Project and Teacher Training Evaluation Form". One visit will be made to each site by the Bureau staff to observe the project's operations and progress, provided funds are available. A final report must be submitted by each project director. Information in this report will assist the staff in determining the quality of the project. Products resulting from Section 353 activities will also be considered in evaluating the success of each grantee in meeting project goals.

17.3 Annual Reports

For the duration of this Plan, the bureau will provide an annual summary of the state's evaluation activities. Reports will be sent to the United States Secretary of Education within 90 days of the close of the program year. The bureau will meet all reporting requirements of the United States Office of Adult Education and Literacy including, but not limited to:

- Adult Education Annual Performance Report
- Adult Education Annual Narrative Report
- Annual Financial Status Report
- Carryover Financial Status Report
- Section 353 Special Project Reports
- Section 353 Teacher Training Reports
- Evaluation Report #1
- Evaluation Report #2

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. This rule was previously published in the *Louisiana Register* Volume 17, No. 9 on September 20, 1991.

Public Law 101-508, Sections 4702-4703 (OBRA '90) provides for disproportionate share adjustments of rates paid to hospitals serving low income patients. Under the federal statutory provisions each state is allowed flexibility in the development of disproportionate share payment methodologies within the general guidelines set forth by the statute.

Medicaid of Louisiana is implementing an additional disproportionate share hospital reimbursement methodology for hospitals which serve a disproportionate share of Medicaid patients. Under this rule qualified hospitals enrolled in

Medicaid will receive disproportionate share adjustments for services provided in current cost reporting periods up through December 31, 1991 upon certification by the director of Medicaid of Louisiana that sufficient state general funding is available for funding this additional disproportionate share adjustment methodology. This emergency rule is being adopted to maximize financing of Medicaid services as allowed under R.S. 49:953(B) and 46:53(D)-(F).

EMERGENCY RULE

An additional payment adjustment may be made, based upon the availability of funds, for hospitals serving disproportionate share of Medicaid patients. Additional disproportionate share payments may be implemented at the discretion of the director of Medicaid of Louisiana as follows:

1. Qualifying criteria

a. hospital has at least two obstetricians who have staff privileges and who have agreed to provide obstetric services to individuals who are Medicaid eligibles. In the case of a hospital located in a rural area (i.e., an area outside of a metropolitan statistical area), the term "obstetrician" includes any physician with staff privileges at the hospital to perform non-emergency obstetric procedures; or

b. hospital treats inpatients who are predominantly individuals under 18 years of age; or

c. hospital which did not offer non-emergency obstetric services to the general population as of December 22, 1987; and

d. hospital has a Medicaid utilization rate in excess of 12.6 percent or provides in excess of 1,000 Medicaid patients days as documented by the initial cost report filed for the cost reporting period ending in 1990.

2. Payment Adjustments

For hospitals eligible under Paragraph 1, an additional payment adjustment will be made to each hospital for portions of current cost reporting periods from the effective date up through December 31, 1991. The additional payment will be determined as follows.

a. Medicaid inpatient days reported for cost reporting periods ending in 1990 on the initial cost report filed with Medicaid of Louisiana shall be utilized for determining the payment adjustment. No increase in Medicaid inpatient days shall be allowed based on amendment of the cost report or audit. Recoveries of overpayments resulting from adjustments at audit shall be initiated. No redistribution of the "pool" shall result from such adjustments.

b. Total Days Urban and Rural. Total inpatient days for urban and rural hospitals eligible for an additional disproportionate share payment under Paragraph 1 shall be calculated to determine total rural Medicaid days and total urban Medicaid days.

c. Each qualifying rural hospital's maximum adjustment shall be equal to the product of the ratio of the hospital's Medicaid inpatient days divided by total rural Medicaid days multiplied by an amount of funds to be determined by Medicaid of Louisiana not to exceed \$57,433,155.

d. Each qualifying urban hospital's maximum adjustment shall be equal to the product of the ratio of the hospital's Medicaid inpatient days divided by total urban Medicaid days multiplied by an amount of funds to be determined by Medicaid of Louisiana not to exceed \$127,904,977.

J. Christopher Pilley
Secretary

DECLARATION OF EMERGENCY

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to adopt the following emergency rule in the Medicaid Program. This is necessary to assure compliance with mandatory federal law (OBRA '89) which requires provision of medically necessary services to infants and children.

This emergency rule adds acetone (ketone) test strips to the list of certain supplies for insulin dependent diabetics transferred from the prior authorization program to the outpatient pharmacy program for Medicaid payment approval.

EMERGENCY RULE

Effective April 1, 1992 Medicaid payment for acetone (ketone) test strips will be included in the list of diabetic supplies which will be available under the outpatient pharmacy program to Medicaid eligible individuals under age 21 with insulin dependent Diabetes Mellitus.

Implementation of this rule is dependent upon the approval of the Medicaid Drug Program Committee. Disapproval of the change by the committee will automatically cancel the provisions of this rule and current policy will remain in effect.

J. Christopher Pilley
Secretary

DECLARATION OF EMERGENCY

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to adopt the following rule in the Medicaid Program. This rule is necessary to assure compliance with mandatory federal law (OBRA '89) which requires provision of medically necessary services to infants and children.

This emergency rule transfers approval for Medicaid payment for certain supplies for insulin dependent diabetics from the prior authorization program to the outpatient pharmacy program.

EMERGENCY RULE

Effective April 1, 1992 Medicaid payment for diabetic supplies will be covered under the outpatient pharmacy program. Medicaid eligible individuals under age 21 with insulin dependent Diabetes Mellitus will be able to receive disposable syringes, blood glucose monitor strips, and lancets by prescription. For disposable syringes only, the prescription must contain the prescribing physician's written statement that the recipient is insulin dependent. Disposal syringes are to be dispensed in the amount of 100, or a one month supply,

whichever is greater.

Implementation of this rule is dependent upon the approval of the Medicaid Drug Program Committee. Disapproval of the change by the committee will automatically cancel the provisions of this rule and current policy will remain in effect.

J. Christopher Pilley
Secretary

DECLARATION OF EMERGENCY

Department of Social Services Office of Community Services

The Department of Social Services, Office of Community Services has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to adopt the following emergency rule in the Vendor Day Care Program. Emergency rulemaking is necessary to ensure continued day care services to children who are at risk of abuse and/or neglect thus avoiding imminent peril to these children. The rule published in the *Louisiana Register*, Vol. 11, No. 7, July 20, 1985, page 689 is hereby amended through emergency rulemaking procedures.

EMERGENCY RULE

Effective March 1, 1992, the Department of Social Services, Office of Community Services will primarily provide day care services only to children who are at risk of abuse and/or neglect. Children currently receiving services due to employment and training will be transitioned to the Child Care Assistance Program, provided eligibility for that program is established.

Any children currently receiving day care services due to employment and training who are ineligible for the Child Care Assistance Program but who continue to be eligible for the OCS day care program will continue to receive services as long as eligibility is maintained. A co-payment for services will be charged based on the family income shown on the following sliding fee scale.

NUMBER IN HOUSEHOLD	2	3	4	5	6	RECIPIENT'S SHARE OF CHILD CARE FEE
ANNUAL FAMILY INCOME	0 - 8,879	0 - 11,139	0 - 13,399	0 - 15,659	0 - 17,919	5%
	8,880 - 10,795	11,140 - 13,055	13,400 - 15,705	15,660 - 18,355	17,920 - 21,003	10%
	10,796 - 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 HOUSEHOLD	7	8	9	10	11	RECIPIENT'S SHARE OF CHILD CARE FEE
ANNUAL FAMILY INCOME	0 - 20,179	0 - 22,439	0 - 24,699	0 - 26,959	0 - 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%

Day care centers will be reimbursed for services based on the standard rate schedule shown on the following chart:

	Child Under Age 2			Age 2 and Older		
Class A Centers	monthly	full-time \$238.30	part-time \$119.15	monthly	full-time \$216.50	part-time \$108.25
	weekly	\$ 55.00	\$ 27.50	weekly	\$ 50.00	\$ 25.00
	daily	\$ 11.00	\$ 5.50	daily	\$ 10.00	\$ 5.00
	hourly	\$ 1.38	\$ 1.38	hourly	\$ 1.25	\$ 1.25
All other providers	monthly	full-time \$216.50	part-time \$108.25	monthly	full-time \$216.50	part-time \$108.25
	weekly	\$ 50.00	\$ 25.00	weekly	\$ 50.00	\$ 25.00
	daily	\$ 10.00	\$ 5.00	daily	\$ 10.00	\$ 5.00
	hourly	\$ 1.25	\$ 1.25	hourly	\$ 1.25	\$ 1.25

Any newly authorized day care placement by the Office of Community Services shall be for the protection of children at risk of abuse and/or neglect, the condition of the parent, the condition of the child and foster care reasons only. There is no co-payment for these services.

Gloria Bryant-Banks
Secretary

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:953 (B) the Administrative Procedure Act, R.S. 49:967 which allows the Wildlife and Fisheries Commission to use emergency procedures to set annual seasons and R.S. 56:433 which establishes Wildlife and Fisheries Commission's and the Department of Wildlife and Fisheries' responsibility for oyster management, the secretary of the Department of Wildlife and Fisheries pursuant to resolutions passed by the Wildlife and Fisheries Commission on August 12, 1991, at LUMCON hereby declares an emergency and adopts the following emergency rule.

The oyster season in Calcasieu Lake is hereby extended through and including April 30, 1992.

The area, within which the extension will apply, will be confined to the area approved by the Health Department. This extension was deemed necessary because of the additional health closures in the area resulting from poor water quality during the heavy rainfall period of January, February and March. Oyster fishing in Calcasieu Lake is restricted to tonging only.

Joe L. Herring
Secretary

Rules

RULE

Department of Economic Development Racing Commission

The State Racing Commission, in accordance with law, amends the following rule.

Title 35 HORSE RACING

Part III. Personnel, Registration and Licensing

Chapter 57. Association's Duties and Obligations

§5702. Penalty for Failure to Comply

Should a permittee or licensee fail to promptly comply with each provision of R.S. 4:146(B), R.S. 4:161(B), or R.S. 4:222, the permittee or licensee who fails to comply with such provision(s) may be subject to a fine of \$200 for each day such violation shall continue.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, 146, 148, 161 and 222.

HISTORICAL NOTE: Promulgated by Department of Economic Development, Racing Commission, LR 17:258 (March 1991), amended LR 18: (April 1992).

Claude P. Williams
Executive Director

RULE

Department of Economic Development Racing Commission

The State Racing Commission, in accordance with law, amends the following rule.

Title 35 HORSE RACING Part XIII. Wagering

Chapter 111. Trifecta

§11115. Field Less Than Nine

A. Trifecta wagering will be permitted when the number of scheduled starters in a thoroughbred or quarter horse race is nine or more. A late scratch after wagering begins on that race will not cancel trifecta wagering.

B. The commission may approve trifecta wagering on a race with a purse value of \$200,000 or more where the number of scheduled starters is less than nine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 11:616 (June 1985), amended LR 18: (April 1992).

Claude P. Williams
Executive Director

RULE

Department of Economic Development Racing Commission

The State Racing Commission, in accordance with law, amends the following rule.

Title 35 HORSE RACING Part XV. Off-Track Wagering

Chapter 123. General Rules

§12357. Other Reports

A. - C. ...

D. Whenever an off-track wagering licensee applies to a city, parish or other governing authority for any change whatsoever in license fees, that licensee shall notify in writing the commission of such application no less than 30 days prior to any public hearing for such application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and 211-227.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:290 (May 1988), amended LR 18: (April 1992).

Claude P. Williams
Executive Director

RULE

Department of Economic Development Racing Commission

The State Racing Commission, in accordance with law, amends the following rule.

Title 35
HORSE RACING
Part V. Racing Procedures

Chapter 63. Entries

§6319. Publication of Past Performances

No horse shall be permitted to enter or start unless approved by the association. Further, the stewards shall require that published past performances, in races or workouts, be sufficient to enable the public to make a reasonable assessment of its racing capabilities. No horse shall be entered to race that has not had a published workout or a race within 60 days of the date of the entered race. Horses without sufficient workouts must be scratched by the stewards before any wagering begins on that day's racing program. Late workouts shall be posted for public view in at least one conspicuous place in the public enclosure, and announced to the public via public address system.

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

HISTORICAL NOTE: Adopted by the Louisiana Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:436 (December 1976), repromulgated LR 3:33 (January 1977), amended LR 4:279 (August 1978), amended by the Department of Economic Development, Racing Commission, LR 17:262 (March 1991), LR 18: (April 1992).

Claude P. Williams
Executive Director

RULE

Department of Economic Development
Racing Commission

The State Racing Commission, in accordance with law, amends the following rule.

Title 35
HORSE RACING

Part III. Personnel, Registration and Licensing

Chapter 21. Stewards

§2101. Qualifications for Appointment

To qualify for commission appointment or approval as a steward an individual shall be required to:

A. document five years prior experience as a steward, racing secretary, assistant racing secretary, starter, placing judge, paddock judge, clerk of scales, jockey, trainer or equivalent experience in the racing industry;

B. satisfactorily pass a commission-approved "Stewards Training Program." This requirement may be waived for individuals who have served as a steward for at least two years in a recognized jurisdiction at an extended thoroughbred or quarter horse pari-mutuel race meeting, and who is otherwise qualified to serve as a steward;

C. satisfactorily pass an optical examination conducted not more than 90 days before the appointment, indicating 20-20 vision, corrected, and the ability to distinguish colors;

D. satisfactorily pass a criminal background check;

E. satisfactorily pass a written examination prescribed by the commission. A passing grade for the written exam is 85 on a scale of 100. Applicants must satisfactorily pass the written examination every three years;

F. participate in an oral interview conducted by the executive director or a designee of the executive director;

G. be physically fit to perform the duties of a steward.

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

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:424 (December 1976), repromulgated LR 3:20 (January 1977), LR 4:271 (August 1978), amended by the Department of Economic Development, Racing Commission, LR 18: (April 1992).

Claude P. Williams
Executive Director

RULE

Department of Economic Development
Racing Commission

The State Racing Commission, in accordance with law, amends the following rule.

Title 35
HORSE RACING
Part I. General Provisions

Chapter 17. Corrupt and Prohibited Practices

§1733. Racing a Horse Under Investigation

A. When a report as described in §1729 is received from the state chemist, the state steward shall immediately advise the trainer of his rights to have the "split" portion of the sample tested at his expense. The stable shall remain in good standing pending a ruling by the stewards, which shall not be made until the "split" portion of the original sample is confirmed positive by a laboratory chosen by the trainer from a list of referee laboratories. The horsemen's bookkeeper shall not release any purse monies until the results of the split portion of the sample are received by the commission. The horse allegedly to have been administered any such drug or substance shall not be allowed to enter in a race during the investigation and hearing or until the split sample results are received by the commission, whichever occurs first.

B. In the event the horse is claimed in the race in which the horse allegedly ran with a prohibited drug or substance, the new owner may enter and race the horse; however, should the horse be claimed thereafter by the same owner who raced the horse, allegedly with prohibited drug or substance, in the previous race in question, the horse shall not be allowed to enter a race during the investigation and hearing concerning the horse in the previous race in question.

C. For the purpose of this rule "the investigation and hearing" referred to herein shall mean the stewards' hearing following receipt of the report of the state chemist described herein and in §1729.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:142 and 148.

HISTORICAL NOTE: Adopted by the Louisiana State

Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:449 (December 1976), amended LR 3:45 (January 1977), repromulgated LR 4:287 (August 1978), amended LR 7:262 (May 1981), LR 9:755 (November 1983), amended by the Department of Economic Development, Racing Commission, LR 18: (April 1992).

Claude P. Williams
Executive Director

RULE

Department of Economic Development Racing Commission

The State Racing Commission, in accordance with law, amends the following rule.

Title 35 HORSE RACING

Part I. General Provisions

Chapter 17. Corrupt and Prohibited Practices §1775. Testing of a Split or Referee Sample

The following procedure is hereby established for the testing of a split or referee sample.

A. After a horse has voided and its urine collected for testing, the volume of the urine collected shall be split or divided into approximately equal parts, one being processed for initial commission laboratory testing for the detection of the presence of prohibited drugs or substances therein. The remaining part shall be identified as the split or referee sample to be processed for future testing under the procedures hereby established. If the urine is from a two-year-old horse, the specimen tag shall so indicate.

B. Should blood be drawn at the test or retaining barn for testing, it shall be split or divided into approximately equal parts to be processed for testing by the initial commission test and the split or referee test. If the blood is drawn from a two-year-old horse, the specimen tag shall so indicate.

C. Within 72 hours from the time the stewards notify a trainer that the initial commission laboratory test on a urine or blood specimen from a horse entered and raced by him was positive for the presence of a prohibited drug or substance, the trainer must request the stewards in writing to have the split or referee sample tested by an approved referee laboratory. The commission shall provide a list of referee laboratories which must be able to demonstrate competency for that drug or substance at the estimated concentration reported by the primary laboratory, from which a trainer must select one. At the time of his request the trainer must forward the necessary fees to cover all expenses to be incurred in shipping and testing the split or referee sample to the referee laboratory. Failure of a trainer to make a request to the stewards for a split sample within the required 72 hours constitutes a waiver of any and all rights to have the split or referee sample tested.

D. A trainer timely requesting a testing of a split or referee sample shall select one of the laboratories designated by the commission as referee laboratories to perform the testing. The trainer shall sign a hold-harmless agreement for a split sample laboratory and an agreement that the

results of the split sample laboratory can be introduced as evidence in any hearing, said agreements shall remain with the stewards of the track at which the positive was reported.

E. If the split portion of the test confirms the findings of the primary laboratory it shall constitute prima facie evidence of a violation of the applicable provisions of this Chapter.

F. If the split portion of the test does not confirm the findings of the primary laboratory, the commission shall not consider the sample to constitute prima facie evidence of a violation of the applicable provisions of this Chapter and no penalty shall be imposed, except as provided in Subsection G hereof.

G. If, through no fault of the commission, its agents or employees, a split portion of the sample cannot be tested because of loss, damage, or decomposition then, and in that event only, the findings of the primary laboratory shall constitute the prima facie evidence of a violation of the applicable provisions of this Chapter.

H. The identity of the drug or substance shall be revealed to the referee laboratory. Any communication between the primary and referee laboratory is limited to the exchange of the analytical method and threshold level used to confirm the identity of the drug or substance.

I. *Primary laboratory*, for the purpose of this rule, shall mean the laboratory selected by the commission to test urine or blood for the presence of prohibited drugs or substances.

J. *Referee laboratory*, for the purpose of this rule, shall be one of the referee laboratories approved by the commission to test split portions of urine or blood samples when timely requested by a trainer.

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

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 8:405 (August 1982), amended LR 10:660 (September 1984), amended by the Department of Economic Development, Racing Commission, LR 17:878 (September 1991), LR 18: (April 1992).

Claude P. Williams
Executive Director

RULE

Department of Economic Development Racing Commission

The State Racing Commission, in accordance with law, amends the following rule.

Title 35 HORSE RACING Part V. Racing Procedures

Chapter 63. Entries

§6329. Two Races on a Day

A. No horse may be entered in two races in a single day of racing unless one is a stakes race. Preference of running in a stakes race or purse race must be declared at scratch time.

B. Any horse entered to race at more than one association on the same day in which one is not a stakes race shall be scratched from all races in which it was entered and the trainer shall be subject to a fine by the stewards serving at

each association.

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

HISTORICAL NOTE: Promulgated by the Louisiana State Racing Commission in 1971, repromulgated by Department of Commerce, Racing Commission, LR 2:437 (December 1976), amended LR 3:33 (January 1977), LR 4:280 (August 1978), LR 13:289 (May 1987), amended by the Department of Economic Development, Racing Commission, LR 18: (April 1992).

Claude P. Williams
Executive Director

RULE

Department of Economic Development Racing Commission

The State Racing Commission, in accordance with law, amends the following rule.

Title 35 HORSE RACING

Part I. General Provisions

Chapter 17. Corrupt and Prohibited Practices

§1737. When Horse Found Drugged

Should the chemical analysis of any sample of the blood, saliva, urine or other excretions of body fluids of a horse contain any prohibited drug or substance of any description not permitted by Chapter 15 or prohibited by §1719, the trainer of such horse shall be entitled to request a split sample as provided for in §1775. Following confirmation of a split sample by a referee laboratory that a split sample was positive for the same drug or substance contained in the primary sample not permitted by Chapter 15 or prohibited by §1719, the trainer of the horse may, after a hearing before the stewards, be fined, suspended or ruled off, if the stewards conclude that the prohibited drug or substance contained in the sample could have produced analgesia in, stimulated or depressed the horse, or could have masked or screened a drug or substance which could have produced analgesia in, stimulated or depressed the horse. The stable foreman, groom and any other person shown to have had the care or attendance of the horse may be fined, suspended or ruled off. The owner(s) of a horse so found to have received administration of such prohibited drug or substance shall be denied, or shall promptly return, any portion of the purse or sweepstakes and any trophy awarded to such horse, and the said purse, sweepstakes and any trophy shall be distributed as in the case of a disqualification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:142 and 148.

HISTORICAL NOTE: Adopted by the Louisiana State Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:449 (December 1976), amended LR 3:45 (January 1977), repromulgated LR 4:287 (August 1978), amended by the Department of Economic Development, Racing Commission, LR 16:764 (September 1990), LR 18: (April 1992).

Claude P. Williams
Executive Director

RULE

Department of Economic Development Racing Commission

The State Racing Commission, in accordance with law, amends the following rule.

Title 35 HORSE RACING

Part VII. Equipment and Colors

Chapter 89. Whips

§8903. Size; Approval

No whip shall weigh more than one pound, nor exceed 31 inches in length including the popper. No stingers or projections extending through the hole of a popper, nor any metal part on the whip shall be permitted. All whips shall be approved by the stewards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:147, 148 and 172.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:443 (December 1976), repromulgated LR 3:39 (January 1977), amended LR 4:284 (August 1978), amended by the Department of Economic Development, Racing Commission, LR 18: (April 1992).

Claude P. Williams
Executive Director

RULE

Board of Elementary and Secondary Education

Montessori Certification - Bulletin 746

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published January 20, 1992 in the *Louisiana Register* and under the authority contained in the Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the Montessori standards listed below for certified teachers in public and nonpublic schools to allow certified teachers to add an endorsement in Montessori to a standard teaching certificate.

Montessori Teacher Certification

An authorization to teach Montessori at the age levels prescribed by the training institution may be added to a standard teaching certificate for those teachers who have completed training from one of the following:

1. American Montessori Society,
2. Association Montessori Internationale,
3. St. Nicholas Training Course of London,
4. The Montessori World Education Institute,
5. Montessori Institute of America,
6. Southwestern Montessori Training Institute or any other course jointly approved by the Board of Elementary and Secondary Education and the Louisiana Montessori Association.

Carole Wallin
Executive Director

RULE

Board of Elementary and Secondary Education

Amendment to Teacher Tuition Exemption Guidelines

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published January 20, 1992 in the *Louisiana Register* and under the authority contained in the Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below.

Bulletin 921: 8(g) Policy and Procedure Manual

C. Revised Tuition Exemption Guidelines amend to include the following policy:

Any student enrolled in a course that has the signature of approval of the dean (or his/her designee) for tuition exemption, and the course is subsequently determined to be ineligible by the State Department of Education, will be allowed to drop the course at that time and will not be required to pay a drop fee. If the student chooses to remain in the course, he/she will be responsible for the appropriate university fees.

Carole Wallin
Executive Director

RULE

Board of Elementary and Secondary Education

Amendment to Bulletin 1196

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 amendment to Bulletin 1196, Louisiana 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.

Carole Wallin
Executive Director

RULE

Board of Elementary and Secondary Education

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

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published January 20, 1992 in the *Louisiana Register* and under the authority contained in the Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted 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. This rule was published in its entirety as an Emergency Rule in the March 20, 1992 *Louisiana Register* on page 241.

This amendment is necessary for implementation of Part H of the Individuals with Disabilities Education Act, Intervention Program for Infants and Toddlers with Disabilities, which requires infants and toddlers to be evaluated in accordance with the federal statute and within 45 calendar days.

AUTHORITY NOTE: P.L. 101-476; R.S. 17:1971-79.
HISTORICAL NOTE: LR 18: (April 1992).

Carole Wallin
Executive Director

RULE

**Department of Education
Student Financial Assistance Commission
Office of Student Financial Assistance**

Louisiana Opportunity Loan Program

The Student Financial Assistance Commission, Office of Student Financial Assistance announces the promulgation of rules governing the Louisiana Opportunity Loan Program (LA-OP).

This manual establishes the policies and procedures by which the state of Louisiana shall authorize loans to student borrowers under the federally nonsubsidized guaranteed student loan program.

**Louisiana Opportunity Loan Program
Lender Policies and Procedures Manual**

I. LA-OP Lender Policies

A. Unless otherwise supplemented herein, the provisions of 34 CFR Parts 99, 600, 668, and 682 shall regulate this program.

B. Eligible institutions follow as an Appendix.

C. Interest on loans will be billed to the student while the student is enrolled in school at least half time and must be paid by the student within 30 days of receipt. Failure of the student to pay accrued interest will result in the student being denied additional loans. Eligibility may be restored by the payment of past due interest.

D. An insurance fee of three percent shall be deducted from each loan disbursement and paid to the Louisiana Student Financial Assistance Commission as the loan

guarantor. There shall be no origination or application fees charged to the student.

E. The student must apply for a federal Pell Grant and Stafford Loan and, if eligible, accept the maximum amount offered under these programs before being considered for the LA-OP Loan. If the student is ineligible for a Pell Grant and has only partial eligibility for a Stafford Loan, the LA-OP Loan may substitute for the family contribution up to the maximum annual Stafford limit or the cost of education, whichever is less, provided that such amount is equal to or greater than the minimum loan limit of \$1,000.

F. Students who applied for a federal Stafford Loan to attend a specific institution but who have been denied such aid solely because of the amount of the expected family contribution, should be informed by that institution of the availability of this program and offered the opportunity to be considered for a LA-OP Loan.

II. LA-OP Program Procedures

A. Loan Limits

1. The minimum loan amount that may be certified and disbursed under this program shall be \$1,000.

2. The maximum annual loan amounts for this program shall be consistent with Stafford Loan Limits and are as follows:

FRESHMAN	\$2,625
SOPHOMORE	\$2,625
JUNIOR	\$4,000
SENIOR	\$4,000
GRADUATE AND PROFESSIONAL	\$7,500

3. The maximum aggregate loan amount for an undergraduate student shall be \$17,250.

4. The maximum aggregate loan amount for a graduate or professional student, including amounts received for study at the undergraduate level, shall be \$54,750.

6. A student cannot receive loans from both the Stafford and the Louisiana Opportunity Loan programs that, when combined, exceed the annual and aggregate limits listed above.

7. Loans may not exceed the cost of education minus financial aid, nor be more than the amount certified by the institution.

B. Eligible Borrowers

To be eligible under this program, a borrower must:

1. Be a resident of Louisiana as defined herein:

“Any person who has resided in the State of Louisiana continuously during the 12 months immediately prior to the date of application and who has manifested his intent to remain in this state by establishing Louisiana as his legal domicile, as demonstrated by compliance with all of the following:

a. if registered to vote, is registered to vote in Louisiana;

b. if licensed to drive a motor vehicle, is in possession of a Louisiana driver's license;

c. if owning a motor vehicle located within Louisiana, is in possession of a Louisiana registration for that vehicle; and

d. if earning an income, has complied with state income tax laws and regulations.”

2. Be a United States citizen, national, or eligible permanent resident of the United States.

3. Maintain full-time enrollment at any state public two- or four-year college or university or any institution that is a member of the Louisiana Association of Independent Col-

leges and Universities.

4. Make satisfactory academic progress as defined by the institution.

5. Not be in default on any other student loans nor owe a refund to any financial aid program.

6. Apply for and be denied a federal Pell Grant.

7. Not be receiving Title IV campus based aid, to include College Work-Study, Perkins Loan, and the Supplemental Educational Opportunity Grant (SEOG).

8. In addition to the requirements established herein, be otherwise eligible for a Stafford Loan as set forth in 34 CFR 682.201, except for qualifying for the payment of federal interest subsidy as set forth in 34 CFR 682.301.

C. Institutions Eligible to Participate

To participate, an institution must:

1. be a state public two- or four-year college or university or a member institution of the Louisiana Association of Independent Colleges and Universities;

2. have satisfied all the requirements for an eligible and participating institution under Title IV of the Higher Education Act of 1965, as amended; and

3. be an eligible institution as evidenced by a concluded school participation agreement with the Louisiana Student Financial Assistance Commission.

[See the Appendix for the listing of eligible institutions]

D. Institutional Procedures

1. The institution must certify the student's eligibility to borrow under this program by completing the institutional portion of the Louisiana Opportunity Loan Application and Promissory Note. Certifications may be performed either manually or electronically, depending upon the institution's processing capability.

2. The institution must certify the student's eligibility to borrow and enter the cost of attendance, any other financial aid to include any subsidized Stafford Loan, and the amount of LA-OP Loan eligibility. Expected family contribution (EFC) is not applicable and is therefore omitted.

APPENDIX

LA-OP Lender Policies and Procedures Eligible Colleges and Universities

Bossier Parish Community College
Centenary College
Delgado Community College
Dillard University
Grambling State University
Louisiana College
Louisiana State University - Baton Rouge
LSU School of Veterinary Medicine
LSU Law School
LSU-Alexandria
LSU-Eunice
LSU-Shreveport
LSU Med Center-N.O.
LSU Med Center-Shreveport
University of New Orleans
Louisiana Tech University
Loyola University
McNeese State University
Nicholls State University
Northeast Louisiana University

Northwestern State University
Our Lady of Holy Cross College
Southeastern Louisiana University
Southern University - Baton Rouge
Southern Law School
Southern-New Orleans
Southern-Shreveport
St. Bernard Parish Community College
Tulane University
Tulane Medical Center
Tulane School of Public Health
Tulane Law School
University of Southwestern Louisiana
Xavier University

Jack L. Guinn
Executive Director

RULE

Department of Employment and Training Office of Employment Security

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 23:1471-1713 (Act 97 of 1936), as amended, the Department of Employment and Training, Office of Employment Security, has amended LAC 40:IV.333, Registration for Work and Claims for Benefits for Individuals Located in Isolated Areas, Areas Served on Itinerant Basis, and other Areas.

Title 40 LABOR AND EMPLOYMENT Part IV. Employment Security

Chapter 3. Employment Security Law §333. Registration for Work and Claims for Benefits for Individuals Located in Isolated Areas, Areas Served on Itinerant Basis, and other Areas

A. Itinerant Service

1. In order to claim benefits or waiting period credits for unemployment, an individual located in an area served only by itinerant service of the Office of Employment Security shall report in person to such itinerant service office at the first available opportunity therefore, and shall file a claim for benefits with such service.

- a. Delete
- b. Delete

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1471-1713.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Employment Security, LR 15:491 (June 1989), repealed and repromulgated by the Department of Employment and Training, Office of Employment Security, LR 17:43 (January 1991), amended LR 18: (April 1992).

Gayle F. Truly
Secretary

RULE

Department of Employment and Training Office of Employment Security

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 23:1471-1713 (Act 97 of 1936), as amended, the Department of Employment and Training, Office of Employment Security, has adopted LAC 40:IV.309, Reports on Magnetic Media.

Title 40 LABOR AND EMPLOYMENT Part IV. Employment Security

Chapter 3. Employment Security Law

§309. Reports on Magnetic Media

Taxed employers who report 250 or more employees in any calendar quarter must file their quarterly wages as required by R.S. 23:1531 on a magnetic medium using a format prescribed by the Department of Employment and Training. A magnetic media wage report may contain information for more than one employer. Employers with less than 250 employees may elect to use magnetic reporting. Reporting as required by this rule shall commence beginning with the quarter ending March 31, 1982, and each quarter thereafter as follows: the three months ending March 31, June 30, September 30, and December 31.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1471-1713.

HISTORICAL NOTE: Promulgated by the Department of Employment and Training, Office of Employment Security, LR 18: (April 1992).

Gayle F. Truly
Secretary

RULE

Department of Employment and Training Office of Labor

The Department of Employment and Training, Office of Labor, has amended certain rules and regulations under the Administrative Procedure Act R.S. 49:950, et seq., for the implementation and administration of the Job Training Partnership Act (JTPA) (Public Law 97-300).

The following are proposed amendments to the Job Training Partnership Act rules and regulations.

Title 40 LABOR AND EMPLOYMENT Part XIII. Job Training Partnership Act Chapter 1. General Provisions

§121. Carry-over Balances

Funds obligated for any program year may be expended by each recipient, service delivery area grant recipient or subrecipient during that program year and the two succeeding program years with the following exceptions:

A. Title II-A and Title II-B - Reallocation Policy

1. Section 161(b) of the Job Training Partnership Act provides that no amount of funds "shall be deobligated on account of a rate of expenditure which is consistent with the

job training plan." This being the case, the Louisiana Department of Employment and Training is asserting the reverse. If an SDA's rate of expenditure is inconsistent with the job training plan, its new obligational authority (NOA) may be reduced in subsequent program years in order to, in effect, reallocate funds from that program year;

2. Beginning in Program Year 1990 and applying to Program Year 1989, an amount equivalent to 20 percent of the previous year's total funds available will be classified as "allowable carry-out";

3. All other carry-out will be designated as "excess carry-out" and the NOA to the SDA will be reduced by the amount of the excess carry-out. Determination of total carry-out and excess carry-out will be made at the annual close-out of the grant and reallocation of funds will be made to those SDAs which request the funds and have expended more than 80 percent of their total funds available. The reallocation will be based on the degree that SDAs exceed the 80 percent expenditure level;

4. The reduction of the NOA will result in funds being available with cost category levels of 15 percent, 15 percent, and 70 percent respectively for Administration, Participant Support, and Training;

5. All SDAs will be subject to these policies and procedures beginning in Program Year 1990.

B. Title III - Reallotment and Reallocation Policy

1. Excess Unexpended Funds

a. The U.S. Department of Labor has established Title III reallotment procedures that have the effect of limiting the amount of unexpended funds that can be carried-over by the state at the end of each program year. Reallotment also rewards states with high expenditure rates by providing additional funds. These procedures are described in §303 of the Job Training Partnership Act, §6305(e) of the Economic Dislocation and Worker Adjustment Assistance Act, §631.12 of JTPA federal regulation, and Training and Employment Guidance Letter (TEGL) No. 4-88 issued by the U.S. Department of Labor;

b. Reallotment will occur around September 1 and will result in an increase or decrease in the state's formula-allotted funds for the current year based on a reallotment process applied to the prior year's Title III funds and expenditures. When reallotment results in an increase in funding, such reallocation is subject to allocation procedures specified in §631.32 of the federal regulations. When reallotment results in a decrease in funding, the procedures that follow will be used to recover funds from substate grantees and, where appropriate, state subcontractors in order to make funds available to the U.S. Department of Labor for reallotment. Any remaining funds would come from the governor's 40 percent funds;

c. Louisiana will apply the same reallotment procedures to substate grantees and state subcontractors that the U.S. Department of Labor applies to the state. Our reallotment policy states that that amount available for reallotment from substate grantees and state subcontractors is equal to the sum of unexpended funds in excess of 20 percent of the prior year's allocation or subgrant amount and all unexpended previous program year funds. For PY 88 allocations and subgrants, 30 percent shall be substituted for 20 percent in the previous sentence. Unexpended reallocated funds at the end of the year will also be subject to the 20 percent limitation on allowable carry forward. Substate grantees and state subcontractors that lose funds through the reallotment

process will use their allocation or subgrant amount before reallotment in order to calculate allowable carry forward;

d. In addition, Louisiana will use the reallotment process for substate grantees and, where appropriate, state subcontractors at the end of each program year whether or not the state is subject to a reduction in funding due to reallotment. This will allow the state to deal with significant underexpenditure of funds by individual substate grantees and state subcontractors even when the state maintains a high overall level of expenditures;

e. In the event that Louisiana is not subject to a reduction in funding, but one or more substate grantee(s) or state subcontractor(s) are subject to a reduction based on Louisiana's policy, funds deobligated from such substate grantees will be allocated by formula to the remaining substate grantees who were not subject to a reduction. This allocation will be in addition to any funds reallocated by the U.S. Department of Labor and subsequently allocated to substate areas. Any funds deobligated from state subcontractors as a result of these procedures are subject to regular Title III state obligation procedures.

2. Projected Excess Unexpended Funds

a. Louisiana is subject to a U.S. Department of Labor JTPA Title III reallotment process based on expenditures at the end of each program year. In order to avoid a reduction in funding from such a reallotment, a deobligation procedure has been established;

b. Title III substate grantees and state subcontractors are subject to deobligation of projected excess unexpended funds based on expenditures during the first five months of their subgrant or subcontract period. Projected excess unexpended funds are defined as any amount of projected unexpended funds in excess of 20 percent of a substate grantee's available funds (excluding carry-in funds and any additional funds reallocated during that program year as a result of the U.S. Department of Labor's reallocation process) or 20 percent of a subcontract amount. Projected unexpended funds are total available funds (excluding reallocated funds) less expenditures reported for the first five months and less an amount equal to the higher of the last two months' reported expenditure amounts times the number of months remaining in the subgrant or subcontract period. Expenditure amounts used for this process will be those amounts reported as of the official due date specified by the Louisiana Department of Employment and Training's fiscal section. Funds remaining after deobligation will be subject to all cost category limitations;

c. Substate grantees and state subcontractors will have 15 days from the date they are notified of any amount subject to deobligation to provide documentation to the Louisiana Department of Employment and Training why they should not be subject to such deobligation. The Louisiana Department of Employment and Training may reduce the amount to be deobligated based on acceptance of documentation of corrected expenditure amounts, significant recent obligations not reflected in current reported expenditures, or other appropriate justification;

d. All funds deobligated from substate grantees will be allocated by formula to substate grantees whose total projected unexpended funds did not exceed allowable projected unexpended funds. Funds deobligated from state subcontractors are subject to regular Title III state obligation procedures;

e. This deobligation procedure does not limit the Loui-

siana Department of Employment and Training's authority to unilaterally deobligate funds from subgrants and subcontractors when it is deemed necessary in order to carry out responsibilities under the Job Training Partnership Act.

C. Reallocation Waiver

The reallocation policies set forth above in §121.A., §121.B.1.d. and e., and §121.B.2. may be waived for SDAs and substate grantees operating under a reorganization plan issued by the governor pursuant to §106 of the Job Training Partnership Act.

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

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

§133. Professional Services

Contracts for professional services (legal, management, auditing, etc.) are allowable with prior written approval of the recipient. Approval must be obtained annually.

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

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Labor, LR 9:334 (May 1983), repealed and repromulgated by the Department of Employment and Training, Office of Labor, LR 17:357 (April 1991), amended LR 18: (April 1992).

Gayle F. Truly
Secretary

RULE

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

Under the authority of the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq., particularly La. R.S. 30:2054, and in accordance with the provisions of the Administrative Procedure Act, La. R.S. 49:950, et seq., the secretary has amended Air Quality Regulations, LAC 33:III. Chapter 15, (AQ57).

These changes to the existing emission standards for sulfur dioxide reflect the U.S. Environmental Protection Agency's request for additions to the State Implementation Plan. These additions include continuous monitoring, continuous recordkeeping, and inclusion of all sources of sulfur dioxide, both new and existing.

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

Chapter 15. Emission Standards for Sulfur Dioxide

§1501. Degradation of Existing Emission Quality Restricted

Emissions whose quality as of the effective date of these regulations is higher than the standards set forth herein shall be maintained at the higher quality unless it can

be affirmatively demonstrated to the department that a change in quality is justifiable and will not be contrary to the purpose of these regulations.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), repromulgated by the Office of Air Quality and Radiation Protection, LR 18: (April 1992).

§1503. Emission Limitations

As used in this Section, a *three-hour average* means the average emissions for any three consecutive one-hour periods (each commencing on the hour), provided that the number of three-hour periods during which the SO₂ limitation is exceeded is not greater than the number of one-hour periods during which the SO₂ limitation is exceeded.

A. Sulfuric Acid Plants New and Existing. The emissions of sulfur dioxide and acid mist from new sulfuric acid production units which commence construction or modification after August 17, 1971 shall be limited to that specified in LAC 33:III.3232 and 3233, i.e. 4.0 pounds/ton of 100 percent H₂SO₄ (2 kilograms/metric ton) and 0.15 pounds/ton of 100 percent H₂SO₄ (.075 kilograms/metric ton) respectively (three-hour averages). Emissions from existing units shall be limited as follows: SO₂—not more than 2000 ppm by volume (three-hour average); acid mist—not more than 0.5 pounds/ton of 100 percent H₂SO₄ (three-hour average).

B. Sulfur Recovery Plants—New and Existing. The emission of sulfur oxides calculated as sulfur dioxide from a new sulfur recovery plant which commences construction or modification after October 4, 1976 shall be limited to that specified in LAC 33:III.3264.A.2. The emission of sulfur oxides calculated as sulfur dioxide from an existing plant shall be limited to a sulfur dioxide concentration of not more than 1,300 ppm by volume (three-hour average).

C. All Other Sources—New and Existing not elsewhere discussed. No person shall discharge gases from the subject sources which contain concentrations of SO₂, which exceed 2000 parts per million (ppm) by volume at standard conditions (three-hour average), or any applicable Federal NSPS emission limitation, whichever is more stringent. Units emitting less than 250 tons per year of sulfur compounds measured as sulfur dioxide may be exempted from the 2000 ppm(v) limitation by the administrative authority.

D. Measurement of Concentrations

1. Analytical Methods. The methods listed in Table 4 or such equivalent method as may be approved by the administrative authority* shall be utilized to determine sulfur dioxide and sulfuric acid mist concentrations in stack gases. These methods are to be used for initial compliance determinations and for additional compliance determinations for those facilities not subject to continuous emission monitoring.

2. Calibration of Equipment Required. Measurement equipment shall be periodically calibrated to comply with minimal American Bureau of Standards Criteria.

TABLE 4
Emissions-Methods of Contaminant Measurement

Emission	Analytical Method
Particulate	1) Methods 1 (LAC 33:III.6001, 2 (LAC 33:III.6003), 3 (LAC 33:III.6009), 4 (LAC 33:III.6013), 5 (LAC 33:III.6015) or LAC 33:III.3115.
Sulfur Oxides	1) Seidman, Analytical Chemistry Volume 30, page 1680 (1958), "Determination of Sulfur Oxides in Stack Gases." 2) Shell Development Company method for the Determination of Sulfur Dioxide and Sulfur Trioxide PHS 999 AP-13 Appendix B, pages 85-87, "Atmospheric Emissions Sulfuric Acid Manufacturing Processes." 3) Reich Test for Sulfur Dioxide, "Atmospheric Emissions from Sulfuric Acid Manufacturing Process" PHS 999 AP-13 Appendix B, pages 76-80. 4) The Modified Monsanto Company Method, "Atmospheric Emissions from Sulfuric Acid Manufacturing Process" PHS 999 AP-13, Appendix B, pages 61-67. 5) Test Methods 1 (LAC 33:III.6001, 2 (LAC 33:III.6003), 3 (LAC 33:III.6009), 4 (LAC 33:III.6013), 6 (LAC 33:III.6025), and 8 (LAC 33:III.6045), or LAC 33:III.3115
Oxides of Nitrogen	1) Test Methods 1 (LAC 33:III.6001, 2 (LAC 33:III.6003), 3 (LAC 33:III.6009), 4 (LAC 33:III.6013), and 7 (LAC 33:III.6033), or LAC 33:III.3115.
Visible Emissions	1) Method 9 (LAC 33:III.6047) 2) Method 22 (LAC 33:III.6079).
Total Fluoride	1) Methods 1 (LAC 33:III.6001, 2 (LAC 33:III.6003), 3 (LAC 33:III.6009), 13A (LAC 33:III.6057) and 13B (LAC 33:III.6059).
Total Reduced Sulfur (TRS)	1) Method 16 (LAC 33:III.6065) or LAC 33:III.3115 2) Coulometric titration by method specified in NCASI Atmospheric Quality Improvement Technical Bulletin Number 91. (January 1978)
Sulfuric Acid Mist	1) Test methods 1 (LAC 33:III.6001, 2 (LAC 33:III.6003), 3 (LAC 33:III.6009), 4 (LAC 33:III.6013) 6 (LAC 33:III.6025), and 8 (LAC 33:III.6045), or LAC 33:III.3115.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, LR 18: (April 1992).

§1505. Variances

If upon written application of the responsible person or persons the administrative authority* finds that by reason of exceptional circumstances strict conformity with any provisions of these regulations would cause undue hardship, would be unreasonable, impractical or not feasible under the circumstances, the administrative authority* may permit a variance from these regulations upon such conditions and with such time limitations as it may prescribe for prevention, control or abatement of air pollution in harmony with the intent of the Act. No variance may permit or authorize the maintenance of a nuisance, or a danger to public health or safety.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, LR 18: (April 1992).

§1507. Exceptions

A. Start-up Provisions

1. A four-hour (continuous) start-up exemption from the emission limitations of LAC 33:III.1503.A may be authorized by the administrative authority for plants not subject to LAC 33:III.3232 and 3233 which have been shut down. A

report in writing explaining the conditions and duration of the start-up and listing the steps necessary to remedy, prevent and limit the excess emission shall be submitted to the administrative authority within seven calendar days of the occurrence.

2. This provision is applicable to infrequent start-ups only. Before the exemption can be granted the administrative authority must determine the excess emissions were not the result of failure to maintain or repair equipment. In addition the duration of excess emission must be minimized and no ambient air quality standard may be jeopardized.

B. On-Line Operating Adjustments

1. A four-hour (continuous) exemption from emission limitations of LAC 33:III.1503.A may be extended by the administrative authority to plants not subject to LAC 33:III.3232 and 3233 where upsets have caused excessive emissions and on-line operating changes will eliminate a temporary condition. A report, in writing, explaining the conditions and duration of the upset and listing the steps necessary to remedy, prevent and limit the excess emission shall be submitted to the administrative authority within seven calendar days of the occurrence.

2. This provision is applicable to infrequent on-line adjustments only. Before the exemption can be granted the administrative authority must determine the excess emissions were not the result of failure to maintain or repair equipment. In addition, the duration of excess emissions must be minimized and no ambient air quality standard may be jeopardized.

C. Bubble Concept. The administrative authority* may exempt a source from the emission limitations of LAC 33:III.1503 if the owner or operator demonstrates that a "bubble concept" will be applied as defined in LAC 33:III.111.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, LR 18: (April 1992).

§1509. Reduced Sulfur Compounds (New and Existing Sources)

All refinery process gas streams or any other process gas stream that contains sulfur compounds measured as hydrogen sulfide shall be controlled by flaring or combustion. Units emitting less than 10 tons per year as hydrogen sulfide may be exempted from this Section by the administrative authority unless a more stringent Federal NSPS limitation is applicable.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, LR 18: (April 1992).

§1511. Continuous Emissions Monitoring

A. The owner or operator of any facility subject to the provisions of this Chapter shall install, calibrate, maintain and operate a measurement system or systems, installed in accordance with the manufacturer's instructions, for continuously monitoring sulfur dioxide concentrations in the effluent

of each process subject to this Chapter consistent with LAC 33:III.915. The administrative authority shall not require continuous monitoring for flares and sources emitting less than 100 tons per year of sulfur dioxide into the atmosphere or as identified in 40 CFR, Part 51, Appendix "P" "Continuous monitoring" is defined as sampling and recording of at least one measurement of sulfur dioxide concentration in each 15-minute period from the effluent of each affected process or the emission control system serving each affected process.

B. These measurement systems shall be certified according to the performance specifications in LAC 33:III.6105 (Performance Specification 2) and quality assured by the procedures in 40 CFR 60, Appendix "F."

C. As an alternative to continuous monitoring of sulfur dioxide emissions the administrative authority* may approve demonstration of compliance by monitoring of the fuel hydrogen sulfide content and calculation of sulfur dioxide emissions for sources which burn fuel gas or refinery gas in multiple combustion units or by monitoring input sulfur and calculation of sulfur dioxide emissions for sources which burn or decompose sulfur - containing fuel and/or feedstock.

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: (April 1992).

§1513. Recordkeeping and Reporting

The owner or operator of any facility subject to the provisions of this Chapter shall record and retain at the site for at least two years the data required to demonstrate compliance with or exemption from these provisions. All emissions data shall be recorded in the units of the standard using the averaging time of the standard. These data shall be made available to a representative of the department or the U.S. EPA on request. Compliance data shall be reported to the department annually in accordance with LAC 33:III.918. In addition, quarterly reports of three-hour excess emissions and prompt reports of emergency occurrences in accordance with LAC 33:III.927 shall be made.

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: (April 1992).

These regulations are effective April 20, 1992, upon publication in the *Louisiana Register*.

James B. Thompson, III
Assistant Secretary

RULE

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

(Editor's Note: A portion of §4841, referenced as a rule in the *Louisiana Register*, July, 1991, page 655, is being republished to correct a typographical error.)

Title 33 ENVIRONMENTAL QUALITY Part III. Air Quality

Chapter 31. Standards of Performance for New Stationary Sources

§4841. Standards of Performance for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations (Subpart NNN)

TABLE 1.

DESIGN CATEGORY E. FOR NONHALOGENATED PROCESS VENT STREAMS, IF NET HEATING VALUE > 3.6 MJ/scm:

$$Y_s = \text{Dilution Flow Rate (scm/min)} = (Q_s)(H_s)/3.6 \text{ a b c d e f}$$

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 17:655 (July 1991), repromulgated LR 18: (April 1992).

James B. Thompson, III
Assistant Secretary

RULE

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

(Editor's Note: Certain portions of §3337, published as a rule in the *Louisiana Register*, March 1992, page 263, are being republished to correct typographical errors.)

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)

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

Secondary Emission Control System-the combination of equipment used for the capture and collection of secondary emissions . . .

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

James B. Thompson, III
Assistant Secretary

RULE

Department of Environmental Quality Office of Air Quality and Radiation Protection

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001, et seq., particularly R.S. 30:2054, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary has adopted Air Quality Regulations, LAC 33:III.3525, (AQ44).

This regulation is identical to 40 CFR 60, Suppart AAa with changes to the outline and internal references to match the Louisiana Administrative Code (LAC). It does not deviate from the CFR except for the above referenced format. It defines the particulate emission standards for some steel plants, monitoring requirements, test methods and procedures, and recordkeeping and reporting requirements. See *Federal Register* dated September 15, 1987, 52 FR 34874, 178.

Title 33 ENVIRONMENTAL QUALITY Part III. Air

Chapter 31. Standards of Performance for New Stationary Sources

§3525. Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 7, 1983 (Subpart AAa)

A. Applicability and Designation of Affected Facility

1. The provisions of this Section are applicable to the following affected facilities in steel plants that produce carbon, alloy, or specialty steels: electric arc furnaces, argon-oxygen decarburization vessels, and dust-handling systems.

2. The provisions of this Section apply to each affected facility identified in Subsection A.1 of this Section that commences construction, modification, or reconstruction after August 17, 1983.

B. Definitions. As used in this Section, all terms not defined herein shall have the meaning given them in Subchapter A of this Chapter, and the following terms shall have the specific meanings given them.

Argon-oxygen Decarburization Vessel (AOD vessel)—any closed-bottom, refractory-lined converter vessel with submerged tuyeres through which gaseous mixtures containing argon and oxygen or nitrogen may be blown into molten steel for further refining.

Capture System—the equipment (including but not limited to ducts, hoods, fans, and dampers) used to capture or transport particulate matter generated by an electric arc furnace or AOD vessel to the air pollution control device.

Charge—the addition of iron and steel scrap or other materials into the top of an electric arc furnace or the addition of molten steel or other materials into the top of an AOD vessel.

Control Device—the air pollution control equipment used to remove particulate matter from the effluent gas stream generated by an electric arc furnace or AOD vessel.

Direct-shell Evacuation Control System (DEC System)—a system that maintains a negative pressure within the electric arc furnace above the slag or metal and ducts emissions to the control device.

Dust-handling System—equipment used to handle particulate matter collected by the control device for an electric arc furnace or AOD vessel subject to this Section. For the purposes of this Section, the dust-handling system shall consist of the control device dust hoppers, the dust-conveying equipment, any central dust storage equipment, the dust-treating equipment (e.g., pug mill, pelletizer), dust transfer equipment (from storage to truck), and any secondary control devices used with the dust transfer equipment.

Electric Arc Furnace (EAF)—furnace that produces molten steel and heats the charge materials with electric arcs from carbon electrodes. For the purposes of this Section, an EAF shall consist of the furnace shell and roof and the transformer. Furnaces that continuously feed direct-reduced iron ore pellets as the primary source of iron are not affected facilities within the scope of this definition.

Heat Cycle—the period beginning when scrap is charged to an empty EAF and ending when the EAF tap is completed or beginning when molten steel is charged to an empty AOD vessel and ending when the AOD vessel tap is completed.

Melting—that phase of the steel production cycle during which the iron and steel scrap is heated to the molten state.

Negative-pressure Fabric Filter—a fabric filter with the fans on the downstream side of the filter bags.

Positive-pressure Fabric Filter—a fabric filter with the fans on the upstream side of the filter bags.

Refining—that phase of the steel production cycle during which undesirable elements are removed from the molten steel and alloys are added to reach the final metal chemistry.

Shop—the building which houses one or more EAF's or AOD vessels.

Shop Opacity—the arithmetic average of 24 observations of the opacity of emissions from the shop taken in accordance with LAC 33:III.6047 of the Division's Source Test Manual.

Tap—the pouring of molten steel from an EAF or AOD vessel.

C. Standard for Particulate Matter

1. On and after the date on which the performance test required to be conducted by LAC 33:III.3115 is completed, no owner or operator subject to the provisions of this Subsection shall cause to be discharged into the atmosphere from an EAF or an AOD vessel any gases which:

- exit from a control device and contain particulate matter in excess of 12 mg/dscm (0.0052 gr/dscf);
- exit from a control device and exhibit three percent opacity or greater; and
- exit from a shop and, due solely to the operations of any affected EAF(s) or AOD vessel(s), exhibit six percent opacity or greater.

2. On and after the date on which the performance test required to be conducted by LAC 33:III.3115 is completed, no owner or operator subject to the provisions of this

Section shall cause to be discharged into the atmosphere from the dust-handling system any gases that exhibit 10 percent opacity or greater.

D. Emission Monitoring

1. Except as provided under Subsection D.2 and 3 of this Section, a continuous monitoring system for the measurement of the opacity of emissions discharged into the atmosphere from the control device(s) shall be installed, calibrated, maintained, and operated by the owner or operator subject to the provisions of this Section.

2. No continuous monitoring system shall be required on any control device serving the dust-handling system.

3. A continuous monitoring system for the measurement of opacity is not required on modular, multiple-stack, negative-pressure or positive-pressure fabric filters if observations of the opacity of the visible emissions from the control device are performed by a certified visible emission observer as follows: Visible emission observations are conducted at least once per day when the furnace is operating in the melting and refining period. These observations shall be taken in accordance with Method 9 (LAC 33:III.6047), and, for at least three six-minute periods, the opacity shall be recorded for any point(s) where visible emissions are observed. Where it is possible to determine that a number of visible emission sites relate to only one incident of the visible emissions, only one set of three six-minute observations will be required. In this case, Method 9 (LAC 33:III.6047) observations must be made for the site of highest opacity that directly relates to the cause (or location) of visible emissions observed during a single incident. Records shall be maintained of any six-minute average that is in excess of the emission limit specified in Subsection C.1 of this Section.

E. Monitoring of Operations

1. The owner or operator subject to the provisions of this Section shall maintain records of the following information:

a. all data obtained under Subsection E.2 of this Section; and

b. all monthly operational status inspections performed under Subsection E.3 of this Section.

2. Except as provided under Subsection E.4 of this Section, the owner or operator subject to the provisions of this Subsection shall check and record on a once-per-shift basis the furnace static pressure (if DEC system is in use) and either

a. check and record the control system fan motor amperes and damper position on a once-per-shift basis; or

b. install, calibrate, and maintain a monitoring device that continuously records the volumetric flow rate through each separately ducted hood. The monitoring device(s) may be installed in any appropriate location in the exhaust duct such that reproducible flow rate monitoring will result. The flow rate monitoring device(s) shall have an accuracy of ± 10 percent over its normal operating range and shall be calibrated according to the manufacturer's instructions. The administrative authority may require the owner or operator to demonstrate the accuracy of the monitoring device(s) relative to LAC 33:III.6001 and LAC 33:III.6003 of the Division's Source Test Manual.

3. When the owner or operator of an affected facility is required to demonstrate compliance with the standards under Subsection C.1.c of this Section; and at any other time the administrative authority may require that either the con-

trol system fan motor amperes and all damper positions, or the volumetric flow rate through each separately ducted hood, shall be determined during all periods in which a hood is operated for the purpose of capturing emissions from the affected facility subject to Subsection E.2.a or b of this Section. The owner or operator may petition the administrative authority for reestablishment of these parameters whenever the owner or operator can demonstrate to the administrative authority's satisfaction that the affected facility operating conditions upon which the parameters were previously established are no longer applicable. The values of these parameters as determined during the most recent demonstration of compliance shall be maintained at the required level for each applicable period. Operation at other than baseline values may be subject to the requirements of Subsection G.3 of this Section.

4. The owner or operator shall perform monthly operational status inspections of the equipment that is important to the performance of the total capture system (i.e., pressure sensors, dampers, and damper switches). This inspection shall include observations of the physical appearance of the equipment (e.g., presence of holes in ductwork or hoods, flow constrictions caused by dents or accumulated dust in ductwork, and fan erosion). Any deficiencies shall be noted and proper maintenance performed in a timely manner.

5. The owner or operator may petition the administrative authority to approve any alternative to monthly operational status inspections that will provide a continuous record of the operation of each emission capture system.

6. If emissions during any phase of the heat time are controlled by the use of a DEC system, the owner or operator shall install, calibrate, and maintain a monitoring device that allows the pressure in the free space inside the EAF to be monitored. The monitoring device may be installed in any appropriate location in the EAF or DEC duct prior to the introduction of ambient air designed to ensure that reproducible results will be obtained. The pressure monitoring device shall have an accuracy of ± 5 mm of water gauge over its normal operating range and shall be calibrated according to the manufacturer's instructions.

7. When the owner or operator of an EAF controlled by a DEC is required to demonstrate compliance with the standard under Subsection C.1.c of this Section, and at any other time the administrative authority may require, the pressure in the free space inside the furnace shall be determined during the melting and refining period(s) using the monitoring device required under Subsection E.6 of this Section. The owner or operator may petition the administrative authority for reestablishment of the 15-minute integrated average of the pressure whenever the owner or operator can demonstrate to the administrative authority's satisfaction that the EAF operating conditions upon which the pressures were previously established are no longer applicable. The pressure determined during the most recent demonstration of compliance shall be maintained at all times when the EAF is operating in a meltdown and refining period. Operation at higher pressures may be considered by the administrative authority to be unacceptable operation and maintenance of the affected facility.

8. During any performance test required under LAC 33:III.3115, and for any report thereof required by Subsection F.4 of this Section, or to determine compliance with Subsection C.1.c of this Section, the owner or operator shall monitor

the following information for all heats covered by the test:

- a. charge weights and materials, and tap weights and materials;
- b. heat times, including start and stop times, and a log of process operation, including periods of no operation during testing and the pressure inside an EAF when direct-shell evacuation control systems are used;
- c. control device operation log; and
- d. continuous monitor or Reference Method 9 data.

F. Test Methods and Procedures

1. During performance tests required in LAC 33:III.3115 the owner or operator shall not add gaseous diluents to the effluent gas stream after the fabric in any pressurized fabric filter collector, unless the amount of dilution is separately determined and considered in the determination of emissions.

2. When emissions from any EAF(s) or AOD vessel(s) are combined with emissions from facilities not subject to the provisions of this Section but controlled by a common capture system and control device, the owner or operator shall use either or both of the following procedures during a performance test (see also Subsection G.5 of this Section):

a. determine compliance using the combined emissions;

b. use a method that is acceptable to the administrative authority and that compensates for the emissions from the facilities not subject to the provisions of this Section. The administrative authority must indicate its acceptance of the alternative method in writing.

3. When emission from any EAF(s) or AOD vessel(s) are combined with emissions from facilities not subject to the provisions of this Section, the owner or operator shall demonstrate compliance with LAC 33:III.3512.A.3 based on emissions from only the affected facility(ies).

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

5. The owner or operator shall determine compliance with the particulate matter standards in Subsection C as follows.

a. Method 5 shall be used for negative-pressure fabric filters and other types of control devices and Method 5D shall be used for positive-pressure fabric filters to determine the particulate matter concentration and volumetric flow rate of the effluent gas. The sampling time and sample volume for each run shall be at least four hours and 4.50 dscm (160 dscf) and, when a single EAF or AOD vessel is sampled, the sampling time shall include an integral number of heats.

b. When more than one control device serves the EAF(s) being tested, the concentration of particulate matter shall be determined using the following equation:

$$C_{st} = \frac{\sum_{i=1}^n (C_{si} Q_{sdi})}{\sum_{i=1}^n Q_{sdi}}$$

where:

C_{st} = average concentration of particulate matter, mg/dscm (gr/dscf).

C_{si} = concentration of particulate matter from control device "i", mg/dscm (gr/dscf).

n = total number of control devices tested.

Q_{sdi} = volumetric flow rate of stack gas from control device "i", dscm/hr (dscf/hr).

c. Method 9 and the procedures of LAC 33:III.3121 shall be used to determine opacity.

d. To demonstrate compliance with Subsection C.1.a, b and c of this Section, the test runs shall be conducted concurrently, unless inclement weather interferes. If inclement weather prevents concurrent testing, only the opacity test may be delayed.

6. To comply with Subsection E.3, 6, 7 and 8 of this Section, the owner or operator shall obtain the information required in these paragraphs during the particulate matter runs.

7. Any control device subject to the provisions of the Section shall be designed and constructed to allow measurement of emissions using applicable test methods and procedures.

8. Where emissions from any EAF(s) or AOD vessel(s) are combined with emissions from facilities not subject to the provisions of this Section but controlled by a common capture system and control device, the owner or operator may use any of the following procedures during a performance test:

a. base compliance on control of the combined emissions, or;

b. utilize a method deemed acceptable by the administrative authority in writing that compensates for the emissions from the facilities not subject to the provisions of this Section, or;

c. any combination of the criteria of Subsections F.8.a and b of this Section.

9. Where emissions from any EAF(s) or AOD vessel(s) are combined with emissions from facilities not subject to the provisions of this Section, determinations of compliance with Subsection C.1.c of this Section will only be based upon emissions originating from the affected facility(ies).

10. Unless the presence of inclement weather makes concurrent testing infeasible, the owner or operator shall conduct concurrently the performance tests required under 33:III.3115 to demonstrate compliance with Subsection C.1.a, b and c of this Section.

G. Recordkeeping and Reporting Requirements

1. Records of the measurements required in Subsection E of this Section must be retained for at least two years following the date of the measurement.

2. Each owner or operator shall submit a written report of exceedances of the control device opacity to the administrative authority semi-annually. For the purposes of these reports, exceedances are defined as all six-minute periods during which the average opacity is three percent or greater.

3. Operation at a furnace static pressure that exceeds the value established under Subsection E.7 of this Section and either operation of control system fan motor amperes at values exceeding ± 15 percent of the value established under Subsection E.3 of this Section or operation at flow rates lower than those established under Subsection E.3 of this Section may be considered by the administrative authority to

be unacceptable operation and maintenance of the affected facility. Operation at such values shall be reported to the administrative authority semiannually.

4. [Reserved]

5. When the owner or operator of an EAF or AOD is required to demonstrate compliance with the standard under Subsection F.2.b of this Section or a combination of Subsection F.2.a and b of this Section the owner or operator shall obtain approval from the administrative authority of the procedure(s) that will be used to determine compliance. Notification of the procedure(s) to be used must be postmarked 30 days prior to the performance test.

6. For the purpose of this Section, the owner or operator shall conduct the demonstration of compliance with Subsection C.1 of this Section and furnish the administrative authority a written report of the results of the test. This report shall include the following information:

- a. facility name and address;
- b. plant representative;
- c. make and model of process, control device, and continuous monitoring equipment;
- d. flow diagram of process and emission capture equipment including other equipment or process(es) ducted to the same control device;
- e. rated (design) capacity of process equipment;
- f. those data required under Subsection E.8 of this Section;
 - i. list of charge and tap weights and materials;
 - ii. heat times and process log;
 - iii. control device operation log; and
 - iv. continuous monitor or Reference Method 9 data.
- g. test dates and test times;
- h. test company;
- i. test company representative;
- j. test observers from outside agency;
- k. description of test methodology used, including any deviation from standard reference methods;
 - l. schematic of sampling location;
 - m. number of sampling points;
 - n. description of sampling equipment;
 - o. listing of sampling equipment calibrations and procedures;
 - p. field and laboratory data sheets;
 - q. description of sample recovery procedures;
 - r. sampling equipment leak check results;
 - s. description of quality assurance procedures;
 - t. description of analytical procedures;
 - u. notation of sample blank corrections; and
 - v. sample emission calculations.

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: (April 1992).

These regulations are effective on April 20, 1992, upon publication in the *Louisiana Register*.

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 adopted Louisiana Air Quality Regulations, LAC 33:III.3795 (AQ42).

This rule is identical to 40 CFR 60, Subpart AAA with changes to the outline and internal references to match the Louisiana Administrative Code (LAC). This rule does not deviate from the CFR except for the above referenced format. The rule defined particulate emission standards for wood heaters, compliance and certification requirements, test methods and procedures, and recordkeeping and reporting requirements. See *Federal Register* dated February 26, 1988, 54 FR 5873, #38.

Copies of this rule are available at the Office of the State Register, 1051 North Third Street, Capitol Annex Building, Fifth Floor, Room 512, Baton Rouge, LA, 70802.

James B. Thompson, III
Assistant Secretary

RULE

Department of Health and Hospitals Board of Veterinary Medicine

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and the Veterinary Practice Act, R.S. 37:1511 et seq., notice is hereby given that the Board of Veterinary Medicine amends its fees as follows:

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS Part LXXXV. Veterinarians

Chapter 5. Fees

§501. General Fees

The board hereby adopts and establishes the following fees:

A. Examination fee; National Board Examination (NBE)	\$150
B. Examination fee; Clinical Competency Test (CCT)	\$125
C. Examination fee; Combination NBE and CCT	\$240
D. Examination fee; State Board Examination	\$150
E. Original license fee	\$100
F. Annual renewal of license fee	\$125
G. Inactive license status fee	\$ 75
H. Duplicate license fee	\$ 25

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Veterinary Medi-

cine, LR 6:71 (February 1980), amended by DHH, LR 18: (April 1992).

Vikki Riggle
Executive Director

RULE

Department of Health and Hospitals Board of Wholesale Drug Distributors

The Louisiana Board of Wholesale Drug Distributors is adopting the following rules and regulations in accordance with R.S. 37:3461-3482.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS Part LXXXXI. Wholesale Drug Distributors

Chapter 1. General Provisions

§101. Authority

These rules of practice and procedure are promulgated in accordance with the Louisiana Administrative Procedure Act. All rule making and hearing procedures of this board are conducted according to the Louisiana Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18: (April 1992).

§103. Definitions

As used in this regulation, unless the context otherwise requires:

1. *Board* means the Louisiana Board of Wholesale Drug Distributors.

2. *Person* includes individual, partnership, corporation, business firm and association.

3. *Controlled substance* means those substances, drugs, or immediate precursors listed in Schedules I through VI of the Uniform Controlled Substances Act.

4. a. *Legend drug* means a drug limited by §503 (b)(1) of the federal Food, Drug, and Cosmetic Act to being dispensed by or upon a licensed practitioner's prescription because the drug is:

- i. habit-forming;
- ii. toxic or having potential for harm;
- iii. limited in its use to use under a practitioner's supervision by the new drug application for the drug.

b. The product label of a legend drug is required to contain the statement "CAUTION; FEDERAL LAW PROHIBITS DISPENSING WITHOUT A PRESCRIPTION."

c. A legend drug includes prescription drugs subject to the requirement of §503 (b)(1) of the federal Food, Drug, and Cosmetic Act which shall be exempt from §502 (F)(1) if certain specified conditions are met.

5. *Prescription drug* means any human drug required by federal law or regulation to be dispensed only by a prescription, including finished dosage forms and active ingredients subject to Section 503 (b) of the Federal Food, Drug, and Cosmetic Act.

6. *Blood* means whole blood collected from a single

donor and processed either for transfusion or further manufacturing.

7. *Blood component* means that part of blood separated by physical or mechanical means.

8. *Manufacturer* means anyone who is engaged in manufacturing, preparing, propagating, compounding, processing, packaging, repackaging, or labeling of a prescription drug.

9. *Wholesale distribution and Wholesale distributions* mean the distribution of prescription drugs to persons other than consumers or patients, but does not include:

a. sale or transfer between any division, subsidiary, parent and/or affiliated or related company under common ownership and control, or a sale to a customer to cover a particular unforeseen need or from such a common ownership facility as certified by a licensed facility;

b. the purchase or other acquisition by a hospital or other health care entity that is a member of a group purchasing organization from the group purchasing organization or from other hospitals or health care entities that are members of such organization;

c. the sale, purchase or trade of a drug or an offer to sell, purchase, or trade a drug by a charitable organization described in Section 501 (c)(3) of the federal Internal Revenue Code of 1954 to a nonprofit affiliate of the organization to the extent otherwise permitted by law;

d. the sale, purchase, or trade of a drug or an offer to sell, purchase, or trade a drug among hospitals or other health care entities that are under common control; for the purposes of this regulation 'common control' means the power to direct or cause the direction of the management and policies of a person or an organization whether by ownership of stock, voting rights, by contract or otherwise;

e. the sale, purchase, or trade of a drug or an offer to sell, purchase, or trade a drug for emergency medical reasons; for purposes of this regulation, 'emergency medical reasons' include transfers of prescription drugs by a retail pharmacy to another retail pharmacy to alleviate a temporary shortage that arises from delays in or interruptions of regular distribution schedules;

f. the sale, purchase, or trade of a drug; an offer to sell, purchase, or trade a drug; or the dispensing of a drug pursuant to a prescription;

g. the distribution of drug samples by manufacturers' representatives or distributors' representatives; or

h. the sale, purchase or trade of blood and blood components intended for transfusion.

10. *Wholesale distributor* means any person engaged in wholesale distribution of prescription drugs, including but not limited to manufacturers; repackers' own-label distributors; private label distributors; jobbers; brokers; warehouses, including manufacturers' and distributors' warehouses, chain drug warehouses, and wholesale drug warehouses; independent wholesale drug traders; and retail pharmacies that conduct wholesale distributions.

11. *Drug sample* means a unit of a prescription drug that is not intended to be sold and is intended to promote the sale of the drug.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18: (April 1992).

Chapter 3. Wholesale Distributors

§301. Licensing Requirements

A. Every wholesale distributor who engages in the wholesale distribution of prescription drugs, to include without limitation, manufacturing in this state, shipping into this state or selling or offering to sell in this state, shall register annually with the Louisiana Board of Wholesale Drug Distributors by application for a license on a form furnished by the board and accompanied by a fee of \$200. The board may require a separate license for each facility directly or indirectly owned or operated by the same business entity within this state, or for a parent entity with divisions, subdivisions, subsidiaries, and/or affiliate companies within this state when operations are conducted at more than one location and there exists joint ownership and control among all the entities.

B.1. The license may be renewed annually at a renewal permit fee of \$200.

2. All licenses issued under this Section shall expire on December 31 of each calendar year.

3. Each application for the renewal of the license must be made on or before December 31 of each year, a penalty of \$50 per month from February 1 of the following year will be charged, provided that if the renewal is unpaid by April 1 of the following year, the license shall be null and void.

C. Each license issued hereunder shall be displayed by the holder thereof in a conspicuous place.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18: (April 1992).

§303. Required Information

A. The Louisiana Board of Wholesale Drug Distributors requires the following from each wholesale drug distributor as part of the initial licensing procedure and as part of any renewal of such license:

1. the name, full business address, and telephone number of the licensee;

2. all trade or business names used by the licensee;

3. addresses, telephone numbers, and the names of contact persons for the facility used by the licensee for the storage, handling, and distribution of prescription drugs;

4. The type of ownership or operation (i.e., partnership, corporation, or sole proprietorship); and

5. the name(s) of the owner and/or operator of the licensee, including:

a. if a person, the name of the person;

b. if a partnership, the name of each partner, and the name of the partnership;

c. if a corporation, the name and title of each corporate officer and director, the corporate names, and the name of the state of incorporation, and the name of the parent company, if any;

d. if a sole proprietorship, the full name of the sole proprietor and the name of the business entity.

B. Where operations are conducted at more than one location by a single wholesale distributor, each such location shall be licensed by the Louisiana Board of Wholesale Drug Distributors.

C. Changes in any information required in this regulation shall be submitted to the Louisiana Board of Wholesale Drug Distributors within 60 days after such change.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18: (April 1992).

§305. Qualifications

A. The Louisiana Board of Wholesale Drug Distributors will consider the following factors in determining eligibility for licensure of persons who engage in the wholesale distribution of prescription drugs:

1. any convictions of the applicant under any federal, state, or local laws relating to drug samples, wholesale or retail drug distribution, or distribution of controlled substances;

2. any felony convictions of the applicant under federal, state, or local laws;

3. the applicant's past experience in the manufacture or distribution of prescription drugs, including controlled substances;

4. the furnishing by the applicant of false or fraudulent information in any application made in connection with drug manufacturing or distribution;

5. suspension or revocation by federal, state, or local government of any license currently or previously held by the applicant for the manufacture or distribution of any drugs, including controlled substances;

6. compliance with the licensing requirements under previously granted licenses, if any;

7. compliance with the requirements to maintain and/or make available to the state licensing authorities or to federal, state, or local law enforcement officials those records required to be maintained by wholesale drug distributors;

8. any other factors or qualifications the Louisiana Board of Wholesale Drug Distributors considers relevant to and consistent with the public health and safety.

B. The Louisiana Board of Wholesale Drug Distributors reserves the right to deny a license to an applicant if it determines that the granting of such a license would not be in the interest of public health, safety or welfare.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18: (April 1992).

§307. Personnel

Personnel employed in wholesale drug distribution shall have appropriate education and/or experience to assume responsibility for positions related to compliance with state licensing requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18: (April 1992).

§309. Storage and Handling Requirements

The following are required for the storage and handling of prescription drugs, and for the establishment and maintenance of prescription drug distribution records by wholesale drug distributors and their officers, agents, representatives, and employees.

1. Facilities. All facilities at which prescription drugs are stored, warehoused, handled, held, offered, marketed or displayed shall:

- a. be of suitable size and construction to facilitate cleaning, maintenance, and proper operations;
- b. have storage areas designed to provide adequate lighting, ventilation, temperature, sanitation, humidity, space, equipment, and security conditions;
- c. have a designated and clearly identified quarantine area for storage of prescription drugs that are outdated, damaged, deteriorated, misbranded, or adulterated, or that are in immediate or sealed, secondary containers that have been opened;
- d. be maintained in a clean and orderly condition; and
- e. be free from infestation by insects, rodents, birds, or vermin of any kind;
- f. drugs shall be redeemed from the quarantine area by the manufacturers identified by the NDC numbers thereof within 90 days after notification that such drugs are not saleable such prescription drugs shall be held in designated quarantine areas for not longer than 180 days.

2. Security

- a. All facilities used for wholesale drug distribution shall be secure from unauthorized entry.
 - i. Access from outside the premises shall be kept to a minimum and be well-controlled.
 - ii. The outside perimeter of the premises shall be well-lighted.
 - iii. Entry into areas where prescription drugs are held shall be limited to authorized personnel.

b. All facilities shall be equipped with an alarm system to detect entry after hours.

c. All facilities shall be equipped with a security system that will provide suitable protection against theft and diversion. When appropriate, the security system shall provide protection against theft or diversion that is facilitated or hidden by tampering with computers or electronic records.

3. Storage. All prescription drugs shall be stored at appropriate temperatures and under appropriate conditions in accordance with requirements, if any, in the labeling of such drugs or with requirements in the current edition of an official compendium.

a. If no storage requirements are established for a prescription drug, the drug may be held at ambient room temperature, as defined in an official compendium, to help ensure that its identity, strength, quality, and purity are not adversely affected.

b. Appropriate manual, electromechanical, or electronic temperature and humidity recording equipment, devices, and/or logs shall be utilized to document proper storage of prescription drugs.

c. The recordkeeping requirements in Paragraph 6 of this Section shall be followed for all stored drugs.

4. Examination of Materials

a. Upon receipt each outside shipping container shall be visually examined for identity and to prevent the acceptance of contaminated prescription drugs or prescription drugs that are otherwise unfit for distribution. This examination shall be adequate to reveal exterior container damage that would suggest possible contamination or other damage to the contents.

b. Each outgoing shipment shall be carefully inspected for identity of the prescription drug products and to ensure that there is no delivery of prescription drugs that have been damaged in storage or held under improper conditions.

c. The recordkeeping requirements in §311 of this Section shall be followed for all incoming and outgoing prescription drugs.

5. Returned, Damaged, and Outdated Prescription Drugs

a. Prescription drugs that are outdated, damaged, deteriorated, misbranded, or adulterated shall be quarantined and physically separated in a clearly identified area from other prescription drugs until they are destroyed or returned to their supplier.

b. Any prescription drugs whose immediate or sealed outer or sealed secondary containers have been opened or used shall be identified as such, and shall be quarantined and physically separated in a clearly identified area from other prescription drugs until they are either destroyed or returned to the supplier.

c. If the conditions under which a prescription drug has been returned cast doubt on the drug's safety, identity, strength, quality, or purity, then the drug shall be destroyed, or returned to the supplier, unless examination, testing or other investigation proves that the drug meets appropriate standards of safety, identity, strength, quality, and purity. In determining whether the conditions under which a drug has been returned cast doubt on the drug's safety, identity, strength, quality, or purity, the wholesale drug distributor shall consider, among other things, the conditions under which the drug has been held, stored, or shipped before or during its return and the condition of the drug and its container, carton, or labeling, as a result of storage or shipping.

d. The recordkeeping requirements in §311 of this Section shall be followed for all outdated, damaged, deteriorated, misbranded, or adulterated prescription drugs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18: (April 1992).

§311. Drug Distribution Recordkeeping

A. Wholesale drug distributors shall establish and maintain inventories and records of all transactions regarding the receipt and distribution or other disposition of prescription drugs. These records shall include the following information:

- 1. the source of the drugs, including the name and principal address of the seller or transferor, and the address of the location from which the drugs were shipped;
- 2. the identity and quantity of the drugs received and distributed or disposed of, and
- 3. the dates of receipt and distribution or other disposition of the drugs.

B. Inventories and records shall be made available for inspection and photocopying by any official authorized by the Louisiana Board of Wholesale Drug Distributors for a period of two years following disposition of the drugs.

C. Records described in this regulation that are kept at the inspection site or that can be immediately retrieved by computer or other electronic means shall be readily available for authorized inspection during the retention period. Records kept at a central location apart from the inspection site and not electronically retrievable shall be made available for inspection within two working days of a request by any official authorized by the Louisiana Board of Wholesale Drug Distributors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18: (April 1992).

§313. Policy and Procedures

Wholesale drug distributors shall establish, maintain, and adhere to written policies and procedures, which shall be followed for the receipt, security, storage, inventory, and distribution of prescription drugs, including policies and procedures for identifying, recording, and reporting losses or thefts, and for correcting all errors and inaccuracies in inventories. Wholesale drug distributors shall include in their written policies and procedures the following.

1. A procedure whereby the oldest approved stock of a prescription drug product is distributed first. The procedure may permit deviation from this requirement if such deviation is temporary and appropriate.

2. A procedure to be followed for handling recalls and withdrawals of prescription drugs. Such procedure shall be adequate to deal with recalls and withdrawals due to:

a. any action initiated at the request of the Food and Drug Administration or other federal, state, or local law enforcement or other government agency, including the Louisiana Board of Wholesale Drug Distributors;

b. any voluntary action by the manufacturer to remove defective or potentially defective drugs from the market; or

c. any action undertaken to promote public health and safety by replacing of existing merchandise with an improved product or new package design.

3. A procedure to ensure that wholesale drug distributors prepare for, protect against, and handle any crisis that affects security or operation of any facility in the event of strike, fire, flood, or other natural disaster, or other situations of local, state, or national emergency.

4. A procedure to ensure that any outdated prescription drugs shall be segregated from other drugs and either returned to the manufacturer or destroyed. This procedure shall provide for written documentation of the disposition of outdated prescription drugs. This documentation shall be maintained for two years after disposition of the outdated drugs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18: (April 1992).

§315. Responsible Persons

Wholesale drug distributors shall establish and maintain lists of officers, directors, managers, and other persons in charge of wholesale drug distribution, storage, and handling, including a description of their duties and a summary of their qualifications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18: (April 1992).

§317. Federal, State and Local Law Compliance

Wholesale drug distributors shall operate in compliance with applicable federal, state, and local laws and regulations.

1. Wholesale drug distributors shall permit the state licensing authority and authorized federal, state and local

law enforcement officials upon having shown appropriate identification to enter and inspect their premises and delivery vehicles, and to audit their records and written operating procedures, at reasonable times and in a reasonable manner, to the extent authorized by law.

2. Wholesale drug distributors that deal in controlled substances shall register with the appropriate state controlled substance authority and with the Drug Enforcement Administration (DEA), and shall comply with all applicable state, local, and DEA regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18: (April 1992).

§319. Salvaging and Reprocessing

Wholesale drug distributors shall be subject to the provisions of any applicable federal, state, or local laws or regulations that relate to prescription drug product salvaging or reprocessing, including Chapter 21, Parts 207, 210d, 211 of the Code of Federal Regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18: (April 1992).

§321. License Suspension or Revocation

The Louisiana Board of Wholesale Drug Distributors may revoke or suspend an existing license or may refuse to issue a license under this regulation if the holder or applicant has committed or is found guilty by the board of any of the following:

1. violation of any federal, state, or local law or regulation relating to drugs;

2. violation of any provisions of this regulation;

3. commission of any act or engaging in a course of conduct which constitutes a clear and present danger to the public health and safety.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18: (April 1992).

§323. Penalties

A. After notice and hearing, whenever the board has found a licensee to have committed any prohibited act, the board shall have the power to impose a civil penalty and may order the license be suspended until the penalty is paid.

B. Before imposing any civil penalty, the board shall determine that the public health and welfare would not be impaired by the imposition of the penalty and payment of the penalty will achieve the desired disciplinary purposes.

C. No penalty imposed by the board shall exceed the \$1,000 per violation. The maximum aggregate penalty shall not exceed 50 times the maximum penalty per individual violation.

D. Each instance where a federal, state, or local law or regulation is violated shall constitute a separate violation.

E. The power and authority of the board to impose penalties is not to be affected by any other civil or criminal proceeding concerning the same violation, nor shall the imposition of a penalty preclude the board from imposing other sanctions.

AUTHORITY NOTE: Promulgated in accordance with

R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18: (April 1992).

§325. Premises and Records Inspections

The board may conduct inspections upon all premises, including delivery vehicles, purporting or appearing to be used by a person licensed under this regulation. The board, in its discretion, may accept a satisfactory inspection by The United States Food and Drug Administration (USFDA) or a State agency which the board determines to be comparable to that made by USFDA or the Louisiana Board of Wholesale Drug Distributors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18: (April 1992).

Chapter 5. Powers and Functions of the Board

§501. Injunctive Powers

The board may, in its discretion, and in addition to various remedies provided by law under this regulation, apply to a court having competent jurisdiction over the parties and subject matter for injunctive relief to enjoin violations of this regulation or of any conduct which constitutes a clear and present danger to the public health and safety.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18: (April 1992).

§503. Board Domicile; Meetings

The board shall be domiciled in Baton Rouge, Louisiana. The regular meetings of the board shall be held at least four times a year in accordance with applicable law and at any other time the board deems necessary, at a time and place designated by the chairman. Special meetings may be called by the chairman upon giving at least 72 hours notice, sent by registered or certified mail to the post office address of each member of the board and to any persons who have previously indicated that they have business before the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18: (April 1992).

§505. Rules of Order

All meetings of the board shall be conducted in accordance with *Robert's Rules of Order*. (Latest official edition)

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18: (April 1992).

§507. Rule Promulgation

The board shall adopt, amend or repeal any rule or regulation to govern its actions in strict accordance with the Louisiana Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department

of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18: (April 1992).

§509. Inspection Contracts

The board may contract with the Louisiana Department of Health and Hospitals or any other appropriate state agencies to conduct any inspections required by state or federal law but the board shall retain exclusive jurisdiction to adjudicate all complaints, allegations of misconduct, or non-compliance by any licensee and to impose appropriate sanctions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18: (April 1992).

Chapter 7. Disciplinary Procedures

§701. Complaint Initiation

Complaints may be initiated by any citizen, corporate entity, the state of Louisiana acting through any of its departments, or by the board on its own initiative.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18: (April 1992).

§703. Complaint Investigations

A. Upon receipt of complaints or inquiries, the board shall take the following action.

1. Anonymous letters of complaint shall not be recognized as a basis for formal action.

2. If the information in the complaint is insufficient, the board may request further information by either written correspondence or the board may cause an investigation to be made.

B. All complaints received shall be assigned a docket code number which shall be utilized in all official references.

C. At its next meeting, the board shall officially receive and act upon all complaints and inquiries received.

D. The identity of all parties to a complaint shall be revealed to the involved parties unless it is certified to the board in writing by a proper law enforcement agency that to do so would jeopardize an ongoing criminal investigation.

E. The board shall inform the complainant of the action taken and any final result.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18: (April 1992).

§705. Complaint Withdrawals

If the complainant wishes to withdraw the complaint, proceedings thereto are terminated except in cases where the board judges the issue to be of such importance as to warrant completing the investigation in its own right and in the interest of public health, safety and welfare.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18: (April 1992).

§707. Hearings

A. Notice of Hearings. The board shall inform the party against whom a complaint has been made when said

complaint appears to be sufficient cause for either suspension or revocation of a license. This notice shall notify the party against whom the complaint is made at least 30 days prior to the hearing and such notice shall conform to the requirements of the Administrative Procedure Act.

B. Disposition of Complaint. The board shall conduct such investigations, order such hearings, and take such other action as it finds necessary to make an intelligent decision on the complaint submitted for review.

C. Appearance. The party against whom the complaint has been made and upon notice being served, must appear at the date, time and place fixed for the hearing.

D. Default in Appearing. In the event the party against whom the complaint has been made fails to appear at the hearing provided for and also that notice has been given as to the hearing date, time and place, the party so failing to appear or otherwise obtain approval of the board for its absence shall be deemed to be in default and the evidence as received by the board at that time may be entered into the record and may be taken as true and the order of the board entered accordingly.

E. The procedure for notice, hearing and appeals therefrom shall be that of the Louisiana Administrative Procedure Act.

F. Hearing Procedure. The hearings called according to these rules and regulations shall be conducted by the board in accordance with the Administrative Procedure Act.

1. The chairman of the board or the vice chairman in the absence of the chairman shall announce the title and docket number of the proceeding before the board and shall introduce into the record evidence of the notice of hearing. Attorneys and/or other representatives of the accused party shall be recognized along with the representatives of the board and other proper parties.

2. The board shall then present its evidence subject to cross examination by the accused and any other proper parties.

3. The accused shall then present its evidence subject to cross examination by the board and any other proper parties.

4. The board may make a disposition of the case by stipulation, agreed settlement, consent, order, or default.

G. Board's Decision. The decision of the board shall be rendered within 30 days after the matter is submitted, shall be in writing, and shall be dated and mailed to the accused and his attorney, if any, by certified mail.

H. Rehearings. A decision or order of the board shall be subject to rehearing, reopening, or reconsideration by the board within 10 days from the date of its entry. Rehearings, reopenings, or reconsiderations shall be conducted in strict accordance with the Administrative Procedure Act.

I. Recording of Hearing. The board shall make a full recording of all proceedings before it and shall at the request of any party have prepared and furnished to him a copy of the transcript or any part thereof upon payment of the actual cost thereof.

J. Judicial Review of Decision. A person who is aggrieved by a final decision or order of the board is entitled to Judicial Review in accordance with the Louisiana Administrative Procedure Act whether or not that party has applied to the board for rehearing. Proceedings for Judicial Review may be instituted in the district court of the parish in which the board is located within 30 days after mailing of the notice of

the final decision by the board or if a rehearing is requested, within 30 days after the decision thereon.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18: (April 1992).

§709. Emergency Action

If at any point the board finds that public health, safety, or welfare requires emergency action, and incorporates a finding to that effect in its order, the board is hereby given authority to obtain a restraining order from a judge of the appropriate court to suspend the license pending investigation or proceedings for disciplinary action. The order may be issued without bond. If the board seeks and obtains such a restraining order, the investigation and disciplinary action shall be commenced and completed as rapidly as possible.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3461-3482.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Wholesale Drug Distributors, LR 18: (April 1992).

Allen Dickson
Chairman

RULE

Department of Health and Hospitals Office of Public Health

Under the authority of R.S. 40:4 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the state health officer of the Department of Health and Hospitals, Office of Public Health, hereby proposes to amend Chapter 1 (General Provisions) of the Sanitary Code. This amendment is necessary so as to properly refer individuals to any of the regulations which implement the enforcement provisions of R.S. 40:5.9 (part of Act # 537 of 1991).

LAC 48:V.7701(B) relative to the Drinking Water Program currently managed by the Office of Public Health (OPH) [formerly the Office of Preventive and Public Health Services (OPPHS)], states in part that "Procedures used to enforce OPPHS regulations embodied in Chapter 12 of the Louisiana Sanitary Code are described in Chapter 1 of that code." Chapter 1 (General Provisions) of the Sanitary Code details Administrative Enforcement Procedures for the various regulations contained within the Sanitary Code. Chapter 12 (Water Supplies) of the Sanitary Code contains the majority of the regulations relative to public water systems.

R.S. 40:5.9 (part of Act # 537 of 1991) authorizes the state health officer to issue administrative orders and civil penalties to non-compliant public water systems. It further authorizes the state health officer to promulgate rules which delineate a procedure for calculating the monetary amount of any civil penalty assessment, such rules also being proposed today and referred to as the "Civil Penalty Assessment Rule" and "Accompanying Guidelines to the Civil Penalty Assessment Rule." If adopted as proposed, the "Civil Penalty Assessment Rule" and "Accompanying

Guidelines to the Civil Penalty Assessment Rule" are to be contained as appendices within Chapter 12 (Water Supplies) of the Sanitary Code.

R.S. 40:5.9 (A)(1) states in part that "The power to issue an order ... is in addition to any other remedy afforded to the state health officer by law." With this in mind then, the state health officer is empowered to either utilize the Administrative Enforcement Procedures contained in Chapter 1 (General Provisions) of the Sanitary Code and/or he may utilize the enforcement procedures outlined in R.S. 40:5.9.

The amendments are effective on April 20, 1992, upon publication as a rule in the *Louisiana Register*.

For the above stated reasons, Chapter 1 is amended as follows:

Section 1:007-23 is amended and reenacted as follows:

1:007-23 Nothing herein shall be construed to affect, alter, delay or interfere with the utilization of the civil, judicial, and criminal enforcement procedures provided for in LSA - R.S. 40:4, 40:5, and 40:6.

Section 1:007-24 is enacted as follows:

1:007-24 When the state health officer chooses to utilize the administrative order/civil penalty authority granted within LSA - R.S. 40:5.9 relative to violations applicable to public water systems, the regulations which implement the enforcement provisions of this law are embodied within Chapter 12 (Water Supplies) of this Code.

J. Christopher Pilley
Secretary

RULE

Department of Health and Hospitals Office of Public Health

The Department of Health and Hospitals, Office of Public Health, Sewage Program, hereby amends the Louisiana Sanitary Code, Chapter XIII, in part, more specifically as follows:

Re-Number 13:013 as 13:013.1

Add 13:013.2 to read as follows:

Individual sewage systems, other than conventional septic tank systems, e.g., septic tanks followed by subsurface disposal system, including those facilities built in conflict with the State of Louisiana Sanitary Code, shall comply with all provisions of U.S Environmental Protection Agency Wastewater Discharge Permit Number LAG550200. The U.S. Environmental Protection Agency should be contacted for information regarding federal wastewater discharge permits. The state health officer may establish other limitations or standards, as needed, in consideration of the water quality of affected surface water bodies and groundwaters.

Change 13:015 to read as follows:

Maintenance and operation. Individual sewage systems shall be kept in service and in a serviceable condition sufficient to insure compliance with this code and in order to avoid creating or contributing to a nuisance to the public.

Change *Secondary Treatment Standard* (Definition) to read as follows:

Secondary Treatment Standard means a sewage effluent water quality standard which prescribes a maximum 30-

day average concentration of biochemical oxygen demand (five-day basis) of 30 milligrams per liter (mg/l) and a maximum daily concentration of biochemical oxygen demand (five-day basis) of 45 mg/l. The 30-day average concentration is an arithmetic mean of the values for all effluent samples collected in the sampling period.

J. Christopher Pilley
Secretary

RULE

Department of Health and Hospitals Office of Public Health

Under the authority of R.S. 40:4 and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq, the state health officer of the Department of Health and Hospitals, Office of Public Health, hereby amends Chapter 12, Water Supplies, of the Sanitary Code, State of Louisiana. The amendments are in accordance with R.S. 40:5.9 (part of Act No. 537 of 1991) which authorizes the state health officer to issue administrative compliance orders to public water systems and to assess civil penalties upon non-compliance with any provision of the order. Specifically, the intent of this rulemaking is to delineate a procedure for calculating the monetary amount of any civil penalty assessment based upon such factors as the seriousness of the violation, culpability of the owner and/or operator, size of the public water system, and the duration of the violation. The amendments enact Appendix A and Appendix B of Chapter 12. Appendix A is entitled the "Civil Penalty Assessment Rule." Appendix B is entitled the "Accompanying Guidelines to the Civil Penalty Assessment Rule."

The amendments are effective upon publication as a rule in the *Louisiana Register*.

Chapter 12, by enacting Appendix A and Appendix B, is amended as follows:

APPENDIX A

Civil Penalty Assessment Rule

I. Statement of Purpose

1.1 This rule is intended to be a mechanism to secure rapid and full compliance with the requirements of the State Sanitary Code and other applicable laws and regulations relative to public water systems providing safe drinking water. It is not intended as a revenue gathering mechanism, and the Safe Drinking Water Program is not dependent upon any level of penalty revenue to balance its budget. It is based on the principle of reasonable enforcement guidelines to be vigorously implemented. As defined by LSA - R.S. 40:5.9, penalties may be assessed only on the basis of non-compliance with a provision of an administrative compliance order, rather than on the basis of the mere existence of a violation.

II. General Provisions

2.1 Nothing herein shall be construed to prohibit the state health officer from modifying the contents of an administrative order if changes are warranted to ensure compliance with applicable laws and regulations or to allow for the practical ability to comply with the items so ordered. It is incumbent upon the person to whom the administrative order was

issued to submit a written request for order modifications when, for instance, it is realized that compliance cannot be achieved within the time constraints specified in the order due to unforeseen problems or delays such as inclement weather conditions. Such requests shall be considered if the request is received by the state health officer not later than five days before the compliance deadline expires. In order to show proof and date of service, the person requesting any order modifications shall do so by at least one of the following methods:

A. Use of the United States Postal Service via certified mail-return receipt requested, registered mail-return receipt requested, or express mail-return receipt requested.

B. Transmission by facsimile machine will also be accepted; however, the state health officer shall be deemed not to have officially received a facsimile transmission until such time as the requester has received a written acknowledgement, via facsimile or mail, of receipt from the Office of Public Health. Said acknowledgement of receipt shall state the date when the Office of Public Health actually received the transmission and this date, regardless of the sender's transmission date, shall be used in the determination of whether or not the time limit stated above was met. It is the responsibility of the sender to ask the Office of Public Health for a written acknowledgement of receipt of any facsimile transmissions which may be sent to the state health officer.

C. Use of a private shipping service, such as United Parcel Service, Federal Express, etc. when such a service can provide a written receipt to the sender stating the date of delivery to the state health officer.

2.2 Additionally, nothing herein shall be construed to mandate that the state health officer is required to assess penalties in the event of noncompliance with a provision of an administrative compliance order issued pursuant to LSA - R.S. 40:5.9; however, this rule is intended to delineate the procedure for calculating the monetary amount of the civil penalty assessment after the state health officer has decided to assess and impose penalties for noncompliance.

2.3 When reference is made to a public water system herein, such reference is limited to an individual public water system uniquely identified by its own Public Water System Identification Number (PWS ID No.).

III. Calculation of Daily Penalties

3.1 LSA - R.S. 40:5.9 specifies \$3,000 a day for each day of violation and for each act of violation as the maximum daily penalty.

3.2 For purposes of implementation of LSA-R.S. 40:5.9, all violations for a given public water system shall be handled as a package (i.e., the statutory maximum daily penalty of \$3,000 per day per violation will be handled as a maximum daily penalty of \$3,000 per day per public water system regardless of the number of individual violations). The daily penalty assessment amount shall be based upon the most serious uncorrected violation in the package as well as the accompanying culpability associated with the most serious uncorrected violation. As the level of seriousness classification or the level of culpability associated with the most serious uncorrected violation in the package changes, the daily penalty assessment amount will be recalculated accordingly from that time forward and added to any previously calculated assessment amounts.

3.3 The maximum daily penalty shall be set at \$1 per service connection per day based upon the number of serv-

ice connections listed on Office of Public Health records on the day the administrative order was first issued, but within the following limitations and restrictions:

A. The maximum daily penalty for public water systems having more than 3,000 service connections shall be \$3,000 per day.

B. The maximum daily penalty for public water systems having less than 30 service connections shall be \$30 per day.

3.4 Pursuant to Section 3.2 above, the exact level of the daily penalty shall be based on the seriousness of the violation and the culpability of the owner and/or operator as follows:

A. Using the maximum daily penalty as the basis for calculation, 50 percent of the maximum daily penalty amount shall be judged on the seriousness of the violation and the other 50 percent shall be judged on the culpability of the owner and/or operator.

B. The decision regarding the exact penalty assessment amounts for the seriousness of the violation(s) and the accompanying culpability of the owner and/or operator shall be made by the state health officer after considering a staff recommendation based upon the "Accompanying Guidelines to the Civil Penalty Assessment Rule" (Appendix B).

3.5 The duration of non-compliance with a provision of the administrative compliance order shall be determined as follows:

A. Once an administrative order has become final and not subject to further administrative review, the state health officer shall direct staff to conduct an initial investigation for the purpose of determining compliance/non-compliance with the provision(s) of the administrative order. The initial investigation shall be conducted within five working days after the time limit granted for compliance within the administrative order ends. If upon agency investigation it is found that non-compliance still exists, staff will immediately provide a copy of the investigatory report to the person on-site in responsible charge of the public water system which will serve to notify the person to whom the administrative order was issued that the agency has determined that non-compliance still exists and that daily penalty assessments shall begin to accrue immediately from this date forward until such time as the agency has been notified by the public water system that compliance has been achieved. If a representative of the public water system is not present or reasonably available at the time of the agency's investigation, staff shall, on the same day as the investigation, attempt to contact via telephone or facsimile machine the person to whom the administrative order was issued or such other responsible person in the employ of the public water system in order to provide speedy notification of results which are deemed by agency staff to cause the continuance of daily penalty assessments. In the latter case involving only verbal or electronic communication, agency staff shall, as soon as possible thereafter, transmit a copy of the investigatory report to the person to whom the administrative order was issued by one of the methods of mailing stated in Section 2.1(A) above.

B. After the agency has conducted the initial investigation, determined that non-compliance with a provision of the administrative order still exists, and has provided a copy of the investigatory report as stated in Section 3.5 (A) above, it then becomes incumbent upon the person to whom the administrative order was issued to notify the agency when com-

pliance has been achieved. In order to show proof and date of service, such notice advising the agency of compliance shall be transmitted to the agency in the same manner as described in Section 2.1 (A), (B), or (C) above. Until such time as the agency has been properly notified of correction, the agency will consider the duration to begin on the date of the initial investigation and will presume that such violation is continuing on a daily basis until such time as the agency has received notification of correction. Once the agency is notified of correction, agency staff shall conduct a follow-up investigation in order to confirm compliance. Such follow-up investigation shall be conducted within 10 working days of agency receipt of the public water system's notice of compliance. If upon agency's follow-up investigation it is found that non-compliance still exists, staff will so advise the public water system in the same manner as done for initial investigations with the exception that the public water system will be advised that previously running daily penalty assessments have and will continue to accrue pending yet additional notification of compliance by the public water system to the agency. When the results of the follow-up investigation confirm that compliance has in fact been achieved, then the date that the agency received notification of compliance from the public water system for the particular provision of the administrative compliance order in question shall be considered the last day of non-compliance for purposes of calculating the duration for non-compliance with this particular provision.

C. The steps described in Section 3.5 (A) or (B) above may continue for an indefinite period of time but shall end once compliance has been confirmed by agency staff unless such violation is found to reoccur while the administrative order is still in effect.

IV. Payment of Penalty / Ability to Request Mitigation of Penalty and/or an Adjudicatory Hearing

4.1 At the discretion of the state health officer, notice(s) imposing penalty assessments may be issued from time to time subsequent to either initial non-compliance with any provision of the administrative compliance order or subsequent to any continuance or reoccurrence of non-compliance while the administrative compliance order remains effective. Notices of imposition of penalties shall be served by one of the forms of service described in Section 2.1(A) above or hand-delivered. Within the notice imposing the penalty assessment, the state health officer will inform the owner and/or operator of the public water system of the ability to apply for mitigation of the penalties imposed and for the opportunity for an adjudicatory hearing on the record relative to contesting the imposition of the penalty assessment. Penalties shall not be imposed upon any person without notice and an opportunity for hearing.

4.2 Once a penalty assessment is imposed, it shall become due and payable 35 days after receipt of notice imposing the penalty unless a written application for mitigation or a written request for an adjudicatory hearing on the record relative to contesting the imposition of the penalty assessment is received by the state health officer within 20 days after said notice is served. In order to show proof and date of service, the person applying for mitigation or an adjudicatory hearing shall transmit the written application for mitigation or written request for hearing to the agency in the same manner as described in Section 2.1 (A), (B), or (C) above.

4.3 Upon receipt of a written application for mitigation of such penalty, the state health officer may mitigate the pen-

alty, i.e., upon proof that all of the stipulations in the administrative order have now been complied with or upon agreement to and compliance with a Stipulation and Agreed Order setting out the conditions which will mitigate the penalty. The accompanying guidelines referenced in Section 3.4(B) above shall also contain guidance for the state health officer when considering the amount of mitigation of the imposed penalty. When the amount of the penalty imposed is from \$1,000 up to \$5,000, the state health officer shall not mitigate the penalty below \$500. When the amount of the penalty imposed is less than \$1,000, the state health officer shall not mitigate the penalty below one-half of the imposed penalty amount. The penalty shall become due and payable 35 days after mailing of notice setting forth the final disposition of the application for mitigation, unless

(i) an application for an adjudicatory hearing to contest the disposition is received within 20 days after the date of mailing the disposition notice, or

(ii) the state health officer specifies a different payment schedule within the disposition notice.

4.4 Upon the timely receipt of a written application requesting an adjudicatory hearing, a hearing on the record relative to contesting the imposition of the penalty assessment may be scheduled by the agency. If after consideration of the record it is found that the issuance of the notice imposing the penalty assessment was not proper as supported by and in accordance with the evidence, the administrative law judge shall have the authority to recommend adjustment of the penalty to comply with any items found to be in error or, if justified, withdrawal of the entire penalty. The penalty shall become due and payable 35 days after mailing of notice of the final decision by the agency, unless the final decision by the agency specifies a different payment schedule within the final decision.

4.5 When a Stipulation and Agreed Order has been proposed by the agency or the administrative law judge, a fixed number of days will be given for response. If the Stipulation and Agreed Order is not signed and returned by the date fixed or if no response is received by the date fixed, this shall result in both the reimposition of the penalty originally imposed as well as the addition of daily penalties not previously counted from the time the order was first violated. Alternatively, failure of a public water system to comply with the conditions of a Stipulation and Agreed Order shall result in both the reimposition of the penalty originally imposed as well as the addition of daily penalties not previously counted from the time the order was first violated.

V. Court Appeals

5.1 A person who is aggrieved by a final decision of the agency relative to penalty imposition may petition for judicial review according to the provisions of LSA-R.S. 49:964 of the Administrative Procedure Act. Proceedings for review may be instituted by filing a petition in the Nineteenth Judicial District Court, Parish of East Baton Rouge, within 30 days after mailing of notice of the final decision by the agency. Copies of the petition shall be served upon the agency and all parties of record.

APPENDIX B

Accompanying Guidelines to the Civil Penalty Assessment Rule

I. Statement of Purpose

1.1 This rule is intended to provide guidance for Safe Drinking Water Program staff in making recommendations to

the state health officer regarding the exact penalty assessment amounts for the seriousness of the violation(s) and the culpability of the owner and/or operator when it has been determined that a public water system has failed to comply with the directives of an administrative order. Additionally, guidance relative to determining mitigated penalty amounts are also contained herein.

II. Seriousness of Violation

2.1 Pursuant to Sections 3.2 and 3.4 of Appendix A, the following penalty assessment levels shall apply towards the seriousness of the violation (public health risk) for the various classifications of violations described in Subpart 4 of Appendix B:

A. Imminent threat (high risk) type violations shall be assessed at 100 percent of one-half of the maximum daily penalty amount.

B. Priority threat (moderate risk) type violations shall be assessed at 65 percent of one-half of the maximum daily penalty amount.

C. Non-imminent threat (low risk) type violations shall be assessed at 35 percent of one-half of the maximum daily penalty amount.

III. Culpability of the Owner and/or Operator

3.1 Pursuant to Sections 3.2 and 3.4 of Appendix A, the following penalty assessment levels shall apply towards the culpability (the level of blame for the occurrence and/or continuance of a violation including factors such as attitude as well as the nature and extent of the efforts to comply) of the owner and/or operator for the particular violation for which a seriousness penalty is assessed:

A. Culpability determined to be deliberate or intentional (a willful action or lack of action) shall be assessed at 100 percent of one-half of the maximum daily penalty amount.

B. Culpability determined to be recklessness (wanton disregard of the consequences but proceeded with risk in mind) shall be assessed at 65 percent of one-half of the maximum daily penalty amount.

C. Culpability determined to be negligence (failure to prevent the violation due to indifference, lack of reasonable care, lack of diligence, etc.) shall be assessed at 35 percent of one-half of the maximum daily penalty amount.

D. Culpability determined to be non-existent (those cases where the operator and/or owner has acted reasonably, but the violation occurred anyway) shall be assessed at zero percent of one-half of the maximum daily penalty amount, i.e., \$-0-.

IV. Classification of Violations

4.1 The various types of violations which can occur are classified into three levels of seriousness based upon their public health risk. The three levels of seriousness are defined as follows:

A. *Imminent threat* type violations are defined as those violations considered to be of an acute risk to public health requiring an immediate action or response by the owner and/or operator of a public water system. Imminent threat type violations include, but are not limited to, the following:

1. exceeding maximum contaminant levels for nitrate.
2. exceeding the maximum contaminant level for total coliform when fecal coliform or *E. coli* is present in the water distribution system.
3. occurrence of a water-borne disease outbreak in an unfiltered surface water system or an unfiltered ground water

system which is under the direct influence of surface water.

4. any violation specified by the state health officer as posing an acute risk to human health.

5. failure to comply with any remedial action(s) ordered in the context of an emergency order issued by the state health officer, such as but not limited to *Boil Notices*.

6. failure to give public notification of an acute violation (Tier 1 - Acute) within the time frames allowed by law or duly adopted rule.

B. *Priority threat* type violations are defined as those violations considered to be of a moderate risk to public health but which could result in an acute risk and therefore require an immediate action or response by the owner and/or operator. Priority threat violations include, but are not limited to, the following:

1. exceeding the maximum contaminant level for total coliform.

2. failure to comply with a treatment technique requirement.

3. failure to comply with a variance or exemption schedule.

4. exceeding the maximum contaminant level for a physical, radiological, or chemical (other than nitrate) contaminant. For the purpose of clarification, a physical contaminant is defined as turbidity, temperature, conductivity, color, taste, or odor.

5. failure to perform compliance monitoring as required for any bacteriological, physical, radiological, or chemical contaminant.

6. failure to utilize either a laboratory certified by the Office of Public Health or an Office of Public Health laboratory which has been certified by EPA for compliance monitoring determination of any bacteriological, physical, radiological, or chemical contaminant in drinking water when such contaminant determination is required by law or duly adopted rule to be analyzed by an EPA or state-certified laboratory.

7. failure to perform proper testing procedures for turbidity, disinfectant residual, temperature, pH, conductivity, alkalinity, calcium, silica, orthophosphate, or any other parameter which is not required to be analyzed in an EPA or state-certified laboratory but the results of which are required to be reported to the state for compliance monitoring determinations.

8. failure to report the results of any test measurement or analysis to the state within the time frame allowed by law or duly adopted rule.

9. failure to comply with any remedial action(s) ordered in the context of a non-emergency order issued by the state health officer.

10. failure to give public notification of a non-acute (Tier 1 - Non-Acute) violation within the time frames allowed by law or duly adopted rule.

C. *Non-imminent threat* violations are defined as those violations considered to be of a low risk to public health which do not require an immediate response by the owner and/or operator. These include operational deficiencies, facility deficiencies, and administrative deficiencies. Non-imminent threat type violations include, but are not limited to, the following:

1. failure to give public notification of a monitoring violation, testing procedure violation, variance grant or existence, or exemption grant or existence (Tier 2) within the time

frames allowed by law or duly adopted rule.

2. failure to comply with an operational or maintenance requirement.

3. failure to comply with design and construction standards as required by law or duly adopted rule.

4. failure to submit plans and specifications as required by law or duly adopted rule.

5. failure to comply with an operator certification requirement.

6. failure to submit to the state, within the time frames allowed by law or duly adopted rule, a representative copy of each type of public notice distributed, published, posted, and/or made available to the persons served by the system and/or to the news media.

7. failure to maintain records as prescribed by law or duly adopted rule, such as but not limited to, bacteriological and chemical analyses.

V. Mitigation Guidance

5.1. Sections 4.3 and 4.4 of Appendix A allows the state health officer to mitigate penalties that have been imposed generally either upon proof that all of the stipulations in the order have now been complied with or upon compliance with terms of a Stipulation and Agreed Order. The following guidance will be used by the state health officer upon such mitigation proceedings:

A. When considering mitigation of the imposed penalty upon receipt of written application requesting such mitigation, the state health officer shall have the discretion to reduce the imposed penalty beginning at a reduction rate of zero percent up to no more than 90 percent. The ordinarily expected mitigation reduction rate shall be 50 percent of the assessed penalty for the first 60 days of assessed penalty and an 80 percent reduction rate for penalties assessed beyond day 60. Using this procedure, if the end result of the calculated mitigated penalty amount is less than the minimum mitigation limits specified in Section 4.3 of Appendix A, the minimum mitigation limits specified therein shall apply.

J. Christopher Pilley
Secretary

RULE

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has adopted the following rule in the Title XIX Medicaid Program. The rule was published as a notice of intent on August 20, 1991 (Vol. 17, No. 8, page 827).

RULE

For those individuals subject to federal computer matching programs the notice period for the provisions of the agency's findings and the opportunity to contest such findings shall be 10 days.

Implementation of this rule is subject to approval by the Health Care Financing Administration (HCFA) as required

for all Title XIX policy changes. If disapproved by HCFA, the policy prior to this change shall remain in effect.

J. Christopher Pilley
Secretary

RULE

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has adopted the following rule in the Title XIX Medicaid Program. The rule was published as a notice of intent on August 20, 1991 (Vol. 17, No. 8, page 828).

RULE

When a Medicaid recipient age 65 or older is temporarily absent from an inpatient psychiatric hospital, vendor payments will be made only in accordance with federal regulations and guidelines.

J. Christopher Pilley
Secretary

RULE

Department of Natural Resources Office of the Secretary

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the secretary has adopted the following rule, effective April 20, 1992.

Title 43

NATURAL RESOURCES

Part I. Office of the Secretary

Chapter 15. Administration of Fishermen's Gear Compensation Fund

§1515. Assessment of Fees

* * *

B. The balance in the Fishermen's Gear Compensation Fund is less than \$250,000 and, pursuant to R.S. 56:700.2, (as amended, Act 337 of 1991) an additional fee of \$500 will be assessed on each lessee of a state mineral lease and each grantee of a state pipeline right-of-way located in the Coastal Zone of Louisiana, effective April 20, 1992.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:700.2.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 5:328 (October 1979), amended LR 9:15 (January 1983), LR 10:546 (July 1984), LR 11:1178 (December 1985), LR 12:602 (September 1986), LR 13:360 (June 1987), LR 15:497 (June 1989), LR 16:320 (April 1990), LR 17:605 (June 1991), LR 18:

Jack McClanahan
Secretary

RULE

Department of State Office of Uniform Commercial Code

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., and under the authority of R.S. 49:227(C)(2) and 10:9-410(3) relative to the authority of the Department of State, Office of Uniform Commercial Code, to promulgate rules and regulations, the Department of State adopted the following rules governing the submission of Master Assignment and Master Amendment filings, and other related amendments to UCC filing procedures.

Title 10

BANKS AND SAVINGS AND LOANS

Part V. Uniform Commercial Code

Chapter 1. Secured Transactions

§103. Place of Filing - When Filing is Required in Louisiana

E. The filing of a financing statement otherwise required by the UCC is not necessary or effective to perfect a security interest in property subject to the following statutes: R.S. 3:3651, et seq. pertaining to central registry of liens affecting farm products as defined in R.S. 3:3652(10) and not as defined in R.S. 10:9-109(3); however, during any period in which the collateral is inventory held for sale by a person who is in the business of selling or leasing goods of that kind, the filing provisions of the UCC apply to a security interest in that collateral created by the debtor.

1.-2. Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 10:9-103, 10:9-302, and 10:9-401.

HISTORICAL NOTE: Promulgated by the Department of State, Office of Uniform Commercial Code, LR 17:72 (January 1991), amended LR 18: (April 1992).

§105. Formal Requisites of Financing Statement

A. To be effective, a financing statement must:

2. give the name of the secured party, an address of the secured party from which information concerning the security interest may be obtained, and set forth the Social Security Number or employer identification number, as applicable, of the secured party.

C. The filing officer may reject any financing statement which does not set forth the Social Security Number or employer identification number, as applicable, of each named secured party and debtor unless the secured party or debtor is not required to have such number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 10:9-402 and 10:9-508.

HISTORICAL NOTE: Promulgated by the Department of State, Office of Uniform Commercial Code, LR 17:72 (January 1991), amended LR 18: (April 1992).

§107. Forms to be Used in Filing

A. Under the UCC, the notice to be filed with the filing officer is called a financing statement. The standard financing statement approved by the secretary of state, Form UCC-1, measures 8 1/2" x 11". All filing officers will accept these standard forms. Failure to use Louisiana Form UCC-1 renders the filing subject to the nonstandard form penalty.

F. Repealed (Reserved)

H. A financing statement may disclose an initial assignment of the security interest by giving the name, address, and Social Security Number or employer identification number, as applicable, of the assignee. After disclosure of the assignment, the assignee is the secured party of record. The standard UCC-1 form approved by the secretary of state contains appropriate space to disclose such an initial assignment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 10:9-402, et seq.

HISTORICAL NOTE: Promulgated by the Department of State, Office of Uniform Commercial Code, LR 17:72 (January 1991), amended LR 17:487 (May 1991), LR 18: (April 1992).

§113. Repealed (Reserved)

AUTHORITY NOTE: Promulgated in accordance with R.S. 9:3112(B).

HISTORICAL NOTE: Promulgated by the Department of State, Office of Uniform Commercial Code, LR 17:72 (January 1991), repealed LR 18: (April 1992).

§117. Subsequent Filings

A. Filings relating to changes affecting the original financing statement have been consolidated and incorporated into a single form prescribed by the secretary of state called a "UCC-3." This single composite form may be used as a Continuation Statement, a Partial Release Statement, a Statement of Partial Assignment, a Statement of Assignment (full assignment), a Termination Statement, an Amendment to a financing statement, or a Statement of Master Assignment or Master Amendment (affecting 20 or more original financing statements filed in the same parish).

AUTHORITY NOTE: Promulgated in accordance with R.S. 10:9-409.

HISTORICAL NOTE: Promulgated by the Department of State, Office of Uniform Commercial Code, LR 17:72 (January 1991), amended LR 18: (April 1992).

§123. Preparation of A UCC-3 Filing

Any UCC-3 filing changing the original financing statement must:

A. be signed by the secured party of record.

C. give the name, mailing address, and Social Security Number or employer identification number, as applicable, of the secured party of record;

AUTHORITY NOTE: Promulgated in accordance with R.S. 10:9-402, et seq.

HISTORICAL NOTE: Promulgated by the Department of State, Office of Uniform Commercial Code, LR 17:72 (January 1991), amended LR 18: (April 1992).

§125. Additional Specific Requirements for Filings Changing the Status of an Original UCC Filing

F. Master Assignment

1. A secured party of record may assign all of its rights under twenty or more financing statements filed in any one parish by filing a UCC-3 Master Assignment in the parish in which the original financing statements were filed.

2. The secured party shall specifically indicate the type of statement being filed by checking Item 7G on the

standard form UCC-3 approved by the secretary of state and typing the words "Master Assignment" in the space provided therein.

3. As an exception to §123.B and D herein, debtor information (name, address and taxpayer identification numbers) and the date of filing relating to each original financing statement being assigned need not be provided. However, the following information shall be set forth on the UCC-3 Master Assignment:

a. the name, address, and Social Security Number or employer identification number, as applicable, of the secured party of record;

b. the name, address, and Social Security Number or employer identification number, as applicable, of the assignee;

c. the original file number of each financing statement being assigned. This information shall be provided on 8 1/2" x 11" sheets attached to the UCC-3, headed by the name and taxpayer identification number of the secured party of record;

d. the parish of original filing;

e. the secured party of record must sign the UCC-3 Master Assignment.

G. Master Amendment

1. A secured party of record may amend its name, mailing address or taxpayer identification number shown in 20 or more financing statements filed in any one parish by filing a UCC-3 Master Amendment in the parish in which the original financing statements were filed.

2. The secured party shall specifically indicate the type of statement being filed by checking Item 7G on the standard form UCC-3 approved by the secretary of state and typing the words "Master Amendment" in the space provided therein.

3. As an exception to §123.B and D herein, debtor information (name, address and taxpayer identification numbers) and the date of filing relating to each original financing statement being amended need not be provided. However, the following information shall be set forth on the UCC-3 Master Amendment:

a. the name, address, and Social Security Number or employer identification number, as applicable, of the secured party of record;

b. the new name, address, and Social Security Number or employer identification number, as applicable, of the secured party, which should be set forth in Item 8 on the UCC-3 form;

c. the original file number of each financing statement in which the secured party's name, address or taxpayer identification number is being amended. This information shall be provided on 8 1/2" x 11" sheets attached to the UCC-3, headed by the name and taxpayer identification number of the secured party of record;

d. the parish of original filing;

e. the secured party of record must sign the UCC-3 Master Amendment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 10:9.402, et seq.

HISTORICAL NOTE: Promulgated by the Department of State, Office of Uniform Commercial Code, LR 17:72 (January 1991), amended LR 18: (April 1992).

§127. Reinscription of Pre-Chapter 9 Filings

D. The filing officers shall collect fees applicable for the filing of a UCC continuation statement. Additionally, the uniform fee for filing a termination statement shall be prepaid at the time the reinscription is filed. Fees collected shall be allocated between the filing officer and the secretary of state as set forth in R.S. 9:2737(A)(1)(a).

AUTHORITY NOTE: Promulgated in accordance with R.S. 9:3112(B) and 9:5356(J).

HISTORICAL NOTE: Promulgated by the Department of State, Office of Uniform Commercial Code, LR 17:72 (January 1991), amended LR 18: (April 1992).

§129. Request for Information or Copies

A. 1. Background: The secretary of state's master index of information is composed of UCC filing data submitted by the 64 filing officers statewide. The data base is a composite of all presently effective financing statements, as well as any statements of assignment, continuation, release, or amendment, and original financing statements which have been terminated within the one-year period prior to a request for a certificate. All UCC filings are indexed according to the name and Social Security Number or employer identification number, as applicable, of each particular debtor set forth on the financing statement.

2. The secretary of state's master index does not contain information on statutory liens or tax liens, except for statements filed pursuant to R.S. 23:1546 relative to unemployment compensation contributions, and IRS tax liens affecting movable property filed on or after September 1, 1990. In addition, the master index does not contain any information on notices of assignments of accounts receivable, or chattel mortgage or collateral chattel mortgage filing information, except for those pre-Chapter 9 filings which have been reinscribed under the UCC filing provisions in accordance with R.S. 9:3112(B) and R.S. 9:5356(J).

3. Original UCC documents filed with the parish filing officers remain at the local level in the parish of filing. Any filings which change the status of an original UCC filing must be made with the filing officer with whom the financing statement was originally filed, and the original will remain on file in that parish. The secretary of state does not receive copies of UCC filings. Therefore, requests for copies of documents must be made in the parish in which the filing was originally made. If filings on a particular debtor have been made in more than one more parish, each parish filing officer must be contacted for copies of such filings. If the file numbers cannot be provided by the requesting party, a certificate must be requested from the filing officer.

B. Prescribed Forms to be Used In Requesting Information Or Copies

A standard UCC-11 has been prescribed by the secretary of state to be used in requesting (1) copies of filings, and/or (2) the filing officer's certificate showing whether there is listed any presently effective financing statements or other statements naming a particular debtor or secured party identified by Social Security Number or employer identification number. It is recommended that the standard form UCC-11 be utilized to facilitate accurate responses, but there is no penalty for failure to use the form.

D. Information Request (Certificate) on Secured Parties

UCC-11 requests for information on secured party names may be submitted to any of the 64 filing officers state-

wide. The request shall specifically indicate that it pertains to a secured party and contain the Social Security Number or employer identification number, as applicable, of the secured party who is the subject of the request. The UCC certificate issued by the filing officer will disclose all financing statements or other statements filed in the UCC master index on or after January 1, 1990, in which the secured party's taxpayer identification number was provided on the original statement or subsequent filing relating thereto.

AUTHORITY NOTE: Promulgated in accordance with R.S. 10:9-403, 407, 409 and R.S. 23:1546.

HISTORICAL NOTE: Promulgated by the Department of State, Office of Uniform Commercial Code, LR 17:72 (January 1991), amended LR 18: (April 1992).

§131. Schedule of Fees for Filing and Information Requests

A. Form UCC-1

- *Financing Statement \$ 15
- *Financing Statement with Assignment \$ 20
- *Financing Statement relating to fixture or mineral filings \$ 25
- *Financing Statement (Transmitting Utility) \$200

*Extra fee of \$5 for each additional debtor name or tradename

*Non-standard form penalty (UCC-1 and UCC-3) \$ 15 (plus \$1 per page in excess of 10 pages)

B. Form UCC-3

- *Amendment \$ 15
- *Assignment (Full or Partial) \$ 15
- *Continuation \$ 15
- *Reinscription of Pre-Chapter 9 Filing \$ 15
- *Release \$ 15

C. Form UCC-11

- ***UCC Certificate (per name) \$ 15
- Copies of Documents \$1 per page (Minimum of \$3 per request)

***If a certificate contains listings of more than 10 statements, add \$1 for each statement in excess of 10.

AUTHORITY NOTE: Promulgated in accordance with R.S. 10:9-403, 407, 409 and R.S. 9:2737.

HISTORICAL NOTE: Promulgated by the Department of State, Office of Uniform Commercial Code, LR 17:72 (January 1991), amended LR 17:487 (May 1991), LR 18: (April 1992).

W. Fox McKeithen
Secretary

RULE

**Department of Social Services
Office of Family Support**

The Department of Social Services, Office of Family Support, amends the Louisiana Administrative Code, Title 67, Part III, Subpart 3, Food Stamps.

This rule is mandated by federal regulations at 7 CFR 273.8(e)(17) concerning resource eligibility standards for the Food Stamp Program.

**Title 67
Department of Social Services
Office of Family Support
Subpart 3. Food Stamps**

**Chapter 19. Certification of Eligible Households
Subchapter H. Resource Eligibility Standards
§1949. Exclusion From Resources**

B. Resources of an individual household member who receives SSI or AFDC benefits shall be excluded for food stamp purposes during the period the resources are excluded under SSI or AFDC policy if the individual meets the gross income limit for a one-person household.

1. This policy change is applicable to "mixed (NPA) food stamp households", i.e., households in which all members do not receive SSI and/or AFDC.

2. The resource shall be counted in the household's resource calculation when it is no longer excluded under SSI or AFDC policy.

AUTHORITY NOTE: Promulgated in accordance with F.R. 52:26937 et seq., 7 CFR 273.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security in LR 13:656 (November 1987). Implemented by Emergency Rule effective April 1, 1987 as published in LR 13:429 (August 1987). Amended by the Department of Social Services, Office of Family Support, Emergency Rule effective October 1, 1991 as published in LR 17:953 (October 1991).

Gloria Bryant-Banks
Secretary

RULE

**Department of Social Services
Office of Family Support**

The Department of Social Services, Office of Family Support, amends the Louisiana Administrative Code, Title 67, Part III, Subpart 7, Refugee Cash Assistance.

This rule is mandated by a directive from the Office of Refugee Resettlement in the U.S. Department of Health and Human Services.

**Title 67
Social Services**

**Part III. Office of Family Support
Subpart 7. Refugee Cash Assistance
Chapter 39. Application, Eligibility, and Furnishing Assistance**

**Subchapter B. Coverage and Conditions of Eligibility
§3905. Eligibility Periods**

Periods of eligibility for Refugee Cash Assistance will be determined by, and are subject to change according to, the extent of federal funding available. As such eligibility periods may vary based on federal appropriations, these eligibility periods are determined by the Office of Refugee Resettlement of the U. S. Department of Health and Human Services. The Department of Social Services shall provide notice of these eligibility periods by means of potpourri notices in the *Louisiana Register*.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 400.202.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support by Emergency Rule effective October 1, 1991 as published in LR 17:953 (October 1991).

Gloria Bryant-Banks
Secretary

Notices of Intent

NOTICE OF INTENT

Department of Agriculture and Forestry
Office of Agricultural and Environmental Sciences

QUARANTINE PROGRAM

The Department of Agriculture and Forestry intends to amend the Plant Quarantine Regulations, LAC 7:XXV, Chapter 95, as follows:

Title 7 AGRICULTURE AND ANIMALS Part XV. Plant Diseases

Chapter 95. Crop Pests and Diseases Subchapter A. General Plant Quarantine Provisions §9523. Host Materials

The following materials are declared to be host materials for the plant pests or diseases indicated:

Plant pest/disease	Host materials
A. Sweet potato weevil <i>Cylas formicarius</i> , <i>elegantulus</i> , (Sum.)	Dehydrated sweet potatoes; sweet potato roots, plants, vines or parts thereof; all other <i>Ipomoea</i> spp.; and containers used for transportation or storage of all such hosts
B. Pink bollworm <i>Pectinophora gossypiella</i> , (Saunders)	All parts of cotton and wild cotton plants of the genus <i>Gossypium</i> , seed cotton, cottonseed, cotton lint, cotton linters, okra, kanef, cotton waste, gin trash, cottonseed hulls, cottonseed cake, cottonseed meal, used bagging and other wrappers for cotton, used cotton harvesting equipment, used picking sacks and any other farm products, equipment, household goods, ginning and oil mill equipment, means of conveyance and any other articles which may serve as host materials

C. Phytophagus Snails
Helix aspersa European Brown Garden Snail
Thebia pisana White Garden Snail
Megalobulimus oblongus Giant South American Snail
Otala lactea Milk Snail
Achatina spp. (e.g. Giant African Snail); and any other plant-feeding snail considered injurious to agriculture

D. Leaf scald
Xanthomonas albilineans

E. Lethal yellowing

1. *Cocos nucifera* L. (Coconut palm) - all varieties, including Malayan dwarf
2. *Veitchia* spp.
3. *Pritchardia* spp.
4. *Arikuryroba schizophylla* (Mart.) Bailey (Arikury palm)
5. *Corypha elata* Roxb. (Buri palm, Gebang palm)
6. *Phoenix reclinata* Jacq. (Senegal date palm)
7. *Phoenix canariensis* Hort. ex Chab. (Canary Island date palm)
8. *Phoenix dactylifera* L. (Date palm)
9. *Phoenix sylvestris* (L.) Roxb. (Sylvester date palm)
10. *Trachycarpus fortunei* (Hook.) Wendl. (Chinese windmill palm)
11. *Hyophorbe (Mascarena) verschaffeltii* H. Wendl. (Spindle palm)
12. *Caryota mitis* Lour. (Cluster fish-tail palm)
13. *Borassus flabellifer* L. (Palmyra palm)
14. *Chrysalidocarpus cabadae* H.E. Moore (Cabada palm)
15. *Dictyosperma album* (Bory) H. Wendl. & Drude (Hurricane or princess palm)
16. *Aiphanes lindeniana* (H. Wendl.) H. Wendl.
17. *Allagoptera arenaria* (Gomes) Kuntze
18. *Arenga engleri* Becc.
19. *Ravenea hildebrandti* Wendl. ex Bouche
20. *Gaussia attenuata* (O. F. Cook) Beccari (Puerto Rican Gaussia)
21. *Howeia belmoreana* (C. Moore & F. Muell.) Becc. (Sentry palm)
22. *Latania* spp. (all species)
23. *Livistona chinensis* (N. J. Jacquin) R. Br. ex Mart. (Chinese fan palm)
24. *Nannorrhops ritchiana* (W. Griffith) J. E. T. Aitchison (Mazari palm)
25. *Neodypsis decaryi* Jumelle (Triangle palm)

F. Sweet potato mosaic	Sweet potato tubers, plants, vines, cuttings, draws and slips; morning glory plants
G. Tristeza, xyloporosis, psorosis, exocortis	Citrus nursery stock, scions and bud-wood
H. Burrowing nematode <i>Radopholus similis</i>	All plants with roots; all earth; all sand; and all parts of plants produced below soil level Exceptions: 1. aquatic plants if free from soil; 2. air plants, including certain orchids, grown in soil-free media; 3. air layered plants if roots are still established in the original soil-free moss wrappings; 4. dormant bulbs and corms if free from roots and soil; 5. fleshy, roots, corms, tubers and rhizomes for edible or medicinal purposes if washed or otherwise freed of soil; and 6. industrial sand and clay.
I. Oak wilt <i>Ceratocystis fagacearum</i>	Rooted trees, seedlings and/or propagative parts of oak (<i>Quercus</i> spp.), Chinese chestnuts (<i>Castanea mollissima</i>), tanoak (<i>Lithocarpus deniflorus</i>) and bush cinquapen (<i>Castanopsis sempervirens</i>), but not including seeds thereof
J. Phony peach	All peach, plum, apricot, nectarine and almond stock

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:319 (April 1985), amended by the Department of Agriculture and Forestry, LR 16:294 (April 1990); LR 18:

Subchapter B. Nursery Stock Quarantines

§9531. Phytophagous Snails

A. From Non-Infested States

Regulated material, including ornamental, horticultural and nursery stock, moved into or within Louisiana directly from any state not infested with European Brown Garden Snail or other Phytophagous Snails injurious to live plants, must be accompanied by a certificate of nursery inspection (tag).

B. From Infested States or Areas

Regulated material, including ornamental, horticultural and nursery stock, originating from any state or area of any state known to be infested with European Brown Snail or other Phytophagous Snails injurious to live plants, and moved into or within Louisiana must be accompanied by a certificate of nursery inspection (tag) and shall be certified snail-free in a manner approved by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:320 (April 1985), amended by the Department of Agriculture and Forestry, LR 18:

Subchapter C. Sweet Potato Weevil Quarantine

§9533. Applicability of General Quarantine Regulations

Sweet potato plants, plant products and parts thereof

and host materials for the sweet potato weevil are subject to all pertinent provisions of the general quarantine regulations and to the regulations contained in this Subchapter.

§9535. Definitions Applicable to this Subchapter

A. *Commercial kiln and storage houses* - any buildings where sweet potatoes produced by different farmers or growers are assembled and stored.

B. *Farm kiln or storage house*- a building or enclosed structure located on a farm in which sweet potatoes grown solely on said farm are stored.

C. *Non-sweet potato area* - any area in which the planting, bedding, permitting to grow to maturity or storage of any material which acts as a host for the sweet potato weevil is prohibited.

D. *Platform inspection* - a visual examination by an inspector of sweet potatoes cleaned and packed/containerized prior to issuing a certificate permit.

E. *Processing plants* - canning, freezing and dehydrating plants.

F. *Sweet potato dealer* - a person engaged in the sale, offering for sale, movement or brokering of sweet potatoes, except as noted in LAC 7:XV.9547.C.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655 and R.S. 3:1732.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:320 (April 1985), amended by the Department of Agriculture and Forestry, LR 18:

§9537. Issuance of Certificate Permits, Certificate Permit Tags, and Fumigation Certificates for the Movement of Restricted Material

A. From Sweet Potato Weevil-Free Areas

1. Green certificate permit tags will be issued to persons in that portion of the state designated by the department as sweet potato weevil-free who possess a valid sweet potato dealer's permit as required under the provisions of LAC 7:XV.9547 hereof, upon request to the state entomologist.

2. Certificate permits authorizing the movement of restricted material from the sweet potato weevil-free areas to points within and outside of Louisiana will be issued by the state entomologist under the following conditions.

a. The person desiring such movement has a valid sweet potato dealer's permit if required to possess such permit under the provisions of LAC 7:XV.9547 hereof.

b. A platform inspection of the restricted material indicates that the restricted material is free of the sweet potato weevil.

c. Green certificate permit tags are properly dated with the packing date and are attached to or placed within each container in a load or shipment of sweet potatoes, if moved within Louisiana or to any other state which may require such.

3. Dated green certificate permit tags shall not be reused and may be declared invalid 30 days following the packing date stamped on each tag.

4. Restricted material moving into that portion of Louisiana or any other state designated as sweet potato weevil-infested, unless moving under the provisions set forth in LAC 7:XV.9539.D.2.c hereof, shall not be moved back into any Louisiana sweet potato weevil-free area and shall lose its sweet potato weevil-free status.

B. From Sweet Potato Weevil-Infested Areas

1. Pink certificate permit tags will be issued to persons

in that portion of the state designated by the department as sweet potato weevil-infested who possess a valid sweet potato dealer's permit as required under the provisions of LAC 7:XV.9547 hereof, upon request to the state entomologist.

2. Certificate permits authorizing the movement of restricted material from or within sweet potato weevil-infested areas will be issued by the state entomologist under the following conditions:

a. The person desiring such movement has a valid sweet potato dealer's permit if required to possess such permit under the provisions of LAC 7:XV.9547 hereof.

b. A platform inspection of the restricted material indicates that the restricted material is apparently free of the sweet potato weevil.

c. Pink certificate permit tags are properly dated with the packing date and are attached to or placed within each container in a load or shipment of sweet potatoes, if moved within Louisiana or to any other state which may require such.

d. The regulated material is not moved from a sweet potato weevil-infested area into a sweet potato weevil-free area, unless fumigated under the provisions set forth in LAC 7:XV.9538 hereof, or to any state which may prohibit entry of such restricted material.

e. The lot of sweet potatoes, if moving by truck to an area which permits entry of restricted material, is sealed in the truck body by the use of not more than two seals.

Tarpaulins or other means used to seal the truck body must be approved by the department in advance of moving sweet potatoes. No seal shall be broken until the truck reaches the destination shown in the certificate permit authorizing the movement of the sweet potatoes. If the truck load is comprised of mixed produce including one or more containers of sweet potatoes, the entire load of produce must be sealed in the truck before leaving the loading point; a certificate permit covering the sweet potatoes must be issued.

f. Certificate permits attesting to sweet potato fumigation and authorizing the movement of restricted material from sweet potato weevil-infested areas will be issued when such restricted material is inspected, found apparently free of the sweet potato weevil and fumigated under the provisions set forth in LAC 7:XV.9538 hereof.

3. Dated pink certificate permit tags shall not be re-used and may be declared invalid 30 days following the packing date stamped on each tag.

C. Provisions (A) and (B) of this Section do not apply to restricted materials originating from sweet potato weevil-infested properties, or properties within a one-mile radius thereof, located in that portion of the state designated by the department as sweet potato weevil-free.

D. No sweet potatoes may be moved or shipped within or out of Louisiana unless a valid certificate permit is issued for each shipment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655 and R.S. 3:1732.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:320 (April 1985), amended by the Department of Agriculture and Forestry, LR 14:527 (August 1988), LR 16:600 (July 1990), LR 18:

§9538. Fumigation and Maintenance of Weevil-free Status of Restricted Materials Originating in Quarantined Areas

A. Fumigation Measures

Persons operating storage houses and/or packing

sheds who desire to move restricted materials outside of that portion of the state designated by the department as sweet potato weevil infested shall:

1. Fumigate only "quick cured" sweet potatoes.

a. Quick cured sweet potatoes must have been cured at approximately 85° F (29.5° C) and 85 percent relative humidity for five to seven days.

b. Only good quality sweet potatoes with a minimum of bruises or other skin damage shall be fumigated.

2. Enlist the services of a certified fumigator to perform the fumigation.

3. Possess a valid fumigation certificate issued by a certified fumigator, indicating that sweet potato fumigation was done in accordance with all fumigant label requirements and in a manner approved by the department. Each fumigation certificate shall state the conditions and dates of fumigation.

4. Fumigate with hydrogen phosphide or any other fumigant approved for use on sweet potatoes and formulated and used in a manner approved by the department. If hydrogen phosphide is used, the fumigant concentration shall be maintained at a minimum of 200 ppm for five days.

B. Maintenance of Weevil-free Status

Restricted materials shall be maintained in such a manner that the integrity of their weevil-free status following fumigation is retained.

1. Fumigation chamber - Fumigated sweet potatoes may be stored in a fumigation chamber approved by the department, designed specifically for fumigating and storing sweet potatoes. The chamber shall be airtight with a self contained, screened exhaust system in place; shall possess doors that seal; shall contain a minimum of 1000 cubic feet of space, and larger chambers must be designed to contain an even multiple of 1000 cubic feet; shall be cleaned of all sweet potatoes, parts, and any other restricted materials between periods of fumigation and storage.

2. Tractor trailer rigs designed and constructed for use in fumigations may be used in place of a fumigation chamber provided the truck body meets the fumigation chamber requirements outlined above, with the exception of the cubic feet requirement. A variation in truck body cubic feet shall be allowed provided the variation allows adequate volume to fumigate according to the fumigant label. All entrances or openings on the truck body shall be sealed in a manner approved by the department, prior to shipment, by the use of not more than two seals.

3. If an approved fumigation chamber is not available, fumigation and storage of restricted materials shall:

a. be in a storage area separate from and in no way connected to any other storage or packing areas containing non-fumigated restricted materials. Storage area must be cleaned of all sweet potatoes, parts, and any other restricted materials between periods of storage;

b. be in a storage area that has been treated with an appropriately labeled chemical and in a manner approved by the department prior to initial storage of sweet potatoes harvested and fumigated that season; and must not be used to store any non-fumigated restricted materials;

c. fumigation shall be accomplished by tenting the restricted material with a sealed tarpaulin or other suitable sealable material of adequate thickness and construction for use in fumigation with hydrogen phosphide or other commercial fumigants;

d. restricted materials shall be completely enclosed with nylon, fiberglass, plastic or other synthetic screen material prior to, during and following fumigation. The screen mesh must be of a size sufficient to prevent entry of sweet potato weevil and shall be free from tears, rips and holes.

4. Packing house or shed - Sweet potatoes fumigated, screened, and stored according to Paragraphs (A)(1-4) and (B)(1-3d) above may be washed and packed in the same packing house or shed as non-fumigated sweet potatoes, provided.

a. Packing house or shed and all packing equipment is cleaned of all sweet potatoes, parts, and any other restricted materials prior to washing and packing of fumigated sweet potatoes.

b. Packing house or shed is treated with an appropriately labeled chemical and in a manner approved by the department prior to each packing period involving fumigated sweet potatoes.

5. All packing boxes and other packing and shipping materials shall be held in a storage area separate from and in no way connected to any other non-fumigated materials, or be fumigated and stored according to Paragraphs (A)(1-4) and (B)(1-3d) above.

6. Fumigated sweet potatoes washed and packed under approved conditions must be shipped within seven days of packing. Washed and packed sweet potatoes shall be completely enclosed with nylon, fiberglass, plastic or other synthetic screen material immediately following packing and must remain enclosed until shipment. The screen mesh must be of a size sufficient to prevent entry of sweet potato weevil and shall be free from tears, rips and holes. Fumigated, screened sweet potatoes awaiting shipment shall be labeled with the dates of fumigation.

7. Trucks or other vehicles used to ship fumigated sweet potatoes from quarantined areas shall be cleaned of all sweet potatoes, parts, and any other restricted materials prior to hauling fumigated sweet potatoes. Vehicle compartments previously containing shipments of non-fumigated restricted materials that were moved from or within quarantined areas must be treated with an appropriately labeled chemical and in a manner approved by the department prior to loading fumigated sweet potatoes for shipment. No non-fumigated sweet potatoes shall be loaded or shipped with fumigated sweet potatoes.

C. Issuance of Certificate Permit Tags

Manila certificate permit tags will be issued by the department to persons meeting all sweet potato quarantine regulation requirements and desiring to ship restricted materials that have been properly fumigated from quarantined areas to pest free areas or to states that may prohibit entry of such restricted materials. Permit tags shall be properly dated and attached to or within each container in a load or shipment of fumigated sweet potatoes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655 and R.S. 3:1732.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 16:600 (July 1990), amended by the Department of Agriculture and Forestry, LR 18:

§9539. Effect of Quarantine for Sweet Potato Weevil

A. Sweet Potato Weevil-Free Areas of Louisiana

1. The growing and/or storing of restricted material, including seed beds and field plantings of sweet potatoes, or allowing restricted material to grow to maturity, is prohibited

in areas declared to be non-sweet potato areas, except under special permit issued by the state entomologist. Non-sweet potato areas include but are not limited to sweet potato weevil-infested properties, and properties within a one-mile radius thereof, located in that portion of the state designated by the department as sweet potato weevil-free.

2. Any restricted material found in non-sweet potato areas shall be disposed of in a manner approved by the state entomologist.

B. Sweet Potato Weevil-Infested Areas of Louisiana

Owners and/or persons in charge of properties supporting active infestations of sweet potato weevil within that portion of the state designated as sweet potato weevil-infested may save their own seed sweet potatoes, provided that:

1. such seed sweet potatoes are apparently free of the sweet potato weevil;

2. such seed sweet potatoes are properly treated in a manner approved by the state entomologist at the time of storage;

3. no seed sweet potatoes, plants, vines and/or cuttings shall be sold, offered for sale or moved except those which have been inspected by the department and found to be apparently free of the sweet potato weevil.

C. Statewide

1. Sweet potatoes in seed beds shall be destroyed within 15 days after such potatoes have served their purpose, and not later than July 15 of each year. Destruction shall be in such a manner that all sweet potatoes, plants and parts are brought to the soil surface and exposed.

2. All sweet potato fields shall be harvested by December 1 of each year by the owner and/or tenant or renter. Such fields shall be destroyed within 15 days after harvesting, or by December 15 of each year. Destruction shall be in such a manner that all remaining sweet potatoes, plants and parts are brought to the soil surface and exposed.

3. Sanitary Measures

Persons operating packing sheds, assembly points, processing plants and/or storage houses shall:

a. not permit loose sweet potatoes or parts of sweet potatoes to accumulate in or around any structure in which sweet potatoes are cleaned, packed, processed or stored;

b. render waste sweet potatoes and sweet potato parts unsuitable for or unavailable to the sweet potato weevil by processing or disposal in a manner approved by the state entomologist. If it is necessary to haul host material from the place of accumulation for processing or disposal, such hauling shall be done in an approved tight-body truck or container and covered with a tarpaulin when necessary;

c. not allow sweet potatoes, sweet potato crowns and roots or parts thereof to be carried away from storage houses, processing plants, packing sheds or assembly points in water used in washing sweet potatoes;

d. not permit the sale, offer for sale or movement to any person or farm of culled sweet potatoes or sweet potato parts, except under special permit issued by the state entomologist; and

e. not move empty containers or equipment used in the handling of sweet potatoes from packing sheds or processing plants unless cleaned free of all host materials.

D. Restricted Material From Other States

1. Sweet potatoes, sweet potato plants, plant products and parts thereof, host materials, and containers and equip-

ment used in handling sweet potatoes may not enter Louisiana unless accompanied by a valid certificate permit from the state of origin.

2. A valid state-of-origin certificate permit tag shall be attached to or placed within each container in a load of sweet potatoes entering Louisiana.

a. Only restricted material certified as grown, stored and inspected in a portion of the state of origin designated as sweet potato weevil-free, or fumigated in accordance with LAC 7:XV.9538 hereof, shall enter that portion of Louisiana designated sweet potato weevil-free unless moving under the provisions set forth in LAC 7:XV.9538(D)2(c) hereof.

b. Restricted material grown, stored or inspected in a portion of the state of origin designated sweet potato weevil-infested or sweet potato weevil regulated, and inspected and found apparently free of sweet potato weevil, shall enter only that portion of Louisiana designated sweet potato weevil-infested unless moving under the provisions set forth in LAC 7:XV.9539(D)2(c) hereof.

c. Movement of restricted material from sweet potato weevil-infested or sweet potato weevil regulated areas through that portion of Louisiana designated sweet potato weevil-free is prohibited, except when moved by common carrier with a through bill of lading; or, if moved by truck or any other conveyance, said conveyance shall be sealed by the state of origin, shall have no additional restricted material added to the shipment, and shall not be unloaded within the weevil-free area of Louisiana.

d. Restricted material originating in areas designated sweet potato weevil-free that is moved into any area designated sweet potato weevil-infested or sweet potato weevil regulated, except under the provisions of LAC 7:XV.9539(D)2(c) hereof, shall not be moved back into any sweet potato weevil-free area and shall lose its sweet potato weevil-free status.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655 and R.S. 3:1732.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:320 (April 1985), amended by the Department of Agriculture and Forestry, LR 18:

§9541. Handling, Storage and Processing of Sweet Potatoes Within That Portion of the State Designated Sweet Potato Weevil-Infested

A. Sweet Potatoes Treated with Approved Chemicals

There shall be no date limit on the shipment of sweet potatoes from that portion of the state designated sweet potato weevil-infested, provided:

1. sweet potatoes to be marketed after April 1 following the year of production must be treated before February 28 with a chemical or chemicals labeled for sweet potato use and approved by the department; and

2. sweet potato packing sheds, processing plants and/or storage houses, and all containers and equipment used in handling sweet potatoes must be cleaned and treated in a manner prescribed by the state entomologist as soon as possible after final disposal of a crop of sweet potatoes.

B. Sweet Potatoes Not Treated with Approved Chemicals and/or Heavily Infested with Sweet Potato Weevil

1. Unprocessed sweet potatoes shall not be held in processing plants, warehouses or other storage houses on properties supporting active infestations of sweet potato weevils; moved in any manner; or sold or offered for sale after April 1 following the year of production, except seed sweet

potatoes that are apparently free of sweet potato weevils and have been properly treated as prescribed in LAC 7:XV.9541(A). This provision shall apply to all sweet potatoes even though previously inspected and certified for sale and movement. Sweet potato packing sheds, processing plants and/or storage houses, and all containers and equipment used in handling sweet potatoes must be cleaned and treated in a manner prescribed by the state entomologist unless a special permit extending the deadline is issued by the state entomologist.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655 and R.S. 3:1732.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:321 (April 1985), amended by the Department of Agriculture and Forestry, LR 18:

§9543. Fees

A. A fee of four cents per bushel shall be charged for each bushel of sweet potatoes moved and/or shipped within or out of Louisiana.

B. The fee charged for sweet potatoes moving to processing plants shall be collected on the basis of the amount of purchase less 10 percent for breakdown and shrinkage while in storage.

C. A fee of five cents per thousand shall be charged for vines, plants, slips or cuttings moved and/or shipped within or out of Louisiana.

D. Time when fees are to be assessed.

1. *Fresh Market* - assessed at the time a certificate permit is issued to authorize sale, offer for sale, movement, or shipment of the sweet potatoes.

2. *Processing Plants* - assessed at the time the sweet potatoes are moved into a plant for processing and/or packed to be shipped as nonprocessed potatoes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655, R.S. 3:1732 and R.S. 3:1734.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:321 (April 1985), amended by the Department of Agriculture and Forestry, LR 15:77 (February 1989), LR 18:

§9545. Penalties for Violation of Sweet Potato Weevil Quarantine

A. Any person violating any portion of the sweet potato weevil quarantine may be called to an adjudicatory hearing held in accordance with the Administrative Procedure Act and may be subject to a civil penalty of not more than \$5,000 per each violation per day. Proportionate costs of the hearing may be assessed against the violator. The amount of these costs shall be limited to attorneys' fees as charged to the Department for the actual hearing and preparation for the hearing; and actual cost of departmental personnel time in processing violations.

B. A sweet potato dealer's permit may be suspended, revoked or placed on probation if the holder thereof fails to comply with the provisions of these regulations subject to a finding in support of such action in a properly conducted adjudicatory hearing.

C. Sweet potato plantings found in a non-sweet potato area will be destroyed at the expense of the person or persons responsible for the plantings.

D. Regulated material found in violation of these regulations shall be destroyed and/or disposed of in a manner approved by the state entomologist at the expense of the person or persons responsible for the restricted material.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655 and R.S. 3:1732.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:322 (April 1985), amended by the Department of Agriculture and Forestry, LR 18:

§9547. Sweet Potato Dealer's Permit

A. All persons, including sweet potato growers and/or farmers, selling or offering for sale sweet potatoes shall not move, clean, grade, pack or repack for sale, or process in any manner sweet potatoes without a valid Sweet Potato Dealer's Permit. Sweet potatoes that are moved, cleaned, graded, packed or repacked for sale and/or processed, and that are sold or offered for sale shall be inspected under the provisions of LAC 7:XV.9537 hereof.

B. Applicants for Sweet Potato Dealer's Certificate Permit shall

1. Complete and file the application required by the department, which shall set forth the following conditions:

a. a guarantee to reimburse any purchase price of sweet potatoes which are confiscated because of sweet potato weevil infestation or unauthorized sale, offer for sale and/or movement;

b. an agreement to permit, at the dealer's cost, the destruction by an inspector of the department or the return to point of origin of any sweet potatoes sold, offered for sale, moved or moving without authorization, or infested with sweet potato weevil.

C. The provisions of this Section do not apply to:

1. Retail grocers and other retail outlets selling or offering for sale sweet potatoes possessing a valid certificate permit and/or certificate permit tags indicating that the sweet potatoes have been inspected, and that are sold or offered for sale directly to the consumer from a permanent building at a permanent location.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1653, R.S. 3:1655, R.S. 3:1732 and R.S. 3:1735.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:322 (April 1985), amended by the Department of Agriculture and Forestry, LR 18:

Persons interested in making comments relative to this notice may do so in writing to Tad N. Hardy, Administrative Coordinator, Horticulture and Quarantine Programs, Box 3118, Baton Rouge, LA 70821-3118. He is the person responsible for responding to inquiries regarding these proposed amendments.

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Title 7, Agriculture and Animals**

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

The proposed rule amendment will carry no implementation costs. Existing staff will enforce the proposed rule amendments.

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

The proposed rule amendment will have 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)

The proposed rule amendment will result in increased costs and workload associated with increased inspections and sweet potato seed bed and unharvested field destruction in sweet potato weevil-free areas. Violators may be fined following adjudicatory hearings as specified in existing law. Economic benefits include elimination of annual costs of \$20-50 to sweet potato dealers associated with sweet potato dealer surety bond procurement and the continued maintenance of snail-free status for nursery stock shipments, thus avoiding costly treatments that would be imposed by receiving states.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule amendment will assist in maintaining Louisiana's competitive position and quality products, particularly with respect to sweet potatoes and nursery stock, through consistent and accurate interpretation of quarantines. No impact on public or private employment is anticipated.

Richard Allen
Asst. Commissioner
Management and Finance

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendment to Bulletin 741 - Nonpublic

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 an amendment to Bulletin 741, Louisiana 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 examina-

tion. 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.

Interested persons may comment on the proposed policy addition in writing, until 4:30 p.m., June 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: Nonpublic Computer Literacy (Elementary)

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

The total costs to the state will be \$1,500. This will include \$500 for the printing and dissemination of the policy and \$1,000 for limited inservice training of teachers.

Depending on how well each school is already equipped with computer facilities, the estimated cost to nonpublic schools to establish computer labs could range between \$5,000 to \$20,000 per school.

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

There is no estimated effect on revenue collection.

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

This rule would impact approximately 100,000 nonpublic elementary students by mandating that they take the equivalent of a course in Computer Literacy prior to entry into high school.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Some teachers may need to be retrained. Nonpublic schools have options for implementing the policy change, therefore, no effect on competition and employment is anticipated.

John Guilbeau
Acting Deputy Superintendent
for Management and Finance

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Elementary and Secondary Education

Bulletin 1903, Law for the
Education of Dyslexic Students

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 adopted Bulletin 1903, Regulations for the Implementation of R.S. 17:7(11).

This bulletin was adopted as an emergency rule and printed in full in the January, 1992 issue of the *Louisiana Register*. Effective date of the emergency rule is January 20, 1992.

Bulletin 1903, Regulations for the Implementation of R.S. 17:7(11) the Louisiana Law for the Education of Dyslexic Students includes regulations for implementing the five-step process for evaluation and determination of program eligibility.

This bulletin contains statewide regulations for student placement in a multi-sensory regular education program. It identifies the five step process to be implemented by the LEAs. It includes characteristics of multi-sensory programs as well as procedures and criteria for assessment.

The Department of Education conducted state-wide awareness training on Bulletin 1903 in February, with funds provided through the 8(g) grant. Implementation of the regulations will occur in 1992-93.

Interested persons may comment on the proposed policy addition in writing, until 4:30 p.m., June 8, 1992 at the following address: Eileen Bickham, 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: Bulletin 1903 Regulations - Education for Dyslexic Students

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

The implementation costs of this rule are approximately \$6,281,320. These costs include two levels of training and associated costs. Level one training of all 42,000 teachers is required because of federal and state laws regarding the education of handicapped (dyslexic) students within regular education. This awareness training regarding the legal requirements and instructional strategies for assisting the dyslexic student will cost approximately \$211,320. Level two training involves intensive training in a multi-sensory program which is required for dyslexic students. The cost of training for approximately 6000 teachers is \$6,000,000. Approximately \$70,000 in administrative costs will be paid through 8(g), as well as \$500,000 to LEAs for training.

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

There will be no effect on revenue collections for state or local government units.

NOTE: The option presented for delivery of training in this fiscal statement represents one way of complying with federal and state requirements for services for dyslexic students within regular education. This option would allow local parishes to deliver training to teachers within the system based on their own individual choices of multi-sensory programs and individuals for professional services. Other options may be possible through a more centralized organization of training. The Department of Education is exploring other options which may result in lesser costs.

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

With enactment of this rule and appropriate funding, all dyslexic students will be provided with an appropriate multi-sensory regular education program, in accordance with federal civil rights requirements. These students will become more successful citizens capable of contributing to the economies in districts throughout the state. These students will receive instruction appropriate to their needs. Local school systems will become more successful in meeting the needs of all students within their jurisdiction. In-service will be provided by LEAs. Local systems will be required to document the steps of the five-step process. Forms and documentation must be provided in the student's cumulative records.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There may be increased job opportunities for certified and appropriately trained teachers.

John J. Guilbeau
Acting Deputy Superintendent

John R. Rombach
Legislative Fiscal Officer

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. 30:2014, 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.Chapter 65, (Log #AQ59).

This proposed rule will increase fees in order to generate additional operating funds that are needed to replace requested general funds and to provide resources for expanded programs mandated by the Clean Air Act Amendments of 1990.

These proposed regulations are to become effective on July 20, 1992, or as soon thereafter as practical upon publication in the *Louisiana Register*.

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

Chapter 65. Rules and Regulations for the Fee System of the Air Quality Control Programs

§6511. Methodology

A. Formula to Apportion Fees:

* * *

Delete the following:

Research fee for alternate disposal of hazardous waste	Surcharge of 6.1% of the annual maintenance fee for those facilities that generate hazardous waste
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* * *

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division in LR 13:741 (December 1987), amended LR 14:610 (September 1988), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1205 (December 20, 1991), amended LR 18:

§6515. Method of Payment

All fee payments shall be made by check, draft or money order payable to the Department of Environmental Quality, and mailed to the address provided on the invoice. Unless otherwise provided herein, all invoices will have a due date that is 30 days from the date of the receipt.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, in LR 13:741 (December 1987), amended LR 14:610 (September 1988), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 18:

§6517. Late Payment

Fees not received within 15 days of the due date, will be subject to a late penalty of an additional 10 percent per month of the assessed fee. The late penalty shall be calculated from the actual due date of the invoice.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, in LR 13:741 (December 1987), amended LR 14:610 (September 1988), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 18:

§6523. Fee Schedule Listing

* * *

FEE NUMBER	FEE DESCRIPTION	AMOUNT
2300*Note 14	Criteria pollutant annual fee per ton emitted on an annual basis: Nitrogen Oxides (NO _x) Sulfur dioxide (SO ₂) Non-toxic organic (VOC) Particulate (PM ₁₀)	\$7/ton

* * *

NOTE 14 - Fees will not be assessed for emissions of a single criteria pollutant over and above 4,000 tons per year from a facility. Criteria fees will be assessed on actual annual emissions which occurred during the previous calendar year.

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 13:741 (December 1987), amended LR 14:610 (September 1988), amended LR 15:735 (September 1989), amended LR 17:1205 (December 1991), amended LR 18:

A public hearing will be held on May 28, 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.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than June 1, 1992, at 4:30 p.m.,

to David Hughes, Enforcement and Regulatory Compliance Division, Post Office 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 #AQ59.

James B. Thompson, III
Assistant Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: LAC 33:III, Chapter 65-Fee System of the Air Quality Control Program

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

There are no costs (savings) accruing to the state government as fee collection resources are currently in place. There will be an estimated annual direct cost to the municipalities of Jennings (\$410), Alexandria (\$3588), Franklin (\$7), Houma (\$4620), Minden (\$2520) and Lafayette (\$9744); totalling \$20889. These latter costs would be offset by a modest rate adjustment.

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

The proposed fee adjustment would augment annual revenues by \$3,600,000. These monies would replace requested general funds, amounting to \$1,700,000 and provide an additional \$1,900,000 to support programs mandated by the Clean Air Act Amendments of 1990 (Public Law 101-549).

Fee revenue will be generated through promulgation of rule changes to LAC 33:III Chapter 65, relative to DEQ's Air Program fee system, sufficient to fund the costs associated with requirements to be implemented by this rule. Fee generated revenues are estimated to be \$3.6 million for FY 1992-1993.

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

The greatest share of the fee augmentation (99.4 percent) would be contributed by the non-governmental regulated community. Examples of the largest estimated increase would be:

Citgo Refinery, Lake Charles	\$70,000
Big Cajun utility, New Roads	\$58,034
LP&L utilities	\$93,328

A 4000 ton "cap", is part of this submission and, at \$7/ton, amounts to \$28,000. This "cap" applies to each criteria pollutant emitted from each facility.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There isn't any anticipated effect on competition and employment. An increase in funds for State Air Pollution programs is expected for all states as a result of Public Law 101-549.

Gus 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., 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.6081, (Log #AQ56).

These proposed regulations will provide an analytical method for determining the polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans in effluent streams to the air from stationary sources.

These proposed regulations are to become effective on July 20, 1992, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be held on May 29, 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.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than June 1, 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 #AQ56. Check or money order is required in advance for each copy of AQ56. This proposed regulation is available for inspection at the Office of the State Register, 1051 North Third Street, Baton Rouge, LA 70804 (504) 342-5015 or 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, 3945 North I-10 Service Road West, Metairie, LA 70002;

Department of Environmental Quality, 100 Asma Boulevard, Suite 151, Lafayette, LA 70508.

James B. Thompson, III
Assistant Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Method 23-Determination of Polychlorinated Dibenzop-Dioxins and Polychlorinated Dibenzofurans from Stationary Sources LAC 33:III.6081

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

There will not be any impact on cost or savings.

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

There will not be any impact on revenue collections.

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

The benefit to the regulated community will be from a defined testing method that is enforceable.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is not expected to be any impact 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 repeal and repromulgate the Radiation Protection Regulations, LAC 33:XV.Chapter 25, (Log #NE05).

This proposed rule will provide changes in the fee schedule for all users of radioactive material, radiation producing equipment and nuclear power plants.

These proposed regulations are to become effective on July 20, 1992, or as soon thereafter as practical upon publication in the *Louisiana Register*.

**Title 33
ENVIRONMENTAL QUALITY
Part XV. Radiation Protection**

Chapter 25. Fee Schedule

§2501. Scope and Purpose

It is the purpose of these regulations to establish a fee system for funding the monitoring, investigation, and other activities required to be conducted for the maintenance of a safe and healthful environment by the Department of Environmental Quality in accordance with the Louisiana Environmental Quality Act (R.S. 30:2101 et seq.). Fees are required for all permits, licenses, registrations, and variances authorized by the Act.

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

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

§2502. Authority

These regulations provide fees as required by R.S. 30:2014.B, R.S. 30:2106, and R.S. 30:2115.

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

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

§2503. Definitions

All terms used in these rules, unless the context otherwise requires or unless specifically defined in the Louisiana

Environmental Quality Act, or in other regulations promulgated by the administrative authority or his or her predecessor, shall have their usual meanings.

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

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

§2504. Application Fees

Each application or amendment thereto for which a fee is prescribed shall be accompanied by a remittance in the full amount of the fee. No application or amendment thereto shall be accepted or processed prior to payment of the full amount specified. No permit, license, registration, or variance shall be issued, unless otherwise authorized by the administrative authority, until such check or draft has been accepted by the bank or drawee and the department's account has been credited with the amount of the fee in full.

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

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

§2505. Annual Fees

Unless otherwise provided herein, all activities for which an annual fee is provided shall be subject to the payment of such fee within 30 days from receipt of billing, except that any fee in excess of \$50,000, upon written application to, and approval of, the administrative authority, may be paid in installments over a period not to exceed six months, according to a payment schedule established by the division or the administrative authority.

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

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

§2506. Reciprocal Agreements--Licenses and Registrants

Persons operating within Louisiana under the provisions of LAC 33:XV.212 or LAC 33:XV.390 shall submit the annual fee of the applicable category before the first entry into the state. The fee will allow reciprocal recognition of the license for one year from the date of receipt.

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

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

§2507. Reimbursements

A. One half of the annual fee will be reimbursed to the licensee or registrant upon receipt of a written request to terminate the license or registration, provided that the request has been received by the division within 180 days after the annual fee due date, and the fee has not been delinquent. Requests for termination of the license or registration received after 180 days of the annual fee due date will entitle the licensee or registrant to reimbursement of any portion of the annual fee. No interest, legal or otherwise, will be paid on the funds withheld prior to reimbursement.

B. One half of the application fee will be reimbursed to the licensee or registrant upon receipt of a written request from the applicant to withdraw an application prior to final approval. In the case of the denial of an application, for what-

ever reason, one half of the application fee will be refunded. No interest, legal or otherwise, will be paid on the funds withheld prior to reimbursement.

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

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

§2508. Determination of Fee

A. The fee for each applicable category is listed in Appendix A of this Chapter.

B. In the case of licenses that authorize more than one activity, the total fee will be for the activity assigned the higher fee.

C. Licenses that are amended and that result in a change in the Appendix A category to a more costly license shall be assessed the entire fee for that type of license effective with the amendment without regard to any fees already paid.

D. Electronic products that are in storage are subject to the same initial application fee and annual maintenance fee unless the X-ray unit is rendered permanently incapable of producing radiation and this fact is documented in writing to the division.

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

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

§2509. Method of Payment

Fee payment shall be made by check, draft or money order payable to the Department of Environmental Quality and mailed to the department at the address provided on the invoice. Unless otherwise provided herein, all invoices will have a due date that is 30 days from the date of receipt.

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

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

§2510. Late Payment

Fees not received within 15 days of the due date, will be subject to a late penalty of an additional 10 percent per month of the assessed fee. The late penalty shall be calculated from the actual due date of the invoice.

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

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

§2511. Failure to Pay

Failure to pay the prescribed application fee or annual fee as provided herein will constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the Louisiana Environmental Quality Act including, but not limited to, revocation or suspension of the applicable license or registration.

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

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

§2512. Effective Date

The fees prescribed herein shall be effective on July 20, 1992, or upon publication in the Louisiana Register as adopted.

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

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

Chapter 25

APPENDIX A

RADIATION PROTECTION PROGRAM FEE SCHEDULE

	Application Fee	Annual Maintenance Fee
	<hr/>	<hr/>
I. Radioactive Material Licensing		
A. Medical licenses		
1. Therapy		
a. Teletherapy	530	530
b. Brachytherapy	530	530
2. Nuclear medicine diagnostic only	650	650
3. Nuclear medicine diagnostic/therapy	700	700
4. Nuclear pacemaker implantation	260	260
5. Eye applicators	260	260
6. In-vitro studies or radioimmunoassays or calibration sources	260	260
7. Processing or manufacturing and distribution of radiopharmaceuticals	1,030	875
8. Mobile nuclear medicine services	1,030	875
9. "Broad scope" medical licenses	1,030	875
10. Manufacturing of medical devices/sources	1,200	1,000
11. Distribution of medical devices/sources	900	750
12. All other medical licenses	290	290
B. Source material licenses		
1. For mining, milling, or processing activities, or utilization which results in concentration or redistribution of naturally occurring radioactive material	5,200	5,200

Chapter 25

APPENDIX A

RADIATION PROTECTION PROGRAM FEE SCHEDULE (Continued)

	Application Fee	Annual Maintenance Fee
2. For the concentration and recovery of uranium from phosphoric acid as "yellow cake" (powdered solid)	2,600	2,600
3. For the concentration of uranium from or in phosphoric acid	1,300	1,300
4. All other specific "source material" licenses	260	260
C. Special nuclear material (SNM) licenses		
1. For use of SNM in sealed sources contained in devices used in measuring systems	400	400
2. SNM used as calibration or reference sources	260	260
3. All other licenses or use of SNM in quantities not sufficient to form a critical mass, except as in I.A.4, I.C.1, and I.C.2.	260	260
D. Industrial radioactive material licenses		
1. For processing or manufacturing for commercial distribution	5,150	3,875
2. For industrial radiography operations performed in a shielded radiography installation(s) or permanently designated areas at the address listed in the license.	875	690
3. For industrial radiography operations performed at temporary jobsite(s) of the licensee	2,580	1,940

Chapter 25

APPENDIX A

RADIATION PROTECTION PROGRAM FEE SCHEDULE (Continued)

	Application Fee	Annual Maintenance Fee
4. For possession and use of radioactive materials in sealed sources for irradiation of materials where the source is not removed from the shield and is less than 10,000 curies	1,300	650
5. For possession and use of radioactive materials in sealed sources for irradiation of materials when the source is not removed from the shield and is greater than 10,000 Curies, or where the source is removed from the shield	2,580	1,290
6. For distribution of items containing radioactive material	1,300	1,300
7. Well-logging and subsurface tracer studies		
a. Collar markers, nails, etc. for orientation	260	260
b. Sealed sources less than 10 curies and/or tracers less than or equal to 500 mCi	775	775
c. Sealed sources of 10 curies or greater and/or tracers greater than 500 mCi but less than 5 curies	1,300	1,300
d. Field flood studies and/or tracers equal to or greater than 5 curies	1,950	1,950
8. Operation of a nuclear laundry	5,150	2,580
9. Industrial research and development of radioactive materials or products containing radioactive materials	650	650
10. Academic research and/or instruction	530	530

Chapter 25

APPENDIX A

RADIATION PROTECTION PROGRAM FEE SCHEDULE (Continued)

	Application Fee	Annual Maintenance Fee
11. Licenses of broad scope		
a. Academic, industrial, re- search and development, total activity equal to or greater than 1 curie	1,300	1,300
b. Academic, industrial, re- search and development, total activity less than 1 curie	775	775
12. Gas chromatographs, sulfur analyzers, lead analyzers, or similar laboratory devices	260	260
13. Calibration sources equal to or less than 1 curie per source	260	260
14. Level or density gauges	400	400
15. Pipe wall thickness gauges	530	530
16. Soil moisture and density gauges	400	400
17. NORM decontamination/mainten- ance		
a. at permanently designated areas at the location(s) listed in the license.	2500	1250
b. at temporary jobsite(s) of the licensee.	2500	1500
18. Commercial NORM storage	1250	1250
19. All other specific industrial licenses except otherwise noted	530	530
E. Radioactive waste disposal licenses		
1. Commercial waste disposal invol- ving burial	675,000	675,000

Chapter 25

APPENDIX A

RADIATION PROTECTION PROGRAM FEE SCHEDULE (Continued)

	Application Fee	Annual Maintenance Fee
2. Commercial waste disposal involving incineration of vials containing liquid scintillation fluids	5150	2580
3. All other commercial waste disposal involving storage, packaging and/or transfer	2580	2580
F. Civil defense licenses	315	260
G. Teletherapy service company license	1300	1300
H. Consultant licenses		
1. No calibration sources	130	75
2. Possession of calibration sources equal to or less than 500 mCi each	190	130
3. Possession of calibration sources greater than 500 mCi	260	190
4. Installation and/or servicing of medical afterloaders	350	300
II. Electronic Product Registration		
1. Medical diagnostic X-ray (per registration)	85	85
2. Medical therapeutic X-ray (per registration)		
a. Below 500 kVp	200	200
b. 500 kVp to 1 MeV (including accelerator and Van de Graaf)	400	400
c. 1 MeV to 10 MeV	600	600
d. 10 MeV or greater	800	800
3. Dental X-ray (per registration)	75	70
4. Veterinary X-ray (per registration)	75	75

Chapter 25

APPENDIX A

RADIATION PROTECTION PROGRAM FEE SCHEDULE (Continued)

	Application Fee	Annual Maintenance Fee
5. Educational institution X-ray (teaching unit, per registration)	125	75
6. Industrial accelerator (includes Van de Graaf machines and neutron generators)	400	400
7. Industrial radiography (per registration)	200	200
8. All other X-ray (per registration) except as otherwise noted	90	90
III. General Licenses		
A. NORM		
1. 1-5 Wellheads per NORM contaminated field	100	100
2. 6-20 Wellheads per NORM contaminated field	500	500
3. Greater than 20 wellheads per NORM contaminated field	1500	1500
4. NORM site as otherwise defined in LAC 33:XV.1403 and not exempted by LAC 33:XV.1404	100	100
B. Tritium sign	75	0
C. All other general licenses that require registration	100	100
IV. Reciprocal Recognition		

The fee for reciprocal recognition of a license or registration from another state or the NRC is the annual fee of the applicable category. The fee covers activities in the state of Louisiana for one year from the date of receipt

Chapter 25

APPENDIX A

RADIATION PROTECTION PROGRAM FEE SCHEDULE (Continued)

	Application Fee	Annual Maintenance Fee
V. Shielding Evaluation (per room)		
A. Diagnostic	100	*
B. Therapeutic (below 500 kVp)	150	*
C. Therapeutic (500 kVp to 1 MeV)	250	*
D. Therapeutic (1 MeV to 10 MeV)	350	*
E. Therapeutic (10 MeV or greater)	750	*
F. Industrial and industrial radi- ography	350	*
VI. Device, Product, or Sealed Source Evaluation		
A. Device evaluation (each)	700	*
B. Sealed source design evaluation (each)	450	*
C. Update sheet	150	*
VII. Testing to determine qualifications of employees, per test administered	128	*
VIII. Nuclear electric generating station (per site)		
Located in Louisiana		283500
Located near Louisiana (Plume Expo- sure Pathway Emergency Planning Zone --includes area in Louisiana)		206000
Uranium Enrichment Facility		50000

IX. La. Radiation Protection Division Laboratory Analysis Fees

<u>Sample Type</u>	<u>Analysis</u>	<u>Unit Price</u>
Air filters:		
Particulate	Gross beta	55

RADIATION PROTECTION FEE SCHEDULE (Continued)

<u>Sample Type</u>	<u>Analysis</u>	<u>Unit Price</u>
Particulate	Gamma	159
Charcoal cartridge	Gamma/I-131	159
Milk	Gamma	170
Milk	I-131	181
Water	Gamma	181
Water	I-131	181
Water	H-3	68
Sediment	Gamma	192
Vegetation	Gamma	181
Fish	Gamma	192
Leak test	Gamma	159
Leak test	H-3	68
NORM sample	Gamma	170
Produced water	Gamma	181

A public hearing will be held on May 28, 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.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than June 1, 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, Fourth Floor, Baton Rouge, LA, 70810. Commentors should reference this proposed regulation by the Log #NE05.

James B. Thompson, III
Assistant Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

**Rule Title: Louisiana Radiation Regulations LAC 33:XV.
Chapter 25**

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

No implementation costs are anticipated. Existing staff can perform the services required by the proposed rule changes. It is anticipated that small fee increases would apply to certain state and local governmental units.

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

An average fee increase of 35 percent is proposed for all registrants and radioactive material licensees, except NORM licensees. This increase will generate \$400,000 in additional revenues from registrants and licensees. Also, license fees collected from NORM licensees will be increased by \$400,000. The total revenues will increase by \$800,000.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS
TO DIRECTLY AFFECTED PERSONS OR NON-
GOVERNMENTAL GROUPS (Summary)**

An average fee increase of 35 percent is proposed for all registrants and radioactive material licensees except for NORM licensees. This will generate \$400,000 in new revenues. An added \$400,000 will be generated from fees assessed on oil companies. These fees are associated with NORM.

Some companies will pay more than they are currently paying while other companies will actually pay less.

New categories have been created. In addition, current categories have been adjusted to more accurately reflect division costs. The increase due to new categories and increases in the registration and licenses, other than NORM licenses fees are about \$400,000.

A total increase of approximately \$800,000 is anticipated. Under this proposal all registrants and radioactive material licensees will be assessed an additional 35 percent of their current annual fee, except for the NORM licensees. Oil and gas production companies will be assessed a fee per group of wellheads in a field contaminated with NORM.

**IV. ESTIMATED EFFECT ON COMPETITION AND EM-
PLOYMENT (Summary)**

There is little anticipated effect on competition or em-

ployment. NORM fees are relatively small in relation to total production costs of typical companies so they should have little effect on oil and gas producers. The impact of the registration and license fees is more difficult to determine but since everybody will be required to pay the same fees, the effect on competition should be minimal.

Gustave Von Bodungen
Assistant Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001, et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Hazardous Waste Regulations, LAC 33:V.Subpart I, (Log #HW31).

These proposed regulations are concerned with special wastes from mineral processing; identification and listing of hazardous waste; standards applicable to owners and operators of hazardous waste treatment, storage, and disposal facilities; liability requirements and financial responsibility; land disposal restrictions; organic air emission standards for process vents and equipment leaks; petroleum refinery primary and secondary oil/water/solids separation sludge listings; hydrocarbon recovery operations; toxicity characteristic; and the hazardous waste management system.

These proposed regulations are to become effective on July 20, 1992, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be held on May 29, 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.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than June 1, 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, Fourth Floor, Baton Rouge, LA, 70810. Commentors should reference this proposed regulation by the Log #HW31. Check or money order is required in advance for each copy of HW31. This proposed regulation is available for inspection at the Office of the State Register, 1051 North Third Street, Baton Rouge, LA 70804 (504) 342-5015 and 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, 3945 North I-10 Service Road West, Metairie, LA 70002;
Department of Environmental Quality, 100 Asma Boulevard, Suite 151, Lafayette, LA 70508.

James B. Thompson, III
Assistant Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: RCRA I

LAC 33:V.Chapters 1, 17, 22, 37, 43 and 49 (HW31)

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

There will be no significant implementation costs or savings to state or local government, as the proposed regulations will allow state regulations to conform to existing federal regulations.

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

There will be no significant 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 significant cost and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no significant effect on competition or employment.

Glenn A. Miller
Assistant Secretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

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

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Underground Storage Tanks (UST) Regulations, LAC 33:XI (Log #UT03).

This proposed rule includes amendments that provide for the following: 1. consistency with existing state statutes; 2. increase in the annual maintenance and monitoring fee. This fee increase will affect hazardous substance USTs, federal USTs and other substance USTs.

Title 33

ENVIRONMENTAL QUALITY

Part XI. Underground Storage Tanks

Chapter 1. Program Applicability and Definitions

§103. Definitions

* * *

Motor Fuels—all grades of gasoline including but not limited to gasohol, No. 1 diesel, No. 2 diesel, kerosene, and all aviation fuels. Liquid petroleum (LP) gas shall not be included in this definition of motor fuels. This term shall include new and used motor oil that is used for lubricating engines of motor vehicles. If, however, used oil is determined to be a hazardous waste by the United States Environmental Protection Agency, used oil shall no longer be included in this term.

* * *

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste in LR 16:614 (July 1990), amended LR 17:658 (July 1991), LR 18:

Chapter 3. Registration Requirements, Standards, and Fee Schedule

§307. Fee Schedule

A. Applicability

These rules and regulations provide for the imposition and collection of an annual monitoring and maintenance fee for the following UST systems, regardless of their operational status:

1. UST systems at federal facilities;
2. UST systems containing petroleum products not meeting the definition of motor fuels; and
3. UST systems containing any substance defined in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 (but not including any substance regulated as a hazardous waste under the department's Hazardous Waste Regulations, LAC 33:V.Subpart I).

B. Annual Monitoring and Maintenance Fee

1. Annual monitoring and maintenance fees are assessed according to the following schedule:

- a. for UST systems containing any substance defined in the CERCLA (but not including any substance regulated as a hazardous waste under the department's Hazardous Waste Regulations), \$500;
- b. for all categories of UST systems listed in LAC 33:XI.307.A.1 and 2, \$120;

2. Fees shall be paid by check, draft or money order no later than 30 days after receipt of the annual invoice issued by the department. All fee payments shall be made payable to the Department of Environmental Quality and mailed to the department at the address provided on the invoice.

3. Fees shall be assessed for the state of Louisiana fiscal year (July 1 through June 30).

4. Any UST system shall be assessed the entire annual monitoring and maintenance fee for the fiscal year in which it is installed or permanently closed, regardless of the date during that year on which such action occurs.

5. The owner of record of the UST system on the date of invoicing by the department is responsible for payment of the annual monitoring and maintenance fees.

C. Late Payment. Fees not received within 15 days after the due date will be subject to a late penalty of an additional 10 percent per month of the assessed fee. The late penalty shall be calculated from the actual due date of the invoice.

* * *

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste in LR 16:614 (July 1990), amended LR:17:658 (July 1991), LR 18:

These proposed regulations are to become effective on July 20, 1992, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be held on May 28, 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.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than June 1, 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, Fourth Floor, Baton Rouge, LA, 70810. Commentors should reference this proposed regulation by the Log #UT03.

James B. Thompson, III
Assistant Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

**Rule Title: Louisiana Underground Storage Tank Rules
and Regulations**

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

The proposed amendments will increase the annual monitoring and maintenance fee charged for underground storage tanks (USTs) which contain hazardous or other substances. The fee will increase from \$30 per UST to \$120 for other substance USTs and from \$125 to \$500 for hazardous substance USTs. This amendment will result in a \$90 per UST increase for USTs containing other substances and a \$375 per UST increase for USTs containing hazardous substances. The proposed amendments will result in an overall net increase of \$645 in the fees currently assessed to local government (only 4 USTs will be affected).

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

The proposed amendments to the UST annual monitoring and maintenance fee will result in an increase in revenue collections of approximately \$91,425 for FY 92-93 and for each year thereafter.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS
TO DIRECTLY AFFECTED PERSONS OR NON-
GOVERNMENTAL GROUPS (Summary)**

The proposed amendments to the fee system will result in a \$90 increase for USTs containing other substances and all USTs at federal facilities (except hazardous substance USTs at federal facilities) and a \$375 increased for hazardous substance USTs. The net effect of this rule will be a \$90,780 increase from fees to directly affected persons and non-governmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EM-
PLOYMENT (Summary)**

This proposed rule should have minimal impact on competition and employment.

Glenn A. Miller
Assistant Secretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

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

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., particularly R.S. 30:2154, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Solid Waste Regulations, LAC 33:VII.1107.E, (Log SW04).

These proposed regulation changes will generate additional operating funds that are needed to replace requested general funds. These funds will provide resources for expanded programs that will be required by the revision of LAC 33:VII.Subpart 1.

**Title 33
ENVIRONMENTAL QUALITY
Part VII. Solid Waste**

**Chapter 11. Solid Waste Management System
§1107. Permit Application Process**

E. Solid Waste Fee System

1. Permit Application Fee

a. Applicants for standard permits shall pay a \$2,500 permit application fee.

b. Payment of the permit application fee shall be due upon submission of the permit application and shall accompany each permit application submitted after promulgation of these revised regulations.

c. Permit-holders providing permit modifications for solid waste facilities shall pay a \$1,000 permit modification review fee, and the fee shall accompany each modification submitted.

2. Annual Monitoring and Maintenance Fee

a. An initial fee is charged for the processing of transporter notifications. The fee shall be calculated by the following formula:

Initial fee per notification + fee based on each vehicle owned by the transporter = notification fee. No fee is assessed for modifying an existing notification form. The fee shall accompany the notification form at the time of its filing.

Initial fee	\$100
Fee per vehicle	\$ 25

b. Operators of all solid waste disposal facilities with a permit shall be charged an annual monitoring and maintenance fee for each facility.

c. Calculation of annual monitoring and maintenance fee shall be as follows: Base fee per permit + fee based on volume = annual monitoring and maintenance fee

i. Base fee per permit for industrial solid waste sites - \$6,000.

ii. Base fee per permit for non-industrial solid waste sites - \$1,500.

iii. Fee will be based on volume as reported in the previous year Disposer Annual Report.

(a). Industrial Waste - \$0.60/ton or \$0.75/cubic yard.

(b). Non-industrial Waste - Amounts exceeding 75,000 tons - \$0.15/ton or amounts exceeding 250,000 cubic yards - \$0.09/cubic yard.

iv. Maximum annual monitoring and maintenance fee per permit for industrial solid waste sites - \$80,000.

v. Maximum annual monitoring and maintenance fee per permit for non-industrial solid waste sites - \$20,000.

ix. Solid Waste Management systems with multiple disposal facilities which are scheduled for closure shall be assessed at a maximum, using the following maintenance and monitoring fees.

Industrial facilities	\$10,000
Non-Industrial facilities	\$ 2,500

This does not include facilities which are operating under or seeking a standard permit.

d. The annual maintenance period shall be from July 1 through June 30, commencing upon promulgation of these revised regulations and terminating upon closure of the site in accordance with the permit or order of the administrative authority.

e. Fee payment shall be made by check, draft or money order payable to the Department of Environmental Quality and mailed to the department at the address provided on the invoice. Unless otherwise provided herein, all invoices will have a due date that is 30 days from the date of receipt.

f. Late Payment. Unless otherwise provided herein, annual fees or other charges not received within 15 days of the due date will be subject to a late charge at an additional 10 percent per month.

g. Failure to Pay. The prescribed application fee or annual fee as provided herein will constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the Louisiana Environmental Quality Act including, but not limited to, revocation or suspension of the applicable permit, license, registration or variance.

h. The annual fees prescribed herein shall be effective retroactive for the state fiscal year in which these fee regulations are published in the *Louisiana Register* as adopted, and each state fiscal year thereafter.

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

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Environmental Affairs, Solid Waste Division LR 9:473 (July 1983), amended LR 9:690 (October 1983), LR 9:847 (December 1983), amended by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division (July 1985), LR 11:533 (May 1985), LR 13:741 (December 1987), LR:18:

These proposed regulations are to become effective on July 20, 1992, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be held on May 28, 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.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than June 1, 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, Fourth Floor, Baton Rouge, LA, 70810. Commentors should reference this proposed regulation by the Log #SW04.

James B. Thompson, III
Assistant Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Fee Increase LAC 33:VII.1107**

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

There are no estimated costs associated with the adoption of the proposed rule. This office already manages and maintains an extensive fee system that includes the invoicing and collection of permit fees and annual monitoring and maintenance costs. Any increased cost to local government will be offset by various garbage or trash fees or local tax collections.

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

State revenue collection by the Department of Environmental Quality will be increased by \$1,277,022 for FY 92-93, 93-94 and 95-96. There should be no significant effect on revenue collections of local government. Some portion of these increases is being generated to compensate for general fund cuts anticipated in FY 92-93.

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

As a result of this fee increase, non-governmental commercial units operating solid waste disposal facilities will be assessed annual base fees of \$6,000 and volume fees of \$0.60/ton or \$0.75/cu.yd for industrial facilities; base fees of \$1,500 and volume fees of \$0.15/ton for amounts exceeding 75,000 tons and \$0.09/cu.yd. for amounts exceeding 250,000 cubic yards for non-industrial facilities. The maximum cap on volume fees is \$80,000 for industrial facilities and \$20,000 for non-industrial facilities.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No additional effects on competition and employment should be experienced. These fees will be imposed equally on each solid waste facility, based on the type of facility.

Glenn A. Miller
Assistant Secretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

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

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001, et seq., particularly R.S. 30:2014, 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 Hazardous Waste Regulations, LAC 33:V.Chapter 51, (Log #HW36).

These proposed regulations provide a revised fee schedule for those facilities that reclaim or recycle hazardous waste. This reduced fee schedule will provide incentives to the regulated community to reclaim or recycle hazardous waste.

These proposed regulations are to become effective on July 20, 1992, or as soon thereafter as practical upon publication in the *Louisiana Register*.

Title 33

ENVIRONMENTAL QUALITY

**Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental Quality
Hazardous Waste**

Chapter 51. Fee Schedules

§5119. Calculation of Annual Maintenance Fees

Formula to apportion fees:

Annual Maintenance Fee = fee per site + fee per facility type + fee based on volume + annual research and development fee + administrative cost fee + land disposal prohibitions fee + groundwater protection annual fee + incineration inspection and monitoring fee + annual landfill inspection and monitoring fee + annual land treatment unsaturated zone monitoring inspection fee.

A. Fee Per Site:

Off-site Disposer (Commercial)	\$ 48,800
Reclaimer (compensated for waste removed)	\$ 35,000
Reclaimer (uncompensated for waste removed or pays for waste removed)	\$ 25,000

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:318 (May 1986), LR 12:676 (October 1986), LR 13:433 (August 1987), LR 15:378 (May 1989), LR 16:684 (August 1990), LR 16:1057 (December 1990), LR 18:

A public hearing will be held on May 28, 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.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than June 1, 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, Fourth Floor, Baton Rouge, LA,

70810. Commentors should reference this proposed regulation by the Log #HW36.

James B. Thompson, III
Assistant Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Fee Schedule II HW36 LAC 33:V.Chapter 51

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No additional cost to state or local government is anticipated.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
State government revenue collections are expected to decrease by about \$53,816.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The regulated community (reclaimers) will experience an approximate average decrease in cost of \$8969 per regulated facility. There are six facilities effected by this rule. The combined effect for all six facilities is a net fee reduction of \$53,816 per year.
The proposed changes in LAC 33:V.5119 will affect facilities who recycle or reclaim hazardous waste.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
Little, if any, impact on competition and employment is expected since the costs are small relative to the typical facility size and all regulated facilities will experience the same benefits.

Glenn A. Miller
Assistant Secretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

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

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001, et seq., particularly R.S. 30:2014, 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 Hazardous Waste Regulations, LAC 33:V.Chapter 51, (Log #HW35).

These proposed regulations provide a revised fee schedule that will accurately cover the costs incurred by the department in providing professional personnel to expediently review permit applications and to efficiently and effectively regulate the industrial community. This fee increase is also necessary to cover operating costs and annual maintenance and monitoring costs.

These proposed regulations are to become effective on July 20, 1992, or as soon thereafter as practical upon publication in the *Louisiana Register*.

Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental Quality —
Hazardous Waste

Chapter 51. Fee Schedules

§5101. Applicability

The regulations in this Chapter apply to generators of hazardous waste as well as treaters, storers, and disposers of hazardous waste except as provided in LAC 33:V.1101 and LAC 33:V.1501.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:676 (October 1986), LR 18:

§5103. Scope and Purpose

It is the purpose of these regulations to establish a fee system for funding the monitoring, investigation, and other activities required to be conducted for the maintenance of a safe and healthful environment by the Department of Environmental Quality in accordance with the Louisiana Environmental Quality Act (R.S. 30:2014 et seq.). Fees are required for all permits, licenses, registrations, and variances authorized by the Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:676 (October 1986), LR 18:

§5109. Application Fees

Treaters, Storers, and/or Disposers

A. A one-time application fee is charged to cover application, evaluation, and other related program costs.

B. Each application thereto for which a fee is prescribed shall be accompanied by a remittance in the full amount of the fee. No application or amendments thereto shall be accepted or processed prior to payment of the full amount specified unless approved by the administrative authority. Major amendments of applications for operating permits, closure/post-closure permits, and modifications of permits may be considered as separate applications for purposes of calculating fees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:676 (October 1986), LR 16:684 (August 1990), LR 18:

§5111. Calculation of Application Fees

* * *

B. Application Fee schedule:

Item	Fee
Site analysis--per acre site size	\$ 250 ¹
Process and plan analysis	\$ 1,000

¹Up to 100 acres, no additional fee thereafter.

Facility analysis--per facility ²	\$ 500
Management/financial analysis	\$ 1,000

NOTE: Fee equals total of the four items.

²Incinerator, land farm, treatment pond, etc., each counted as a facility.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:318 (May 1986), LR 12:676 (October 1986), LR 13:433 (August 1987), LR 18:

§5119. Calculation of Annual Maintenance Fees

Formula to apportion fees:

Annual Maintenance Fee = fee per site + fee per facility type + fee based on volume + annual research and development fee + administrative cost fee + land disposal prohibitions fee + groundwater protection annual fee + incineration inspection and monitoring fee + annual landfill inspection and monitoring fee + annual land treatment unsaturated zone monitoring inspection fee.

A. Fee Per Site:

Off-site Disposer (Commercial)	\$ 79,800
Off-site Disposer (Non-commercial)	\$ 20,000
On-site Disposer	\$ 10,000

NOTE: The higher fee for off-site disposal is due to the cost of the manifest system and emergency response to transport spills (neither cost is applicable to on-site disposers).

B. Fee Per Hazardous Waste Facility Type:

Unit Type	Fee
STORAGE	
Container/Tank/Waste Pile/etc.	\$ 3,273
TREATMENT	
Incinerator/Filtration Unit/etc.	\$ 5,270
DISPOSAL	
Landfill/Miscellaneous Unit/etc.	\$ 8,270
C. Fee Based on Volume:	
Less than 1,000 tons	\$ 1,952
Less than 10,000 tons	\$ 4,904
Less than 100,000 tons	\$ 7,856
Less than 1,000,000 tons	\$ 10,808
More than 1,000,000 tons	\$ 13,760

* * *

E. Administrative Cost Fee

(fee per site + fee per facility + fee based on volume)

× 0.30 = Administrative Cost Fee

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:318 (May 1986), LR 12:676 (October 1986), LR 13:433 (August 1987), LR 15:378 (May 1989), LR 16:684 (August 1990), LR 16:1057 (December 1990), LR 18:

§5123. Registration Fees, HW-1

A. An initial registration fee is charged for each generator, transporter, or TSD facility obtaining an EPA Identification Number from the department. There is no fee for

modifying an existing registration based on any change of information submitted on Notification Form HW-1.

Initial Fee \$9.46

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:319 (May 1986), LR 12:676 (October 1986), LR 13:433 (August 1987), LR 14:622 (September 1988), LR 18:

§5127. Payment

All fee payment shall be made by check, draft or money order payable to the Department of Environmental Quality and mailed to the department at the address provided on the invoice. Unless otherwise provided herein, all invoices will have a due date that is 30 days from the date of receipt.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:676 (October 1986), LR 18:

§5129. Late Payment

Fees not received within 15 days of the due date will be subject to a late penalty of an additional 10 percent per month of the assessed fee. The late penalty shall be calculated from the actual due date of the invoice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:676 (October 1986), LR 18:

§5131. Failure to Pay

Failure to pay the prescribed application fee or annual fee as provided herein will constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the Act including, but not limited to, revocation or suspension of the applicable permit, license, registration, or variance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:321 (May 1986), LR 12:676 (October 1986), LR 13:433 (August 1987), LR 18:

* * *

§5139. Groundwater Protection Permit Review Fee

This fee covers the cost of reviewing the groundwater annual report required by both the Hazardous and Solid Waste Regulations.

A. Permit Review Fee

This fee covers the cost of reviewing permits for geology, geotechnical design, and groundwater protection aspects.

Hazardous Waste Facilities (1 time)	\$5,000 each
Permit Modifications	

Class 1 and 2	\$ 200 each
Class 3	\$ 750 each

Solid Waste Facilities (1 time)	\$5,000 each
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Permit Modifications	
Major	\$ 500 each
Minor	\$ 200 each

This fee covers the cost of inspecting monitoring systems to ensure that they are functioning properly and continue to maintain their integrity.

Each Well	\$ 250
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B. Oversight of Abandonment Procedures

This fee covers the cost of reviewing plans to plug and abandon all permitted groundwater monitoring systems (monitoring wells, piezometers, observations wells, and recovery wells) to ensure that they do not pose a potential threat to groundwater.

Casing pulled	\$ 100 each
Casing reamed out	\$ 200 each
Casing left in place	\$ 500 each

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Groundwater Division, LR 14:621 (September 1988), LR 16:685 (August 1990), LR 18:

* * *

§5143. Annual Landfill Inspection and Monitoring Fee

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:1057(December 1990), LR 18:

A public hearing will be held on May 28, 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.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than June 1, 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, Fourth Floor, Baton Rouge, LA, 70810. Commentors should reference this proposed regulation by the Log #HW35.

James B. Thompson, III
Assistant Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Fee Schedule I LAC 33:V.Chapter 51 (HW35)

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No additional cost to state or local government is anticipated.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
State government revenue collections are expected to

increase by about \$2,280,670. This cost will be borne by the affected regulated community.

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

The regulated community (selected hazardous waste generators, treaters, storers, and disposers) will incur an approximate average cost of \$49,579 per regulated facility.

The majority of the changes in LAC 33:V.5119 will only affect the large generators, treaters, storers, and disposers.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Little, if any, impact on competition and employment is expected since the costs are relatively small compared to the typical facility size.

Glenn A. Miller
Assistant Secretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Environmental Quality Office of Solid and Hazardous Waste

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001, et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Regulations, LAC 33:XI, (Log #UT04).

These proposed amendments will require that a category of tanks currently exempt from the registration requirements, register with the department. The variance provision of the regulations has been deleted. Language has been added to require that owners and operators provide certification of compliance on the registration form for installation, release detection, cathodic protection and financial responsibility. Includes factors to be considered by the owner and operator to be used in sampling a site at closure.

These proposed regulations are to become effective on July 20, 1992, or as soon thereafter as practical upon publication in the *Louisiana Register*.

Title 33

ENVIRONMENTAL QUALITY

Part XI. Underground Storage Tanks

Chapter 3. Registration Requirements, Standards, and Fee Schedule

§301. Registration Requirements

A. Existing UST Systems

1. All owners of existing UST systems (as defined in LAC 33:XI.103) were required to register such systems by May 8, 1986, (USTs installed after that date were required to be registered within 30 days of bringing such tanks into use) on a form approved by the department. Tanks filled with a solid, inert material before January 1, 1974, are not required to be registered with the department. No owner or operator shall allow a regulated substance to be placed into an existing UST system that has not been registered.

2. Owners of underground storage tanks taken out of service on or after January 1, 1974, unless the owner or operator knows the tank was subsequently removed from the ground, were required to notify the department of the existence of such tanks on or before May 8, 1986, on a form approved by the department. Owners and operators who have not complied with this requirement shall use the department's approved registration form, specifying at a minimum, to the extent known by the owner or operator, the date the tank was taken out of operation, the location of the tank, the capacity, type of construction, age of the UST system, the type of regulated substance stored in the tank, and the quantity of regulated substances left stored in the tank on the date the tank was taken out of operation, as well as other pertinent information required on the form.

3. All existing UST systems previously registered with the department shall be considered to be in compliance with this requirement if the information on file with the department is current and accurate. Maintaining current and accurate information with the department includes notifying the department of changes in ownership, or of changes in UST system descriptions resulting from upgrading, by filing an amended registration form within 30 days of the change in ownership or in description of the UST system.

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

HISTORICAL NOTE Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, LR 11:1139 (December 1985), amended LR 16:614 (July 1990), LR 17:658 (July 1991), amended LR 18:

§303. Standards for UST Systems

A. Standards for New UST Systems

* * *

4. Installation, Certification of Installation and Verification of Installer Certification, and Notification

* * *

b. Certification of Installation and Verification of Installer Certification

* * *

ii. Beginning January 20, 1992, all owners and operators must ensure that the individual exercising supervisory control over installation critical junctures (as defined in LAC 33:XI.1303) of an UST system is certified in accordance with LAC 33:XI.Chapter 13. To demonstrate compliance With Subsection A.4.a of this Section, all owners and operators must provide a certification of compliance on a new or amended UST registration form, in accordance with LAC 33:XI.301.

* * *

B. Upgrading Existing UST Systems to New System Standards

* * *

5. Reporting Requirements

* * *

b. An amended registration form must be submitted to the department's Underground Storage Tank Division within 30 days after the UST system is upgraded. The owner and operator must certify compliance with LAC 33:XI.303.B on the amended registration form. Beginning January 20, 1992, the amended registration form shall include the name and department-issued certificate number of the individual exercising supervisory control over those steps in the upgrade that involve repair critical junctures or installation critical

junctions (as defined in LAC 33:XI.1303) of an UST system.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, LR 11:1139 (December 1985), amended LR 16:614 (July 1990), amended LR 17:658 (July 1991), amended LR 18:

Chapter 5. General Operating Requirements

§509. Reporting and Recordkeeping

A. Reporting

Owners and operators must submit the following information to the department:

1. registration forms for all UST systems (LAC 33:XI.301), including certification of installation and verification of installer certification for new UST systems, in accordance with LAC 33:XI.303.A.4.b;

* * *

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, LR 16:614 (July 1990), amended LR 18:

Chapter 7. Methods of Release Detection and Release Reporting, Investigation, Confirmation, and Response

§713. Reporting and Cleanup of Spills and Overfills

A. Owners and operators of UST systems must contain and immediately clean up a spill or overfill and report it to the department within 24 hours. They must begin corrective action in accordance with LAC 33:XI.715 in the following cases:

* * *

2. A spill or overfill of a hazardous substance has resulted in a release to the environment that equals or exceeds the reportable quantity for that substance under the federal regulations in 40 CFR Part 302.

* * *

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, LR 16:614 (July 1990), amended LR 18:

Chapter 9. Out-of-Service UST Systems and Closure

* * *

§907. Assessing the Site at Closure or Change-in-Service

A. Before permanent closure or a change-in-service is completed, owners and operators must measure for the presence of a release where contamination is most likely to be present at the UST site, utilizing the procedure approved by the department. In selecting sample types, sample locations, and measurement methods, owners and operators must consider the method of closure, the nature of the stored substance, the type of backfill, the depth to groundwater, and other factors appropriate for identifying the presence of a release. Results of this assessment must be submitted in duplicate to the department within 60 days following permanent closure or change in service. The assessment results shall include a site diagram indicating locations where samples were collected and a written statement specifying which USTs have been closed. The requirements of this Section are satisfied if one of the external release detection methods allowed in LAC 33:XI.701.A.5 is operating in accordance with

the requirements in LAC 33:XI.701.A at the time of closure and indicates that no release has occurred.

* * *

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, LR 16:614 (July 1990), amended LR 18:

Chapter 11. Financial Responsibility

§1103. Compliance Dates

* * *

D. all petroleum UST owners not described in Subsections A, B, or C of this Section, including all local government entities--December 31, 1993.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, LR 18:

A public hearing will be held on May 29, 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.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than June 1, 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, Fourth Floor, Baton Rouge, LA, 70810. Commentors should reference this proposed regulation by the Log #UT04.

James B. Thompson, III
Assistant Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Louisiana Underground Storage Tanks

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no significant implementation costs or savings to state or local government as the proposed regulations will allow state regulations to conform to existing federal regulations.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no significant 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 significant cost and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no significant effect on competition, or employment.

Glenn A. Miller
Assistant Secretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Environmental Quality Office of Water Resources

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001, et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to adopt the Ground Water Regulations, LAC 33:XIII.Chapter 13, (Log #GW03).

This proposed rule will set forth fees which will be assessed to cover the agency expenses incurred during review, approval, and oversight of assessment and corrective action activities.

These proposed regulations are to become effective on July 20, 1992, or as soon thereafter as practical upon publication in the *Louisiana Register*.

Title 33 ENVIRONMENTAL QUALITY Part XIII. Ground Water

Chapter 13. Ground Water Fees

§1301. Authority

Rules and regulations are hereby established by the Department of Environmental Quality as authorized by R.S. 30:2014.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, Ground Water Protection Division, LR 18: (1992).

§1303. Scope and Purpose

The purpose of these regulations is to establish a fee system for funding the departmental review and oversight of assessment and remediation activities undertaken by those entities noted in LAC 33:XIII.1305 below and for funding the monitoring, investigation and other activities required to be conducted for the maintenance of a safe and healthful environment by the Department of Environmental Quality.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, Ground Water Protection Division in LR 18: (1992).

§1305. Applicability

These rules and regulations apply to facilities which are required under Solid Waste Regulations or Hazardous Waste Regulations to produce annual reports concerning the ground water condition at their sites, to facilities which have installed ground water monitoring systems, and to facilities conducting assessment and/or remediation of ground water contamination (regardless of whether said contamination originated from a regulated waste management unit or from a non-regulated facility) for which the Ground Water Protection Division is providing oversight. These rules and regulations do not apply:

1. to sites over which other divisions or departments, such as the Underground Storage Tanks Division or the Department of Natural Resources, are legitimately exercising oversight and the Ground Water Protection Division does not provide assistance or technical guidance, or
2. to facilities billed under the authority of another Part or Chapter of Title 33 for the same activity.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, Ground Water Protection Division in LR 18: (1992).

§1307. Definitions

Assessment-planning—data gathering and reporting, and other activities used to generate a report which appraises ground water contamination and draws conclusions as to the need for further assessment and/or corrective action.

Assessment Oversight—departmental review and evaluation of a facility's assessment activities.

Corrective Action Oversight—departmental review and evaluation of corrective action plans and of remedial actions undertaken to restore the quality of contaminated ground water.

Corrective Action Plan—a plan which details a schedule of remedial actions that will restore the quality of contaminated ground water.

Non-regulated Facility—a facility which is not classified as a solid or hazardous waste facility but under which ground water contamination has been detected.

Regulated Unit—a solid waste facility or a hazardous waste facility under which ground water contamination has been detected.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, Ground Water Protection Division in LR 18: (1992).

§1309. Ground Water Protection Fees

A. Assessment Oversight (Annual)

The fee listed below covers the cost of reviewing, evaluating and approving plans and/or reports which assess ground water contamination and draw conclusions as to the need for further assessment and/or corrective action.

Hazardous Waste Facilities	\$ 7,500
Solid Waste Facilities	\$ 5,000
Non-regulated Facilities	\$ 2,500

B. Corrective Action Oversight (Annual)

The fee listed below covers the cost of reviewing, evaluating and approving plans and/or actions to clean up ground water that has been contaminated by a facility.

Hazardous Waste Facilities	\$10,000
Solid Waste Facilities	\$ 7,500
Non-regulated Facilities	\$ 2,500

C. Annual Report Review Fee

The fee listed below covers the cost of reviewing the ground water annual report required by both the Hazardous and Solid Waste Regulations.

Hazardous Waste Facilities	\$ 1,000
Solid Waste Facilities	\$ 250
Non-regulated Facilities	\$ 250

D. Ground Water Monitoring Systems Installation

The fee listed below covers the cost of reviewing the geology and design of proposed ground water monitoring systems to ensure compliance with department specifications.

Each well	\$ 500
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E. Ground Water Monitoring Systems Inspection Fee (Annual)

The fee listed below covers the cost of inspecting

monitoring systems to ensure that they are functioning properly and continue to maintain their integrity.

Each well \$ 250

F. Facility Inspection Fee (Annual)

The fee listed below covers the cost of inspecting the various facilities to assure compliance with the ground water protection aspects of the facilities' permits.

Hazardous Waste Facilities \$ 1,000
with sampling \$ 7,500
Solid Waste Facilities \$ 500
with sampling \$ 1,500

G. Oversight of Abandonment Procedures

The fee listed below covers the cost of reviewing plans to plug and abandon all non-permitted ground water monitoring systems (monitoring wells, piezometers, observation wells, and recovery wells) to ensure that they do not pose a potential threat to ground water.

Casing pulled \$ 100 each well
Casing reamed out \$ 200 each well
Casing left in place \$ 500 each well

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, Ground Water Protection Division in LR 18: (1992).

§1311. Method of Payment

All fee payments shall be made by check, draft or money order payable to the Department of Environmental Quality, and mailed to the department at the address provided on the invoice. Unless otherwise provided herein, all invoices will have a due date that is 30 days from the date of the receipt.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, Ground Water Protection Division in LR 18: (1992).

§1313. Late Fee

Fees not received within 15 days of the due date will be subject to a late penalty of an additional 10 percent per month of the assessed fee. The late penalty shall be calculated from the actual due date of the invoice.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, Ground Water Protection Division in LR 18: (1992).

§1315. Failure to Pay

The prescribed application fee or annual fee as provided herein will constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the Louisiana Environmental Quality Act including, but not limited to, revocation or suspension of the applicable permit, license, registration or variance.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, Ground Water Protection Division in LR 18: (1992).

A public hearing will be held on May 28, 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 com-

ments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than June 1, 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, Fourth Floor, Baton Rouge, LA, 70810. Commentors should reference this proposed regulation by the Log #GW03.

James B. Thompson, III
Assistant Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Ground Water Fees LAC 33.XIII.Chapter 13

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No costs or savings to local governmental units are anticipated. No significant implementation costs to the state are expected.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is estimated that an additional \$662,500 will be collected as fees from facilities subject to this regulation.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Estimated costs to directly affected persons of non-governmental groups are \$662,500 per year.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No adverse effect on competition and employment is expected.

J. Dale Givens
Assistant Secretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Environmental Quality
Office of Water Resources**

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001, et seq., particularly R.S. 30:2074, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Water Pollution Control Regulations, LAC 33:IX. Chapter 13, (Log WP11).

The Louisiana Water Discharge Permit annual fees are calculated by multiplying the rating points times the rate factor, currently \$170.63. The proposed rule would create a special category of permittee, municipal operators, to which a rate factor of \$97.50 would apply. All other operators would continue to pay fees based on the \$170.63 per rating point rate factor. The proposed rule defines fee amounts for "minor" modifications to existing permits, needed to reflect agency time and resources involved in processing the permit

actions. Adjustments to the pollutant-discharge points assessments are proposed which will result in charging larger non-municipal operators a more equitable share based on their proportional contributions to the total discharge to the state waters.

These proposed regulations are to become effective on July 20, 1992, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be held on May 28, 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.

Title 33

ENVIRONMENTAL QUALITY

Part IX. Water Quality Regulations

Chapter 13. Louisiana Water Pollution Control Fee System Regulations

§1301. Scope and Purpose

It is the purpose of these regulations to establish a fee system for funding the operation and activities of the Office of Water Resources of the Department of Environmental Quality in accordance with the Louisiana Environmental Quality Act. R.S. 30:2001 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular §2014(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:534 (May 1985), amended LR 18:

§1307. Definitions

All terms used in these regulations, unless the context otherwise requires or unless specifically defined in the Louisiana Environmental Quality Act, or in substantive regulations promulgated by the secretary of the Department of Environmental Quality, shall have their usual meaning. In addition, for purposes of these regulations, the following definitions apply:

Annual Fee—the fee which is paid annually based on the state's fiscal year (July 1 to June 30). This fee shall be applicable to all facilities subject to regulation under the Louisiana Water Control Law. R.S. 30:2071 et seq.

Inactive Facility—any facility which has been permanently closed and inoperative except for minor and essential maintenance activities for a period of at least one year but retains a valid permit to facilitate a potential resumption of operations. Facilities that are temporarily closed for maintenance or turnaround activities or inventory reduction are not considered to be inactive.

Municipal Facility—any facility operated by the state or a city, town, village, district or parish governing authority for the purpose of providing necessary public services.

New, Modified, or Reissued Permit Fee—the fee applicable to any such permit action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular §2014(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:534 (May 1985), amended LR 18:

§1309. Fee System

A. Applicability

Fees established by these regulations shall be applicable to all facilities subject to regulations under the Louisiana Water Control Law R.S. 30:2071 et seq., including those with no discharge and/or closed system permits, or any federal NPDES permit where permitting authority has been delegated to the department.

B. Annual Fee

1. The annual fee shall be calculated by multiplying the rating points times the rate factor except that the annual fee for each general permit shall be established by the administrative authority as provided below.

2. The rating points shall be computed using the appropriate Annual Fee Rating Worksheet.

3. The rate factor shall be \$97.50 per rating point for municipal facilities and \$170.63 per rating point for all other facilities.

5. For new facilities, the annual fee may be prorated to correspond to the start-up date.

6. The annual fee for inactive facilities may be reduced by 50 percent during any fiscal year in which the facility was inactive for the entire fiscal year. In no case shall the fee be reduced below the minimum fee.

C. New Permit Fee

1. A new permit fee shall be paid for issuance of any new or temporary permit.

2. The new permit fee shall be assessed subsequent to the receipt and review of an application or other request for permit action.

3. This fee shall be 20 percent of the calculated annual fee but not less than \$227.50.

D. Modified or Reissued Permit Fee

1. A modified or reissued permit fee shall be paid for any permit action which requires modification or reissuance of an existing permit.

2. The modified or reissued permit fee shall be assessed subsequent to the receipt and review of an application or other request for permit action.

3. This fee shall be 20 percent of the calculated annual fee but not less than \$227.50 for permit actions requiring implementation of the public notice procedure.

4. This fee shall be 10 percent of the calculated annual fee but not less than \$227.50 for all other permit actions.

E. Minimum and Maximum Annual Fee

1. The minimum annual fee shall be \$227.50.

2. The maximum annual fee shall be \$90,000.

F. General Permit fee

G. Due Date

H. Late Payment Penalty

Fees not received within 15 days of the due date will be subject to a late penalty of an additional 10 percent per month of the assessed fee. The late penalty shall be calculated from the actual due date of the invoice.

I. Failure to Pay

Failure to pay the prescribed fees as provided herein will constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the Louisiana Environmental Quality Act including, but not lim-

ited to, revocation or suspension of the applicable permit, license, registration or variance.

K. Annual Fee Rating Worksheet

The annual fee shall be computed using the appropriate Annual Fee Rating Worksheet as provided in LAC 33:IX.1313 or LAC 33:IX.1317. Instructions for completing the appropriate Annual Fee Rating Worksheet are provided in LAC 33:IX.1311 and LAC 33:IX.1315.

M. Method of Payment

All fee payments shall be made by check, draft or money order payable to the Department of Environmental Quality and mailed to the department at the address provided on the invoice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular §2014(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:534 (May 1985), amended LR 14:626 (September 1988), LR 18:

§1311. Instructions For Completing Municipals Facility Annual Fee Rating Worksheet

A. Facility Complexity Designation

2. From the permit application, determine SIC codes. Also determine processes and products reported. Compare this information to LAC 33:IX.1319 to determine the applicable industrial category and the related complexity designation. When more than one category applies, select the one with the highest complexity designation. Record the SIC code applicable to the category selected in the first SIC code blank and all other reported SIC codes in the second blank. Record the SIC title.

3. Check the applicable complexity designation and record the associated points in the complexity points blank. NOTE: Any industrial category not listed in LAC 33:IX.1319 is automatically assigned a Complexity Designation I except under the circumstances noted in LAC 33:IX.1309.K.2.

B. Flow Volume and Type

3. Determine the total daily average wastewater discharge to the receiving water based upon the information supplied to this office in the permit application. If there are multiple discharges, the total of all daily discharges should be used. Under the selected wastewater type, where applicable, answer yes or no and complete the formula.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular §2014(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:534 (May 1985), amended LR 14:627 (September 1988), LR 18:

§1313. Municipal Facility Annual Fee Rating Worksheet

Invoice No. _____

ANNUAL FEE RATING WORKSHEET

PERMIT NO. _____

1. FACILITY COMPLEXITY DESIGNATION

Primary SIC _____

Other SIC _____

Complexity Designation =

- _____ I (0 points)
- _____ II (10 points)
- _____ III (20 points)
- _____ IV (30 points)
- _____ V (40 points)
- _____ VI (50 points)

COMPLEXITY DESIGNATION POINTS _____

2. FLOW VOLUME AND TYPE

A. Wastewater Type I

Is total Daily Average Discharge greater than 60 mgd?

_____ Yes, then points = 30

_____ No, then

Points = 0.5 X Total Daily Average Discharge (mgd)

Points = 0.5 X _____ = _____

Total Points = _____

B. Wastewater Type II

Is total Daily Average Discharge greater than 5 mgd?

_____ Yes, then points = 50

_____ No, then

Points = 10 X Total Daily Average Discharge (mgd)

Points = 10 X _____ = _____

Total Points = _____

C. Wastewater Type III

Is total Daily Average Discharge greater than 25 mgd?

_____ Yes, then points = 50

_____ No, then

Points = 2 X Total Daily Average Discharge (mgd)

Points = 2 X _____ = _____

Total Points = _____

FLOW VOLUME AND TYPE POINTS _____

3. TRADITIONAL POLLUTANTS

A. BOD or _____

Daily Average Load =

- _____ ≤ 50 lb./day (0 points)
- _____ > 50 - 500 (5 points)
- _____ > 500 - 1000 (10 points)
- _____ > 1000 - 3000 (20 points)
- _____ > 3000 - 5000 (30 points)
- _____ > 5000 lb/day (40 points)

COD or _____

Daily Average Load =

- _____ ≤ 100 lb/day (0 points)
- _____ > 100 - 500 (5 points)
- _____ > 500 - 1000 (10 points)
- _____ > 1000 - 5000 (20 points)
- _____ > 5000 - 10000 (30 points)
- _____ >10,000 lb/day (40 points)

BOD OR COD DEMAND POINTS _____

(whichever is greater)

B. TSS

Daily Average Load =

- _____ ≤ 100 lb/day (0 points)
- _____ > 100 - 500 (5 points)
- _____ > 500 - 1000 (10 points)
- _____ > 1000 - 5000 (20 points)
- _____ > 5000 - 10000 (30 points)
- _____ >10,000 lb/day (40 points)

TSS POINTS _____

C. AMMONIA or _____ (Alternative nitrogen parameter used)

Daily Average Load =

- _____ ≤ 200 lb/day (0 points)
- _____ > 200 - 500 (5 points)
- _____ > 500 - 1000 (10 points)
- _____ > 1000 - 5000 (20 points)
- _____ > 5000 - 10000 (30 points)
- _____ >10,000 lb/day (40 points)

AMMONIA POINTS _____

TOTAL POLLUTANT POINTS _____

4. TEMPERATURE (HEAT LOAD)

Heat Load = Average Summer flow (mgd) X ΔT X 0.00834

where ΔT = Permit Limit (Max. Temp.) - 70°

Heat Load = _____ (mgd) X _____ X 0.00834 = _____ Billion BTU

Heat Load = _____ ≤ 4 billion BTU (0

points)

- _____ > 4 - 20 billion BTU (5 points)
- _____ > 20-100 billion BTU (10 points)
- _____ >100-200 billion BTU (15 points)
- _____ >200 billion BTU (20 points)

HEAT LOAD POINTS _____

5. POTENTIAL PUBLIC HEALTH IMPACTS

Is the receiving water to which the wastewater is discharged or a water body to which it is a tributary used as a drinking water supply source within 50 miles downstream?

_____ No (0 points)

_____ Yes, then . . .

Complexity Designation

_____ I, II (0 points)

_____ III (5 points)

_____ IV (10 points)

_____ V (20 points)

_____ VI (30 points)

POTENTIAL PUBLIC HEALTH IMPACT POINTS _____

6. MAJOR/MINOR FACILITY DESIGNATION

Has your facility been designated a major facility by the administrative authority?

_____ Yes, then Points = 25

_____ No, then

Were effluent limitations assigned to the discharge based on water quality factors in the receiving stream?

_____ No, then Points = 0

_____ Yes, then Points = 5

TOTAL MAJOR/MINOR POINTS _____

TOTAL RATING POINTS ASSIGNED _____

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular §2014(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:534 (May 1985), amended LR 14:628 (September 1988), LR 18:

§1315. Instructions For Completing Industrial Facility Annual Fee Rating Worksheet

A. Facility Complexity Designation

1. Determine the specific industrial category applicable to the facility.

2. From the permit application, determine SIC codes. Also determine process and products reported. Compare this information to LAC 33:IX.1319 to determine the applicable industrial category and the related complexity designation. When more than one category applies, select the one with the highest complexity designation. Record the SIC code applicable to the category selected in the first SIC code blank and all other reported SIC codes in the second blank. Record the SIC title.

3. Check the applicable complexity designation and record the associated points in the complexity points blank. *NOTE: Any industrial category not listed in LAC 33:IX.1319 is automatically assigned a Complexity Designation I except under the circumstances noted in LAC 33:IX.1309.K.2.*

4. The SIC codes listed in the tables are not exhaustive and any questions concerning the appropriate SIC code

or complexity designation for a particular facility will be decided by the administrative authority.

B. Flow Volume and Type

1. Determine the wastewater type and average discharge volume.

2. Review the permit application to determine the composition of the wastewater discharge(s). If there are multiple discharges, the composite of all discharges should be used. Compare the relative magnitudes of process wastewater, non-contact cooling water and other wastewaters with the definitions of wastewater types in Table 2 below, and select the appropriate wastewater type (select only one type).

TABLE 2

Types of Wastewater

Wastewaters are divided into three types based on their relative pollution potential.

Description

Type I. Type I wastewaters are relatively uncontaminated. They include non-contact cooling water only, or mixed flows which contain at least 90 percent non-contact cooling water and not more than one mgd of process wastewaters.

Type II. Type II wastewaters are the most contaminated. They include process wastewater flows or any mixed wastewaters containing more than 10 percent process wastewaters or containing more than one mgd of process wastewaters.

Type III. Type III wastewaters include sanitary wastewater, boiler blowdown, recirculating cooling system blowdown, water treatment wastewaters and relatively uncontaminated surface run-off (contaminated surface runoff should be considered process wastewater). Any mixture of these wastewaters is considered Type III. A mixture which includes non-contact cooling water is also Type III unless the non-contact cooling water exceeds 90 percent of the flow (Type I).

3. Determine the total daily average wastewater discharge to the receiving water based upon the information supplied to this office in the permit application. If there are multiple discharges, the total of all daily average discharges should be used. Under the selected wastewater type, where applicable, answer yes or no and complete the formula.

C. Pollutants

1. Review the permit to determine if BOD, COD, and TSS are limited. Points should only be assigned for these parameters if they are limited in the permit. The permit limits used to determine pollutant loads should be those limits currently in effect. Add the daily average load limit for each parameter for all discharges.

2. Check the applicable load range for BOD and/or COD, complete the formula, if applicable, and record the highest associated points in the BOD or COD points blank. In some cases, oxygen demand may be limited by some parameter other than BOD or COD [i.e., ultimate oxygen demand (UOD), total organic carbon (TOC), or total oxygen demand (TOD)]. If this is the case, substitute the alternate parameter for the COD criterion and record the alternate parameter used in the blank indicated.

3. Check the applicable TSS load range, complete the formula, if applicable, and record the associated points.

4. Obtain the latest reported toxic discharge to surface water information for the facility, complete the formula and record the associated points. This information may be updated and the rating revised if the annual report shows a change of at least 10 percent in the amount discharged.

5. Sum the totals A, B, and C and record the total pollutant points in the space provided.

D. Temperature (Heat Load)

1. A heat load should be computed for large thermal discharges. Such discharges are usually indicated by temperature limits in the permit. Computation for a flow less than 10 mgd is unnecessary as it will receive no heat load points.

2. Use maximum temperature limit in the permit (maximum temperature reported in application if not limited in the permit) and subtract 70° to compute T in °F, then determine the daily average heat load during the most critical conditions. This is usually during the summer months when stream temperatures and cooling water flow rates are the highest.

3. If larger heat loads are discharged at other time periods because of seasonal operations, the daily average heat load for those periods should be used. The summer flow rate may not be indicated in the permit application. It can be determined from Discharge Monitoring Reports.

4. Compute the heat load using the computed T and the selected flow rate. Check the applicable heat load range and record the associated points in the heat load points blank.

E. Potential Public Health Points

1. Determine if the receiving water is used for a municipal water supply.

2. Review the complexity designation assigned in LAC 33:IX.1311.A. If groups I or II were assigned, check the first complexity designation blank, record 0 points in the public health points blank and go to the next instruction.

3. If a higher complexity designation (III, IV, V, or VI) was assigned, then a determination if the receiving water is used as a drinking water supply source must be made. To qualify for points under this criterion, either the receiving water to which wastewater is discharged or a water body to which the receiving water is tributary must be used as a drinking water supply source within 50 miles downstream.

4. Check the appropriate complexity designation blank and record associated points in the public health points blank.

F. Major/Minor Facility Designation

1. Determine if the facility has been designated a major facility by the administrative authority. If the answer is YES, then check the appropriate blank and assign 25 points. If the answer is NO, then proceed to the next part.

2. Determine if the permitted effluent limitations assigned were based on water quality factors in the receiving water. Check the appropriate answer and assign the points required.

G. Total Rating Points

Sum the rating points assigned to each of the six sections and record the total in the total rating points blank.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular §2014(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 18:

§1317. Industrial Facility Annual Fee Rating Worksheet

Invoice No. _____

ANNUAL FEE RATING WORKSHEET

PERMIT NO. _____

1. FACILITY COMPLEXITY DESIGNATION

Primary SIC _____ Other SIC _____

Complexity Designation = _____

- _____ I (0 points)
- _____ II (10 points)
- _____ III (20 points)
- _____ IV (30 points)
- _____ V (40 points)
- _____ VI (50 points)

COMPLEXITY DESIGNATION POINTS _____

2. FLOW VOLUME AND TYPE

A. Wastewater Type I

Is total Daily Average Discharge greater than 400 mgd?

_____ Yes, then points = 200

_____ No, then

Points = 0.5 X Total Daily Average Discharge (mgd)

Points = 0.5 X _____ = _____

Total Points = _____

B. Wastewater Type II

Points = 10 X Total Daily Average Discharge (mgd)

Points = 10 X _____ = _____

Total Points = _____

C. Wastewater Type III

Points = 2 X Total Daily Average Discharge (mgd)

Points = 2 X _____ = _____

Total Points = _____

FLOW VOLUME AND TYPE POINTS _____

3. POLLUTANTS

A. BOD or _____

Daily Average Load = _____

- _____ ≤ 50 lb./day (0 points)
- _____ > 50 - 500 (5 points)
- _____ > 500 - 1000 (10 points)
- _____ >1000 - 3000 (20 points)
- _____ >3000 - 5000 (30 points)
- _____ >5000 lb/day (calculate)

Points = 0.008 X Daily Average Load (lbs.)

Points = 0.008 X _____ = _____

COD or _____

Daily Average Load = _____

- _____ ≤ 100 lb/day (0 points)
- _____ > 100 - 500 (5 points)
- _____ > 500 - 1000 (10 points)
- _____ > 1000 - 5000 (20 points)
- _____ > 5000 - 10000 (30 points)
- _____ >10,000 lb/day (calculate)

Points = 0.004 X Daily Average Load (lbs.)

Points = 0.004 X _____ = _____

BOD OR COD DEMAND POINTS _____

(whichever is greater)

B. TSS

Daily Average Load = _____

- _____ ≤ 100 lb/day (0 points)
- _____ > 100 - 500 (5 points)
- _____ > 500 - 1000 (10 points)
- _____ >1000 - 5000 (20 points)
- _____ >5000 - 10000 (30 points)
- _____ >10,000 lb/day (calculate)

Points = 0.004 X Daily Average Load (lbs.)

Points = 0.004 X _____ = _____

TSS POINTS _____

C. TOXICS

Total Annual Discharge to Water = _____ (lbs.)

Points = 0.01 X Annual discharge (lbs.)

Points = 0.01 X _____ = _____

TOXIC POINTS _____

TOTAL POLLUTANT POINTS _____

4. TEMPERATURE (HEAT LOAD)

Heat Load = Average Summer flow (mgd) X ΔT X 0.00834

where ΔT = Permit Limit (Max. Temp.) - 70°

Heat Load = _____ (mgd) X _____ X 0.00834 = _____ Billion BTU

- Heat Load = _____ ≤ 4 billion BTU (0 points)
- _____ > 4 - 20 billion BTU (5 points)
- _____ > 20-100 billion BTU (10 points)
- _____ >100-200 billion BTU (15 points)
- _____ >200 billion BTU (20 points)

HEAT LOAD POINTS _____

5. POTENTIAL PUBLIC HEALTH IMPACTS

Is the receiving water to which the wastewater is discharged or a water body to which it is a tributary used as a drinking water supply source within 50 miles downstream?

- No (0 points)
Yes, then . . . Complexity Designation
I, II (0 points)
III (5 points)
IV (10 points)
V (20 points)
VI (30 points)

POTENTIAL PUBLIC HEALTH IMPACT POINTS

6. MAJOR/MINOR FACILITY DESIGNATION

Has your facility been designated a major facility by the administrative authority?

- Yes, then Points = 25
No, then

Were effluent limitations assigned to the discharge based on water quality factors in the receiving stream?

- No, then Points = 0
Yes, then Points = 5

TOTAL MAJOR/MINOR POINTS

TOTAL RATING POINTS ASSIGNED

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular §2014(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:534 (May 1985), LR 18:

§1319. SIC Code Complexity Tables

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular §2014(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:534 (May 1985), amended LR 14:628 (September 1988), LR 18:

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than June 1, 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, Fourth Floor, Baton Rouge, LA, 70810. Commentors should reference this proposed regulation by the Log #WP11.

James B. Thompson, III
Assistant Secretary

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: LAC 33:IX.Chapter 13
Louisiana Water Pollution Control Fee System Regulation

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation costs are expected to be negligible since this is a modification of an existing system.
Savings to municipal operators are estimated to be \$510,504 in fiscal year 1992 and increased savings thereafter as more facilities are permitted and enter the fee system.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Increased revenue will result from two proposed adjustments to the fee system: 1) rating adjustments to charge larger non-municipal dischargers a more proportional share of the total amount of pollutants discharged to the state's waters will result in an increase of \$3,349,094, and 2) fees to be assessed for "minor" permit modification actions not now being billed will increase revenues by \$44,349.

Decreased revenues of \$510,504 will result from a reduction in self-generated funds assessed upon municipal operators by the Department of Environmental Quality.

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

Those members of the public who financially support the affected municipal operators should realize the total benefit of the fee reduction in the form of reduced user fees or taxes or the forestalling of planned additional fees or taxes.

An increase in permit costs totaling approximately \$3,349,094 will result from adjustments to the pollutant-discharge volume assessments, with approximately 98 non-municipal facilities experiencing increased fees. Approximately 80 facilities will experience costs totaling approximately \$44,349 for "minor" permit modifications not being billed at present.

A net revenue increase of \$2,882,938.44 will result from the proposed modifications to the fees regulations, to be used to cover the cost of the operation and activities of the Water Pollution Control Program as provided in LAC 33:IX.1301.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No impact on competition or employment is expected.

J. Dale Givens
Assistant Secretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Office of the Governor
Louisiana Property Assistance Agency

Notice is hereby given that the Office of the Governor, Division of Administration, Louisiana Property Assistance Agency, under authority of R.S. 39:321 advertises its intent to

amend the existing State Property Control Regulations LAC 34:VIII.307 with the following change:

Title 34

**GOVERNMENT CONTRACTS,
PROCUREMENT AND PROPERTY CONTROL**

Part VII. Property Control

Chapter 3. State Property Inventory Regulations

§307. Items of Property to be Inventoried

A. All items of moveable property having an "original" acquisition cost, when first purchased by the state of Louisiana, market value of \$250 or more, with the exception of items specifically excluded in §307.F and §307.G, must be placed on inventory. The term "movable" distinguishes this type of equipment from equipment attached as a permanent part of a building or structure. The term "property" distinguishes this type of equipment from "supplies" with supplies being consumable through normal use in no more than one year's time. All acquisitions of qualified items must be tagged with a uniform state of Louisiana identification tag approved by the commissioner of administration and all pertinent inventory information must be forwarded to the Louisiana property assistance agency director or his designee within 30 days after receipt of these items.

Interested person may submit written comments on the proposed revision to Phillip Collins, Manager, Planning/Analysis Section, Louisiana Property Assistance Agency, Box 94095, Baton Rouge, LA 70804-9095. Written comments will be received until 5 p.m. May 29, 1992.

Louis W. Amedee
Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

**Rule Title: Title 34 - Government Contracts,
Procurement and Property Control**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no implementation costs (savings) to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
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 estimated costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment.

Louis W. Amedee
Director

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 adopt a new Section in the GOEA Policy Manual, effective July 20, 1992. The purpose of this rule is to comply with Section 307(a)(14) of the Older Americans Act and Administration on Aging Program Instructions AoA-PI-90-04 and AoA-PI-91-04. The proposed rule, creates a new Section 1235, entitled, "Federally Funded Multipurpose Senior Centers." This Section governs the use of Older Americans Act Title III funds to acquire, alter, renovate, construct and/or operate multipurpose senior centers. The policy defines the term "multipurpose senior centers" and sets forth standards for their operation. It includes state and area agency responsibilities with regard to the granting of awards, program monitoring, recapture of payments, and waiver of repayment.

Title 4

ADMINISTRATION

Part VII. Governor's Office

Chapter 11. Elderly Affairs

Subchapter E. Uniform Service Requirements

§1235. Federally Funded Multipurpose Senior Centers

A. Definition and Standards

1. The term "Multipurpose Senior Center" means a community or neighborhood facility for the organization and provision of a broad spectrum of services including health, social, and nutritional activities for older persons.

2. The minimum standards for a multipurpose senior center shall be as provided in Subsection C of §1233 of this Manual.

B. Multipurpose Senior Center Grants

1. By April 1, each year, awards for Older Americans Act (OAA) Title III funds for multipurpose senior centers may be made by area agencies on aging to public or private non-profit agencies for the following purposes:

a. acquiring, altering, leasing, or renovating a facility, including a mobile facility, for use as a multipurpose senior center;

b. constructing a facility, including a mobile facility: for use as a multipurpose senior center, subject to the provision of Older Americans Act - Title III Regulations;

c. all or part of the costs of compensating professional and technical personnel required for the operation of multipurpose senior centers.

2. The area agency must ensure that communities wishing to develop a multipurpose senior center provide seniors the opportunity to have input into the development of plans and proposals.

3. Area agencies shall submit all renovation, acquisition and construction grants to the state agency for prior approval before awarding funds.

4. Each area agency shall monitor, at least annually, the utilization of multipurpose senior centers and maintain records reflecting the grants awarded and a period of commitment.

C. Approval of Renovation, Acquisition and Construction Grant Applications

1. The area agency must provide the following assur-

ances in its request for approval of renovation, acquisition and construction grant applications:

a. for not less than 10 years after acquisition, or not less than 20 years after the completion of construction, the facility will be used for the purpose for which it is to be acquired or constructed, unless for unusual circumstances the commissioner waives the requirement of Paragraph 307 (a) (14) of the Act;

b. sufficient funds will be available to meet the non-federal share of the cost of acquisition or construction of the facility;

c. sufficient funds will be available when acquisition or construction is completed, for effective use of the facility for the purpose for which it is being acquired or constructed;

d. the facility will not be used and is not intended to be used for sectarian instruction or as a place for religious worship;

e. in the case of purchase or construction, there are no existing facilities in the community suitable for leasing as a multipurpose senior center;

f. the plans and specifications for the facility are in accordance with regulations relating to minimum standards of construction, promulgated with particular emphasis on securing compliance with the requirements of the Act of August 12, 1968, commonly known as the Architectural Barriers Act of 1968; and

g. any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the facility will be paid wages at rates not less than those prevailing for similar work in the locality as determined by the secretary of labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a--276A-5, commonly known as the Davis-Bacon Act), and the secretary of labor shall have, with respect to the labor standards specified in this Subparagraph the authority and functions set forth in reorganization plan numbered 14 of 1950 (15 F.R. 3176; 64 State. 1267), and Section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

2. In making awards for multipurpose senior center activities, the area agency shall ensure:

a. that the facility complies with all applicable state and local health, fire, safety, building, zoning and sanitation laws, ordinances or codes; and

b. the technical adequacy of any proposed alteration or renovation of a multipurpose senior center assisted under Title III, by requiring that any alteration or renovation of a multipurpose senior center that affects the load bearing members of the facility is structurally sound and complies with all applicable local or state ordinances, laws, or building codes.

3. Renovation, acquisition and construction grant application proposals shall be thoroughly prepared with detailed floor plans drawn to scale and the appropriate documentation relative to programming at the facility must meet handicap accessibility requirements, fire and safety codes and be approved by the health department and dietitian (if nutrition program involved).

D. Reporting Requirements

1. By July 31, each year, the area agency must submit to the state agency a report of:

a. all new renovation, acquisition or construction grants and awards to support multipurpose senior center programming; and

b. a list of facilities being monitored in the planning

and service area.

2. The area agency must notify the state agency within 30 days, if any facility ceases to be used as a multipurpose senior center.

3. Recipients of awards must immediately file the following Notice of Record with the appropriate unit of local government upon purchase or completion of construction of the facility:

This is to serve as notice to all potential sellers, purchasers, transferers and recipients of a transfer of the real property described below as to the federal government's reversionary interests as set forth in Section 312 of the Older Americans Act of 1965, as amended, 42 U.S.C. 3030b, which have arisen as a result of (grantee's name) receipt and use of Department of Health and Human Services' grant funds in connection with the purchase or construction of said property. The property to which this notice is applicable is (address) and identified as Parcel (insert appropriate number(s)) in the books and records of (insert appropriate name of local unit of government's recording agency). Said real property is also described as: (insert description provided in survey). Further information as to the federal government's interests referred to above can be obtained from: (name and address of Area Agency on Aging).

After the notice has been recorded, the grantee shall provide the Area Agency on Aging with a copy. The area agency shall provide the state agency with a copy.

E. Recapture of Payments

1. If within 10 years after acquisition, or within 20 years after the completion of construction, of any facility for which funds have been paid under Title III of the Act:

a. the owner of the facility ceases to be a public or nonprofit private agency or organization; or

b. the facility ceases to be used for the purposes for which it was acquired (unless the commissioner determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so) the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved projects or projects) the same ratio as the amount of such federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated.

2. Renovated multipurpose senior centers must be utilized for at least five years or the funds which have been paid under Title III must be returned to the state agency.

3. In returning recaptured funds, the state shall use procedures that are ordinarily used in an audit disallowance.

F. Waiver of Repayment

1. Under certain circumstances, area agencies may request a waiver of the repayment of funds from the state agency. The written request should include an historical background of the senior center and a description of the nat-

ure of the circumstances that led the area agency to request a waiver. Information provided should include the total OAA funds awarded, an estimate of the total federal share of the center's value when it ceased to be used for program purposes, and the date at which circumstances made a waiver advisable. The area agency must provide assurances that the repayment amount will be used for services or programs to benefit the elderly. Appropriate documentation which supports the request for a waiver should be either submitted with the request or made available as needed.

2. GOEA, if it deems necessary, will forward the request to the Commissioner of the Administration on Aging (AoA) through the AoA Regional Office. The AoA Regional Program Director will review the request and forward it with a recommendation to the commissioner. If the commissioner determines that there is justification for releasing the applicant or other owner from the obligation to return the federal funds, the commissioner will inform the state in writing that a waiver has been granted. If a waiver is not justified the commissioner will notify the state in writing that a waiver has been denied.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:932, 45 CFR 1321.75, OAA Sec. 307, 312, and 321.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, 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. June 1, 1992.

A public hearing on this proposed rule change will be held on Wednesday, May 27, 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: Section 1235 - Multipurpose Senior Centers

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed rule 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 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 costs and/or economic benefits of this rule are not known at this time. The fiscal/economic impact will depend upon the number of grants and the amount of Older Americans Act funds which may be awarded by area agencies to public or private nonprofit agencies to acquire, renovate or construct multipurpose senior centers in the future.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition and employment is expected.

James R. Fontenot
Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Office of the Governor Compensation Fund Oversight Board

The Patient's Compensation Fund Oversight Board, under authority of the Louisiana Medical Malpractice Act, R.S. 40:1299.41 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950, et seq., advertises its intent to amend LAC 37:III.Chapter 5, as follows, pertaining to those bonds and securities deemed approved by the Patient's Compensation Fund Oversight Board, for purposes of the deposit required to demonstrate the financial responsibility requisite to enrollment with the fund, for self-insured health care providers.

Title 37

INSURANCE

Part III. Patient's Compensation Fund Oversight Board

Chapter 5. Enrollment with the Fund

§507. Financial Responsibility: Self-Insurance

* * *

C.1 The following bonds and securities shall be deemed approved by the board for purposes of the deposit required by this Section:

- a. bonds or securities not in default as to principal or interest which are the direct obligations of, or which are secured or guaranteed as to principal and interest by full faith and credit of the United States, any state or territory of the United States, or the District of Columbia;
- b. government sponsored AAA rated securities which carry an implied guarantee from the United States Government;
- c. bonds or evidence of indebtedness not in default as to principal or interest which are the direct obligations of, or which are secured or guaranteed as to principal and interest by the issuing body, the state, or political subdivision of this state, or any other state or territory of the United States or the District of Columbia;
- d. the bond of an authorized surety company engaged in business in the state of Louisiana which has an A.M. Best rating of A + VIII or better. In addition, the company should meet the stated minimum rating criteria for two of the following rating services:
Standard and Poor AA
Duff and Phelps AA
Moody's Aa2
- e. an unconditional letter of credit with an automatic renewal provision where the issuing bank carries a commercial paper rating of P-1 by Moody's and/or an A-1 by Standard and Poor;
- f. an escrow account in the name of Patient's Compensation Fund where the issuing bank carries a commercial paper rating of P-1 by Moody's and/or an A-1 by Standard and Poor.

2. In addition to the above, a health care provider may apply to the board for approval of any other security which, if approved by the board, shall constitute proof of financial responsibility.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44D.(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:171 (February, 1992), amended LR 18:

§509. Financial Responsibility: Self-Insurance Trusts

* * *

B.1 The following bonds and securities shall be deemed approved by the board for purposes of the deposit required by this Section:

a. bonds or securities not in default as to principal or interest which are the direct obligations of, or which are secured or guaranteed as to principal and interest by full faith and credit of the United States, any state or territory of the United States, or the District of Columbia;

b. government sponsored AAA rated securities which carry an implied guarantee from the United States Government;

c. bonds or evidence of indebtedness not in default as to principal or interest which are the direct obligations of, or which are secured or guaranteed as to Principal and interest by the issuing body, the state, or political subdivision of this state, or any other state or territory of the United States or the District of Columbia;

d. the bond of an authorized surety company engaged in business in the state of Louisiana which has an A.M. Best rating of A+ VIII or better. In addition, the company should meet the stated minimum rating criteria for two of the following rating services:

Standard and Poor AA

Duff and Phelps AA

Moody's Aa2

e. an unconditional letter of credit with an automatic renewal provision where the issuing bank carries a commercial paper rating of P-1 by Moody's and/or an A-1 by Standard and Poor;

f. an escrow account in the name of Patient's Compensation Fund where the issuing bank carries a commercial paper rating of P-1 by Moody's and/or an A-1 by Standard and Poor.

2. In addition to the above, a health care provider may apply to the board for approval of any other security which, if approved by the board, shall constitute proof of financial responsibility.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44D.(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:172 (February, 1992), amended LR 18:

Interested persons may submit inquiries and written comments on the proposed amendment until 4:30 p.m., May 20, 1992, to Suanne Grosskopf, Executive Director, Patient's Compensation Fund Oversight Board, 200 Lafayette Street, #600, Baton Rouge, LA 70801 and/or to Larry M. Roedel, General Counsel, Patient's Compensation Fund Oversight

Board, 2237 S. Acadian Thruway, Suite 504, Baton Rouge, LA 70808.

Suanne Grosskopf
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

**Rule Title: Patient's Compensation Fund Oversight
Board: R.S. 40:1299.41, et seq.**

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

There will be no costs (savings) to other state or local governmental units as a result of this proposed rule amendment. The costs to implement the amendment will include printing, copy charges, and associated costs of publication, administrative and overhead expenses, and legal fees, all of which should not exceed \$1,500. This amount will be paid by the Patient's Compensation Fund, R.S. 40:1299.44 et seq., from statutory dedications, i.e. absorbed/paid from available monies in the budget FY 91-92. There is no need at this time for increase staff to handle the implementation of this amended rule.

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

There is no material effects on the revenue collections of state or local governmental units from implementation of this amended rule.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS
TO DIRECTLY AFFECTED PERSONS OR NON-
GOVERNMENTAL GROUPS (Summary)**

The proposed amendment will have no costs or economic benefits to directly affected persons or non-governmental groups. The proposed amendment sets forth the bonds and securities deemed approved by the Patient's Compensation Fund Oversight Board, for purposes of the deposit required to demonstrate the financial responsibility requisite to enrollment with the fund, for self-insured health care providers.

**IV. ESTIMATED EFFECT ON COMPETITION AND EM-
PLOYMENT (Summary)**

There is no effect projected on competition and employment from implementation of this amendment.

Suanne Grosskopf
Executive Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Office of Human Services**

The Department of Health and Hospitals, Office of Human Services, Division of Mental Health, Division of Mental Retardation/Developmental Disabilities and the Division of Alcohol and Drug Abuse propose to adopt a certification process for providers of case management services. The purpose of this rule is to assure that potential case management providers have a comprehensive and adequate plan for

the delivery of case management services to the targeted population which includes the following groups:

1. adults with serious mental illness;
2. adults with mental retardation/developmental disabilities;
3. adults with problems of alcohol and other drugs of abuse;
4. children/youth with serious emotional disturbance;
5. children/youth with mental retardation/developmental disability; and
6. children/youth with problems of alcohol and other drugs of abuse.

The proposed rule sets forth the steps required to become a certified provider of case management services; an outline of the program description the potential provider must submit in support of their request for certification; and the provider standards used in the certification process.

The Department of Health and Hospitals, Office of Human Services has developed an affiliation agreement for use in certifying case management service providers. This form is not included in the proposed rule so that it can be updated as the need arises. A copy of the form is available from the Office of Human Services at the below listed address.

Part I. STEPS REQUIRED TO BECOME A PROVIDER OF CASE MANAGEMENT SERVICES

I. Potential provider obtains a Provider Enrollment packet from the Bureau of Health Services Financing, Provider Enrollment Section.

A packet may be obtained by writing to: Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030, ATTN: Provider Enrollment Section, or calling (504) 342-9454.

II. The Office of Human Services certifies the potential provider according to the following procedure.

A. The potential provider submits a written program description to the appropriate regional manager according to the outline provided which follows in Part II (Program Description Outline for Potential Providers of OHS Case Management Services). The description is intended to document programmatic, administrative and fiscal viability.

B. The appropriate regional office reviews the written program description for approval.

C. The appropriate regional office conducts an onsite review to determine that the programmatic requirements are met. (The checklist, which follows, of programmatic standards will be completed at this time. For new agencies, the agency will be reviewed after six months to ensure the policies are implemented.) A new or existing agency must meet the programmatic requirements to be certified. If an agency is unable to meet the requirements at the initial or annual visit a formal report including recommendations for improvement shall be submitted to the affiliate. The affiliate will be given 30 days to correct any deficiencies with technical assistance provided, if needed. The appropriate program office will re-visit the site after all deficiencies are corrected.

D. Upon completion of A through C above, an affiliation agreement is signed by the provider of services, the regional manager, and the deputy assistant secretary of the Division of Mental Health, Mental Retardation or Alcohol and Drug Abuse. An agency may chose to provide services for each target population but must meet the programmatic re-

quirements of each agency and complete an affiliation agreement with each.

III. The potential provider submits the signed affiliation agreement with the provider enrollment form(s) to the Bureau of Health Services Financing, Provider Enrollment Section at the above listed address.

IV. The Provider Enrollment Section will issue a provider number under which the approved services can be billed for Medicaid eligible clients.

V. The affiliation agreement must be updated annually.

Part 2. PROGRAM DESCRIPTION OUTLINE FOR POTENTIAL PROVIDERS OF OHS CASE MANAGEMENT SERVICES

A detailed program description should be submitted to the appropriate OHS Regional Manager using the following outline. The information provided will be considered as an example of your approach and as indication of your ability to provide necessary services.

I. Program Description

A. Philosophy. Provide a concise statement of the program's philosophy of treatment/rehabilitation.

B. Target Population. Describe the specific population to whom services will be targeted.

C. Method. Describe the services to be provided by the program.

D. Expected Outcomes. Discuss what is expected to be achieved with the target population as a result of provision of the services described above.

II. Administrative Viability

A. Experience

1. Describe the organization's prior experience in providing the same or similar services. Include specific references to the program director's knowledge and experience regarding services to be provided.

2. Provide a narrative description of the organizational structure.

3. Provide an organizational chart illustrating the relationships/lines of responsibility.

B. Action Plan for Implementation. Provide an action plan showing the necessary steps required to achieve program operation including target dates. The plan should also include expected financial resources for implementation.

C. Budget. Provide the budget for program operation.

D. Staffing. Describe the staffing of the program including both number of staff to be employed and the credentials.

E. Interagency Commitments. Describe all interagency agreements that are integral to the provision of the services, e.g. vocational rehabilitation, school board. Include copies of all signed agreements.

D. Evaluation Plan. Describe the method you plan to use to determine the effectiveness of your program.

III. Financial Viability. Documentation shall be presented to demonstrate the provider's financial viability. This documentation shall include business references, banking references, and the most recent audit report, if applicable.

**OHS CASE MANAGEMENT
PROVIDER STANDARDS**

<p>Date of Review: _____ Agency: _____</p>	<p align="center">REQUIREMENT</p> <p>1. PROGRAM DESCRIPTION: (OHS Case Management Manual, DADA Module, DMH Module, DMR/DD Module)</p> <p>(a) Philosophy - Each provider shall have a written statement of the program's philosophy of treatment/rehabilitation. <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Do you have a written philosophy statement? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(b) Each provider shall have a written description of the specific population to whom services will be targeted. <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Do you have a written description of the specific population to be served? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(c) Each provider shall have a written description of services to be provided including a description of the treatment/rehabilitation methodology. <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Do you have a written description of services? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(d) Each provider shall have a written statement of outcomes expected as a result of service provision. <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Do you have a written statement of expected outcomes? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>2. BUDGET: Each provider must provide a budget for program operation. <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Has your budget been provided? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>3. FINANCIAL VIABILITY: Documentation shall be presented to demonstrate the provider's financial viability. This documentation shall include business references, banking references and the most recent audit report. <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Have you presented documentation of financial viability? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
	<p align="center">COMMENTS (FOR OFFICE USE ONLY)</p>

<p>4. STAFF:</p> <p>(a) REQUIRED STAFF</p> <p><input type="checkbox"/> A Qualified Mental Health Professional (QMHP) <input type="checkbox"/> A Qualified Mental Retardation Professional (QMRP)</p> <p>(b) Each provider shall have a written description of job requirements setting forth the minimum requirements as set forth in the OHS Case Management Manual. This must be accompanied by a Table of Organization.</p> <p>Do you have a written description of staffing? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(c) STAFFING RATIOS: (OHS Case Management Manual, DADA Module, DMH Module, DMR/DD Module)</p> <p>The client to staff ratios may not exceed _____ to one full time equivalent staff person.</p> <p>Number of clients? _____</p> <p>Average number of hours per week each client is seen? _____</p>	
<p>5. EVALUATION PLAN:</p> <p>Each provider shall have written plan to determine the effectiveness of the program including a continuous quality improvement plan.</p> <p>Do you have a written evaluation plan? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>6. SUPERVISION: (OHS Case Management Manual, OHS Module)</p> <p>(a) Each provider shall develop and implement a written policy for the supervision including who will provide supervision of all staff who provide case management services.</p> <p>Do you have a supervision policy in writing? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(b) Supervision provided to individual staff shall be documented in writing.</p> <p>Do you have written verification indicating individual staff supervision? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>7. ORIENTATION AND TRAINING:</p> <p>Each provider shall develop and implement an orientation program which all new staff and regularly scheduled volunteers shall complete.</p> <p>Do you have written verification that each new staff or regularly scheduled volunteers have received an orientation and training program? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	

	<p>8. PERSONNEL POLICIES: (OHS Case Management Manual, OHS Module)</p> <p>(a) Each provider shall have written personnel practices to ensure that employment practices do not discriminate against any employee or applicant on the basis of age, race, religion, color, sexual orientation, marital status, ancestry, national origin, handicap, sex, physical condition, or developmental disability.</p> <p>Do you have written personnel policies on file? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(b) Each provider shall maintain evidence that job occupants meet job qualifications and shall make the information available for inspection by clients and by the department.</p> <p>Do you have employee qualification documentation on file? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
	<p>9. ADMISSION CRITERIA: (OHS Case Management Manual, OHS Module)</p> <p>Each provider shall maintain written criteria for admission including referral criteria, i.e., procedures after the referral is received. The referral criteria shall include policy on the denial of services to any client.</p> <p>Do you have written admission criteria? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Do you have written policy for denial of any client? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
	<p>10. ASSESSMENT: <i>(If agency is new, indicate requirement is met in policy.)</i></p> <p>(a) An assessment of needed services as defined by the appropriate program office shall be completed at the time of the client's admission for services.</p> <p>Is an assessment completed at the time of admission? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(b) Explain your assessment process: _____ _____ _____</p> <p>(c) A statement shall be included in the client's record that an assessment has been completed including the results of the assessment.</p> <p>Is a statement included in the client's record? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>

<p>11. SERVICE PLAN: <i>(If agency is new, indicate requirement is met in policy.)</i> (OHS Case Management Manual, OHS Module)</p> <p>(a) Each provider shall ensure that a written service plan is developed within one month after admission. Is a service plan written within one month after admission? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(b) Each provider shall ensure that the service plan is updated whenever a change in the client's condition warrants, but at least every six months. Is the service plan updated when necessary, but at least every six months? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(c) The service plan shall be developed in collaboration with the client and parent or guardian if a minor or adjudicated adult. The client's participation in the development of the service plan goals shall be documented as shall the reasons for non-participation. Is the service plan developed in collaboration with the client or guardian? <input type="checkbox"/> Yes <input type="checkbox"/> No Is the client's participation or non-participation documented? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(d) The service plan shall specify long-term goals and actions necessary to accomplish the goals. Does the service plan specify short- and long-term goals in measurable ways? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(e) The service plan shall be reviewed, approved and signed by the appropriate qualified professional; and it should be placed in the client's record. Is the service plan reviewed, approved and signed by the appropriate qualified professional? <input type="checkbox"/> Yes <input type="checkbox"/> No Is the service plan in the client's record? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>12. TERMINATION OF SERVICES: (OHS Case Management Manual, OHS Module)</p> <p>Each provider shall have written procedures for termination of services. Do you have written termination procedures? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
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13. CLIENT RECORDS: *(If agency is new, indicate requirement is met in policy.)*
(OHS Case Management Manual, OHS Module)

(a) The provider shall maintain a record for each client.

Who is responsible for the maintenance of the client record? _____

(b) The provider shall safeguard the confidentiality of client information. Information shall only be released by court order or written consent of the client, parent, or legal guardian for children or in the case of a client who has been declared legally incompetent, the person to whom the client's rights have devolved.

Is the confidentiality of information requirement met? Yes No

(c) The record shall be retained until records are audited and all audit questions are answered or three years from time of payment, whichever is longer.

Have records been retained from the proper length of time? Yes No

(d) Does the record contain the following?

(1) Records of services for which vendor payments have been or are to be made. Yes No

(2) Sufficient documentation to enable DHH to verify that each charge is due and proper prior to payment. Yes No

(3) All records which DHH finds necessary to determine a provider's compliance with state or federal law, rule, or regulation promulgated by DHHS or DHH. Yes No

(4) Eligibility information, including a copy of the recipient's medical eligibility card, a referral from the referring agency, documentation that the client meets the qualifications for case management services, and a copy of the agreement to participate. Yes No

(5) If the provider is aware that the client has been interdicted, a statement to that effect shall be noted in the record. Yes No

(6) At least six months of current pertinent data relating to the services provided. (Records older than six months may be kept in storage files or folders, but must be available for review.) Yes No

(e) Does the record contain the following progress notes?

- (1) Documentation that staff are carrying out the approaches in the service plan for which they are responsible. Yes No
- (2) Documentation of progress made and whether or not approaches in the service plan are working. Yes No
- (3) Documentation of any change in the client's condition, behavior or home situation which may indicate a need for a treatment plan change. Yes No
- (4) Are the progress notes legible, as well as legibly signed, including functional title, and fully dated? Yes No
- (5) Are progress notes entered in the record at least monthly or more often when a significant change occurs in the client's needs? Yes No

(f) Documentation of the client's discharge shall be noted in the client's record within one week of the client's discharge. Does the client's record have documentation of the client's discharge? Yes No

SPECIAL NOTE: For providers of MR/DD residential an/or day services, the following specific agency requirements apply:

1. To assure independence, at a minimum there will be an Agency Board committee assigned to provide oversight for the provision of case management services. Ideally there would be a separate and independent board responsible to the agency director for case management services.
For those agencies wishing to establish a case management agency totally independent from the parent agency, programmatic technical assistance will be provided by the DMR/DD.
2. For those agencies providing **WAIVER SERVICES**, there is a prohibition against providing case management services to those individuals who receive **WAIVER SERVICES** from these agencies. Source: *Medicaid of Louisiana, Medical Services Manual, MR/DD Waiver Services (Chapter 22), Provider Enrollment, page 22-4-1.*

This program has been reviewed and is consistent with programmatic policies and procedures for services to _____ population group.

Reviewer:

Title:

Date:

I participated in the review of this agency.

Agency Representative:

Title:

Date:

Interested persons may submit written comments to the following address: Joe Williams, Assistant Secretary, Office of Human Services, Box 2790, Bin 18, Baton Rouge, LA 70821-2790.

A public hearing on the proposed rule has been scheduled for May 29, 1992 in the Auditorium, First Floor, Department of Transportation and Development, 1201 Capitol Access Road, Baton Rouge, LA at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at the hearing.

J. Christopher Pilley
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Certification of case Management Service Providers

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

This rule will have no implementation costs or savings to state or local governmental units.

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

There is no effect on revenue collections of state or local government units.

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

The proposed rule requires potential case management providers to enter into an affiliation agreement with the Office of Human Services which certifies that they meet uniform programmatic standards for delivery of case management services to the targeted populations. This should assure a higher quality and more consistent level of case management services to the service recipient.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment as a result of this rule.

Joseph Williams
Assistant Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Office of Public Health**

In accordance with R.S. 40:4, 40:5, and the provisions of Chapter XIII of the State Sanitary Code, the state health officer is proposing that the following amendment to the listing entitled "Mechanical Wastewater Treatment Plants for Individual Homes--Acceptable Units" be made:

1. Amend the listing to include two additional series models for a currently listed manufacturer/plant, specified as follows:

MANUFACTURER	PLANT DESIGNATION	RATED CAPACITY
MCC, Inc.	"CAJUN AIRE"	
9599 Wallace Lake Road	Model 750	750 GPD
Shreveport, LA 71106	Model 1000	1000 GPD
(318) 687-2550		
1-800-367-0859		

The specified change is in compliance with the requirements set forth in Section 6.6 of Appendix A of Chapter XIII of the State Sanitary Code.

Comments or questions regarding the proposed rule should be addressed to Joseph D. Kimbrell, Deputy Assistant Secretary-Programs, Office of Public Health, Department of Health and Hospitals, Box 60630, New Orleans, LA 70160. Such written comments shall be received through the close of business 4:30 p.m. on June 11, 1992.

A public review hearing will be held on May 28, 1992 at 10 a.m. at 325 Loyola Avenue, Room 511, New Orleans, to hear comments on the proposed rule.

J. Christopher Pilley
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: "Mechanical Wastewater Treatment Plants for Individual Homes--Acceptable Units;" Amended Listing

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

There are no implementation costs.

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

There is no effect on revenue collections.

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

The consumer will be afforded a wider selection of products - thus enhancing competition and possibly resulting in reduced costs for the related products and services to the consumer.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition will be stimulated by the presence of the new product. Effect on employment cannot be estimated.

Larry Hebert, M.D.
Assistant Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Natural Resources
Office of Conservation**

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Office of Conservation hereby proposes the following amendments to the Drug Testing regulations.

Title 43
NATURAL RESOURCES
Part XIII. Office of Conservation -
Pipeline Safety
Subpart 1. General Provisions

Chapter 31. Drug Testing
§3101. Scope and Compliance
* * *

D. This Chapter is not effective until January 2, 1993, with respect to any employee located outside the territory of the United States.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:751-757.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 16:134 (February 1990), repromulgated LR 16:532 (June 1990), amended LR 18:

§3107. Anti-Drug Plan

Each operator shall maintain and follow a written anti-drug plan that conforms to the requirements of this Chapter and the DOT Procedures. The plan must contain:

1. methods and procedures for compliance with all the requirements of this Chapter, including the employee assistance program;

2. the administrator or the state agency that has submitted certification under Section 5(a) of the Natural Gas Pipeline Safety Act or Section 205(a) of the Hazardous Liquid Pipeline Safety Act with respect to the pipeline facility governed by an operator's plans and procedures may, after notice and opportunity for hearing as provided in 49 CFR 190.237 or the relevant state procedures, require the operator to amend its plans and procedures as necessary to provide a reasonable level of safety;

3. the name and address of the operator's medical review officer; and

4. procedures for notifying employees of the coverage and provisions of the plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:751-757.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 16:134 (February 1990), repromulgated LR 16:533 (June 1990), amended LR 18:

In accordance with the laws of the state of Louisiana, and with reference to the provisions of Title 30 of the Revised Statutes of 1950, a public hearing will be held in the Conservation Auditorium, First Floor, State Land and Natural Resources Building, 625 North Fourth St., Baton Rouge, LA at 9 a.m., May 28, 1992. At such hearing the Commissioner of Conservation will consider evidence relative to the proposed Amendments to the Hazardous Liquids Pipeline Safety Regulations.

The proposed amendments represent the views of the commissioner as of this date; however, the commissioner reserves the right to make additions or deletions prior to final adoption.

Comments and views regarding the proposed amendments should be directed in written form to be received not later than 5 p.m., May 27, 1992. Oral comment will be received at the hearing but should be brief and not cover the entire matters contained in the written comments. Direct comments to: H.W. Thompson, Commissioner of Conserva-

tion, Box 94275, Baton Rouge, LA 70804-9275, RE: Docket No. PL 92-041.

H.W. Thompson
Commissioner of Conservation

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Pipeline Safety - Hazardous Liquids -LAC
43:XIII.3101 and 3107.

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no increase in 1992-93 fiscal year, this regulation amends existing regulations. Administration will be carried out with existing personnel.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed amendments will have no effect on revenue collection.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The proposed amendments will not have any estimated costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The proposed amendments will not have any effect on competition employment.

Mariano G. Hinojosa
Director of Pipelines

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Natural Resources
Office of Conservation

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Office of Conservation hereby proposes adoption of the following amendments to the Pipeline Safety regulations.

Title 43
NATURAL RESOURCES
Part XIII. Office of Conservation
Pipeline Safety
Subpart 1. General Provisions

These regulations, Chapters 1, 3, 7, 9, 11, 15, 17, 25 and 27 shall apply to all persons engaged in the transportation of gas by pipeline within the State of Louisiana, including the transportation of gas within the coastal zone limits as defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

In accordance with the laws of the State of Louisiana, and with reference to the provisions of Title 30 of the Revised Statutes of 1950, a public hearing will be held in the Conservation Auditorium, First Floor, State Land and Natural Resources Building, 625 North Fourth St., Baton Rouge, LA at 9 a.m., May 28, 1992. At such hearing the commissioner of

conservation will consider evidence relative to the proposed Amendments to the Natural Gas Pipeline Safety Regulations.

Copies of this proposed rule may be obtained by contacting the Office of the State Register, 1051 North Third Street, Baton Rouge, LA or the Office of Conservation at the above address.

The proposed amendments represent the views of the commissioner as of this date; however, the commissioner reserves the right to make additions or deletions prior to final adoption.

Comments and views regarding the proposed amendments should be directed in written form to be received not later than 5 p.m., May 27, 1992. Oral comments will be received at the hearing but should be brief and not cover the entire matters contained in the written comments. Direct comments to: H. W. Thompson, Commissioner of Conservation, Box 94275, Baton Rouge, LA 70804-9275, RE: Docket No. PL 92-042.

H. W. Thompson
Commissioner of Conservation

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Pipeline Safety - General Provisions
LAC 43:XIII.Chapters 1, 3, 7, 9, 11, 15, 17, 25 and 27

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

There will be no increase in 1992-93 fiscal year, this regulation amends existing regulations. Administration will be carried out with existing personnel.

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

The proposed amendments will have no effect on revenue collection.

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

The proposed amendments will not have any estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed amendments will not have any effect on competition and employment.

Mariano G. Hinojosa
Director of Pipelines

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Natural Resources Office of Conservation

In accordance with the Administrative Procedure Act R.S. 49:950 et seq., the Office of Conservation hereby proposes the following amendments to the Hazardous Liquids regulations.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials Subpart 3. Natural Resources

Chapter 301. Transportation of Hazardous Liquids by Pipeline

Subchapter A. General

§30101. Scope

This chapter prescribes safety standards and reporting requirements for pipeline facilities used in the transportation of hazardous liquids or carbon dioxide.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:

§30103. Applicability

A. Except as provided in §30103.B of this Section, this Chapter applies to pipeline facilities and the transportation of hazardous liquids or carbon dioxide associated with those facilities in or affecting interstate or foreign commerce, including pipeline facilities on the Outer Continental Shelf.

B. This Chapter does not apply to:

* * *

4. transportation of petroleum in onshore gathering lines in rural areas except gathering lines in the inlets of the Gulf of Mexico subject to §30242;

5. transportation of a hazardous liquid or carbon dioxide in offshore pipelines which are located upstream from the outlet flange of each facility on the Outer Continental Shelf where hydrocarbons or carbon dioxide are produced or where produced hydrocarbons or carbon dioxide are first separated, dehydrated, or otherwise processed, whichever facility is farther downstream;

6. transportation of a hazardous liquid or carbon dioxide through onshore production (including flow lines), refining, or manufacturing facilities, or storage or in plant piping systems associated with such facilities;

7. transportation of a hazardous liquid or carbon dioxide by vessel, aircraft, tank truck, tank car, or other vehicle or terminal facilities used exclusively to transfer hazardous liquids or carbon dioxide between such modes of transportation;

8. transportation of carbon dioxide downstream from a point in the vicinity of the well site at which carbon dioxide is delivered to a production facility.

C. Except for carbon dioxide pipelines that are relocated, replaced, or otherwise changed, operators with carbon dioxide pipelines in existence on July 12, 1991, need not comply with this part until July 12, 1992.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:

§30105. Definitions

As used in this chapter:

Barrel—a unit of measurement equal to 42 U.S. standard gallons.

Breakout tank—a tank used to:

a. relieve surges in a hazardous liquids pipeline system or

b. receive and store hazardous liquid transported by a

pipeline for reinjection and continued transportation by pipeline.

Carbon dioxide—a fluid consisting of more than 90 percent carbon dioxide molecules compressed to a supercritical state.

Commissioner—the commissioner of conservation or any person to whom he has delegated authority in the matter concerned. For the purpose of these regulations, the commissioner is the delegated authority of the secretary of transportation.

Component—any part of a pipeline which may be subjected to pump pressure including, but not limited to, pipe, valves, elbows, tees, flanges, and closures.

Exposed pipeline—a pipeline where the top of the pipe is above the seabed in water less than 15 feet deep, as measured from the mean low water.

Gathering line—a pipeline eight inches or less in nominal diameter that transports petroleum from a production facility.

Gulf of Mexico and its inlets—the waters from the mean high water mark of the coast of the Gulf of Mexico and its inlets open to the sea (excluding rivers, tidal marshes, lakes, and canals) seaward to include the territorial sea and Outer Continental Shelf to a depth of 15 feet, as measured from the mean low water.

Hazardous liquid—petroleum, petroleum products, or anhydrous ammonia.

Hazard to navigation—the purpose of this part, a pipeline where the top of the pipe is less than 12 inches below the seabed in water less than 15 feet deep, as measured from the mean low water.

Highly volatile liquid or HVL—a hazardous liquid which will form a vapor cloud when released to the atmosphere and which has a vapor pressure exceeding 276 kPa (40°psia) at 37.8°C (100°F).

Interstate pipeline—a pipeline or that part of a pipeline that is used in the transportation of hazardous liquids or carbon dioxide in interstate or foreign commerce.

Intrastate pipeline—a pipeline or that part of a pipeline to which this Chapter applies that is not an interstate pipeline.

Line section—a continuous run of pipe between adjacent pressure pump stations, between a pressure pump station and terminal or breakout tanks, between a pressure pump station and a block valve, or between adjacent block valves.

Nominal wall thickness—the wall thickness listed in the pipe specifications.

Offshore—beyond the line of ordinary low water along that portion of the coast of the United States that is in direct contact with the open sea and beyond the line marking that seaward limit of inland waters.

Operator—a person who owns or operates pipeline facilities.

Person—any individual, firm, joint venture, partnership, corporation, association, state municipality, cooperative association, or joint stock association, and includes any trustee, receiver, assignee, or personal representative thereof.

Pipe or line pipe—a tube, usually cylindrical, through which a hazardous liquid or carbon dioxide flows from one point to another.

Pipeline or pipeline system—all parts of a pipeline fa-

cility through which a hazardous liquid or carbon dioxide moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks.

Pipeline facility—new and existing pipe, rights-of-way and any equipment, facility, or building used in the transportation of hazardous liquids or carbon dioxide.

Production facility—piping or equipment used in the production, extraction, recovery, lifting, stabilization, separation or treating of petroleum or carbon dioxide, or associated storage or measurement. (To be a production facility under this definition, piping or equipment must be used in the process of extracting petroleum or carbon dioxide from the ground or from facilities where CO₂ is produced, and preparing it for transportation by pipeline. This includes piping between treatment plants which extract carbon dioxide, and facilities utilized for the injection of carbon dioxide for recovery operations.)

Rural area—outside the limits of any incorporated or unincorporated city, town, village, or any other designated residential or commercial area such as a subdivision, a business or shopping center, or community development.

Secretary—the secretary of transportation or any person to whom he has delegated authority in the matter concerned.

Specified minimum yield strength—the minimum yield strength, expressed in pounds per square inch, prescribed by the specification under which the material is purchased from the manufacturer.

Stress level—the level of tangential or hoop stress, usually expressed as a percentage of specified minimum yield strength.

Surge pressure—pressure produced by a change in velocity of the moving stream that results from shutting down a pump station or pumping unit, closure of a valve, or any other blockage of the moving stream.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:

§30109. Compatibility Necessary for Transportation of Hazardous Liquids or Carbon Dioxide

No person may transport any hazardous liquid or carbon dioxide unless the hazardous liquid or carbon dioxide is chemically compatible with both the pipeline, including all components, and any other commodity that it may come into contact with while in the pipeline.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:

§30113. Transportation of Hazardous Liquid or Carbon Dioxide in Pipelines Constructed with Other than Steel Pipe

No person may transport any hazardous liquid or carbon dioxide through a pipe that is constructed after October 1970, for hazardous liquids or after July 12, 1991 for carbon dioxide of material other than steel unless the person has notified the commissioner in writing at least 90 days before

the transportation is to begin. The notice must state whether carbon dioxide or a hazardous liquid is to be transported and the chemical name, common name, properties and characteristics of the hazardous liquid to be transported and the material used in construction of the pipeline. If the commissioner determines that the transportation of the hazardous liquid or carbon dioxide in the manner proposed would be unduly hazardous, he will, within 90 days after receipt of the notice, order the person that gave the notice, in writing, not to transport the hazardous liquid or carbon dioxide in the proposed manner until further notice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:

Subchapter B. Reporting Accidents and Safety-Related Conditions

§30117. Reporting Accidents

An accident report is required for each failure in a pipeline system subject to this Part in which there is a release of the hazardous liquid or carbon dioxide transported resulting in any of the following:

* * *

2. loss of 50 or more barrels of hazardous liquid or carbon dioxide;

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:

§30119. Telephonic Notice of Certain Accidents

A. At the earliest practicable moment following discovery of a release of the hazardous liquid or carbon dioxide transported resulting in an event described in §30117, the operator of the system shall give notice, in accordance with §30119.B of any failure that:

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:

§30123. Addressee for Written Reports

Each operator of intrastate facilities subject to the jurisdiction of the Office of Conservation pursuant to certification under Section 205(a) of the Hazardous Liquid Pipeline Safety Act of 1979, as amended, must submit, when required, Louisiana's Accident Report, Safety Related Conditions Reports, and Annual Report Forms to the Commissioner of Conservation, Box 94275, Baton Rouge, LA 70804-9275, and concurrently to the Information Resources Manager, Office of Pipeline Safety, Research and Special Programs Administration, U.S. Department of Transportation, Room 8417, 400 Seventh Street SW., Washington, DC 10590.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:

§30129. Filing Safety-Related Condition Reports

A. Each report of a safety-related condition under §30127.A must be filed (received by the commissioner) in writing within five working days (not including Saturday, Sunday, or state holidays) after the day a representative of the operator first determines that the condition exists, but not later than 10 working days after the day a representative of the operator discovers the condition. Separate conditions may be described in a single report if they are closely related.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:

§30133. Operator Assistance in Investigation

If the Department of Natural Resources investigates an accident, the operator involved shall make available to the representative of the department all records and information that in any way pertain to the accident, and shall afford all reasonable assistance in the investigation of the accident.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:

§30135. Supplies of Incident Report Forms

Each operator shall maintain an adequate supply of forms that are a facsimile of DOT Form 7000-1 and Louisiana's Accident Report Form to enable it to promptly report accidents. The department will, upon request, furnish specimen copies of the form. Requests for DOT Form 7000-1 should be addressed to the Information Resources Manager, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590. Requests for Louisiana's Accident Report Form should be addressed to Office of Pipeline Safety, Office of Conservation, Box 94275, Baton Rouge, LA 70804-9275.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:

§30138. Filing Offshore Pipeline Condition Reports

A. Each operator shall, within 60 days after completion of the inspection of all its underwater pipelines subject to §30242.A, report the following information:

1. name and principal address of operator;
2. date of report;
3. name, job title, and business telephone number of person submitting the report;
4. total number of miles of pipeline inspected;
5. length and date of installation of each exposed pipeline segment, and location; including, if available, the location according to the Minerals Management Service or state offshore area and block number tract; and
6. length and date of installation of each pipeline segment, if different from a pipeline segment identified under §30139.A.5, that is a hazard to navigation, and the location; including, if available, the location according to the Minerals Management Service or state offshore area and block number tract.

B. The report shall be mailed to the Information Officer, Research and Special Programs Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 10590 and concurrently to the Commissioner of Conservation, Office of Conservation, Box 94275, Baton Rouge, LA 70804-9275.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 18:

Subchapter C. Design Requirements

§30143. Design Temperature

A. Material for components of the system must be chosen for the temperature environment in which the components will be used so that the pipeline will maintain its structural integrity.

B. Components of carbon dioxide pipelines that are subject to low temperatures during normal operation because of rapid pressure reduction or during the initial fill of the line must be made of materials that are suitable for those low temperatures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:

§30153. Fracture Propagation

A carbon dioxide pipeline system must be designed to mitigate the effects of fracture propagation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 18:

§30159. Valves

Each valve installed in a pipeline system must comply with the following:

* * *

3. each part of the valve that will be in contact with the carbon dioxide or hazardous liquid stream must be made of materials that are compatible with carbon dioxide or each hazardous liquid that it is anticipated will flow through the pipeline system.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:

Subchapter E. Hydrostatic Testing

§30221. Testing

* * *

B. Test Medium.

* * *

3. Carbon dioxide pipelines may use inert gas or carbon dioxide as the test medium if:

a. the entire pipeline section under test is outside of cities and other populated areas;

b. each building within 300 feet of the test section is unoccupied while the test pressure is equal to or greater than a pressure that produces a hoop stress of 50 percent of specified minimum yield strength;

c. the maximum hoop stress during the test does not exceed 80 percent of specified minimum yield strength;

d. continuous communication is maintained along entire test section; and

e. the pipe involved is new pipe having a longitudinal joint factor of 1.00.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:

Subchapter F. Operation and Maintenance

§30227. General Requirements

* * *

C. Except as provided by §30111, no operator may operate any part of any of the following pipelines unless it was designed and constructed as required by this Chapter:

1. an interstate pipeline, on which construction was begun after March 31, 1970, that transports hazardous liquid;

2. an interstate offshore gathering line, on which construction was begun after July 31, 1977, that transports hazardous liquid;

3. an intrastate pipeline, on which construction was begun after October 20, 1985, that transports hazardous liquid;

4. a pipeline, on which construction was begun after July 11, 1991 that transports carbon dioxide.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:

§30229. Procedural Manual for Operations, Maintenance, and Emergencies

* * *

B. Amendments. The administrator or the state agency that has submitted a current certification under Section 205(a) of the Hazardous Liquid Pipeline Safety Act with respect to the pipeline facility governed by an operator's plans and procedures may, after notice and opportunity for hearing as provided in 49 CFR 190.237 or the relevant state procedures, require the operator to amend its plans and procedures as necessary to provide a reasonable level of safety.

C. Maintenance and normal operations. The manual required by §30229.A must include procedures for the following to provide safety during maintenance and normal operations:

* * *

7. starting up and shutting down any part of the pipeline system in a manner designed to assure operation within the limits prescribed by §30235, consider the hazardous liquid or carbon dioxide in transportation, variations in altitude along the pipeline, and pressure monitoring and control devices;

* * *

9. in the case of facilities not equipped to fail safe that are identified under §30229.C.4 or that control receipt and delivery of the hazardous liquid or carbon dioxide, detecting abnormal operating conditions by monitoring pressure, temperature, flow or other appropriate operational data and transmitting this data to an attended location;

* * *

12. establishing and maintaining liaison with fire, police, and other appropriate public officials to learn the responsibility and resources of each government organization that may respond to a hazardous liquid or carbon dioxide pipeline emergency and acquaint the officials with the operator's ability in responding to a hazardous liquid or carbon dioxide pipeline emergency and means of communication;

* * *

E. Emergencies. The manual required by §30229.A must include procedures for the following to provide safety when an emergency condition occurs:

* * *

2. prompt and effective response to a notice of each type emergency, including fire or explosion occurring near or directly involving a pipeline facility, accidental release of hazardous liquid or carbon dioxide from a pipeline facility, operational failure causing a hazardous condition, and natural disaster affecting pipeline facilities;

* * *

4. taking necessary action, such as emergency shut-down or pressure reduction, to minimize the volume of hazardous liquid or carbon dioxide that is released from any section of a pipeline system in the event of a failure;

5. control of released hazardous liquid or carbon dioxide at an accident scene to minimize the hazards, including possible intentional ignition in the cases of flammable highly volatile liquid;

* * *

7. notifying fire, police, and other appropriate public officials of hazardous liquid or carbon dioxide pipeline emergencies and coordinating with them preplanned and actual responses during an emergency, including additional precautions necessary for an emergency involving a pipeline system transporting a highly volatile liquid;

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:

§30231. Training

A. Each operator shall establish and conduct a continuing training program to instruct operating and maintenance personnel to:

* * *

2. know the characteristics and hazards of the hazardous liquids or carbon dioxide transported, including in the case of flammable HVL, flammability of mixtures with air, odorless vapors, and water reactions;

3. recognize conditions that are likely to cause emergencies, predict the consequences of facility malfunctions or failures and hazardous liquid or carbon dioxide spills, and to take appropriate corrective action;

4. take steps necessary to control any accidental release of hazardous liquid or carbon dioxide and to minimize the potential for fire, explosion, toxicity, or environmental damage;

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:

§30239. Line Markers

A. Except as provided in §30239.B each operator shall place and maintain line markers over each buried pipeline in accordance with the following:

* * *

2. the marker must state at least the following: "Warning" followed by the words "Petroleum (or the name of the hazardous liquid transported) Pipeline" or "Carbon Dioxide Pipeline" (in lettering at least one inch high with an approximate stroke of one-quarter inch on a background of sharply contrasting color), the name of the operator and a telephone number (including area code) where the operator can be reached at all times.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:

§30242. Underwater Inspection and Reburial of Pipelines in the Gulf of Mexico and Its Inlets

A. Except for gathering lines of four-inch nominal diameter or smaller, each operator shall, in accordance with this section, conduct an underwater inspection of its pipelines in the Gulf of Mexico and its inlets. The inspection must be conducted after October 3, 1989 and before November 16, 1992.

B. If, as a result of an inspection under §30242.A, or upon notification by any person, an operator discovers that a pipeline it operates is exposed on the seabed or constitutes a hazard to navigation, the operator shall:

1. promptly, but not later than 24 hours after discovery, notify the National Response Center, telephone: 1-800-424-8802 of the location, and, if available, the geographic coordinates of that pipeline;

2. promptly, but not later than seven days after discovery, mark the location of the pipeline in accordance with 33 CFR Part 64 at the ends of the pipeline segment and at intervals of not over 500 yards long, except that a pipeline segment less than 200 yards long need only be marked at the center; and

3. within six months after discovery, or not later than November 1 of the following year if the six-month period is after November of the year that the discovery is made, place the pipeline so that the top of the pipe is 36 inches below the seabed for normal excavation or 18 inches for rock excavation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 18:

§30243. Cathodic Protection

A. No operator may operate a hazardous liquid interstate pipeline after March 31, 1973, a hazardous liquid intrastate pipeline after October 19, 1988, or a carbon dioxide pipeline after July 12, 1993 that has an effective external surface coating material, unless that pipeline is cathodically protected. This Subsection does not apply to breakout tank areas and buried pumping station piping. For the purposes of this Subchapter, a pipeline does not have an effective external coating, and shall be considered bare, if its cathodic protection current requirements are substantially the same as if

it were bare.

B. Each operator shall electrically inspect each bare hazardous liquid interstate pipeline before April 1, 1975, each bare hazardous liquid intrastate pipeline before October 20, 1990, and each bare carbon dioxide pipeline before July 12, 1994 to determine any areas in which active corrosion is taking place. The operator may not increase its established operating pressure on a section of bare pipeline until the section has been so electrically inspected. In any areas where active corrosion is found, the operator shall provide cathodic protection. §30241.F and G apply to all corroded pipe that is found.

C. Each operator shall electrically inspect all breakout tank areas and buried pumping station piping on hazardous liquid interstate pipelines before April 1, 1973, on hazardous liquid intrastate pipelines before October 20, 1988, and on carbon dioxide pipelines before July 12, 1994 as to the need for cathodic protection, and cathodic protection shall be provided where necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:

§30247. Internal Corrosion Control

A. No operator may transport any hazardous liquid or carbon dioxide that would corrode the pipe or other components of its pipeline system, unless it has investigated the corrosive effect of the hazardous liquid or carbon dioxide on the system and has taken adequate steps to mitigate corrosion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:

§30269. Public Education

Each operator shall establish a continuing educational program to enable the public, appropriate government organizations and persons engaged in excavation-related activities to recognize a hazardous liquid or a carbon dioxide pipeline emergency and to report it to the operator of the fire, police, or other appropriate public officials. The program must be conducted in English and in other languages commonly understood by a significant number and concentration of non-English speaking population in the operator's operating areas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:

In accordance with the laws of the state of Louisiana, and with reference to the provisions of Title 33 of the Revised Statutes of 1950, a public hearing will be held in the Conservation Auditorium, First Floor, State Land and Natural Resources Building, 625 North 4th Street, Baton Rouge, LA at 9 a.m., May 28, 1992.

At such hearing the Commissioner of Conservation will consider evidence relative to the proposed Amendments on Transportation of Hazardous Liquids by Pipeline.

The proposed Amendments represent the views of the commissioner as of this date; however, the commissioner re-

serves the right to make additions or deletions prior to final adoption.

Comments and views regarding the proposed amendments should be directed in written form to be received not later than 5 p.m., May 27, 1992. Oral comments will be received at the hearing but should be brief and not cover the entire matters contained in the written comments. Direct comments to: H. W. Thompson, Commissioner of Conservation, Box 94275, Baton Rouge, LA 70804-9275, RE: Docket No. PL 92-041.

H. W. Thompson
Commissioner of Conservation

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Pipeline Safety - Hazardous Liquids
LAC 33:V.Chapter 301**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no increase in 1992-93 fiscal year; this regulation amends existing regulations. Administration will be carried out with existing personnel.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed amendments will have no effect on revenue collection.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The proposed amendments will not have any estimated costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The proposed amendments will not have any effect on competition and employment.

Mariano G. Hinojosa
Director of Pipelines

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Public Safety and Corrections
Board of Private Security Examiners**

In accordance with R.S. 37:3270 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana State Board of Private Security Examiners gives notice of its intent to promulgate a standardized training program for contract security officers. This training program will provide specific training curriculum for the first eight-hour classroom course for security officers as mandated under R.S. 37:3284 and covers the following topics.

- I. Orientation to the Private Security Regulatory and Licensing Law and rules and regulations.
- II. General security duties including field notes, report writing, patrolling, general responsibilities and code of ethics.

III. Legal powers and limitations including arrest powers, criminal civil liability, search and seizure, evidence and use of force.

IV. Emergency procedures including fire protection and prevention.

Copies of this training program may be obtained from the Office of the State Register, 1051 Third Street, Baton Rouge, LA 70804 and from the Board of Private Security Examiners, 3071 Teddy Drive, Baton Rouge, LA 70809, (504) 925-1755.

Inquiries and comments regarding this training program should be addressed to Cynthia Fonté-Breaux, Executive Secretary, Board of Private Security Examiners at the above address. Comments will be accepted up until 5 p.m. May 11, 1992.

Cynthia Fonté-Breaux
Executive Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Training Program**

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

The existing staff can handle the workload associated with the implementation of this training program; however, it is estimated that \$10,000 will be spent in FY'91/92 to publish and distribute copies of the training program to the contract security industry, and attorney costs to research and review the program to insure it meets legal standards. No increase or decrease in costs are anticipated to occur in FY 92/93 and FY 93/94.

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

The Louisiana State Board of Private Security Examiners does not anticipate any effect on revenue collection from the adoption of this training program.

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

There are not any estimated costs and/or economic benefits anticipated as a result of the adoption of this training program.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known impact on competition and employment in the public and private sectors as a result of the adoption of this training program.

Cynthia Fonté-Breaux
Executive Secretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of State Police
Transportation and Environmental Safety Section**

The Department of Public Safety and Corrections announces its intent to adopt revisions of current rules to en-

force requirements of R.S. 32:1501 et seq., relating to Hazardous Materials Transportation and Motor Carrier Safety.

The purpose of these changes is to extend the exemption provided for otherwise medically unqualified drivers who have been employed as commercial motor carrier operators. These proposed rule changes are to become effective on July 20, 1992.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Materials and Hazardous Waste

**Subpart 2. Department of Public Safety
and Corrections—Hazardous Materials**

Chapter 103. Motor Carrier Safety and Hazardous Materials Regulations for Carriage of Public Highways

§10305. Applicability of Regulations

A. - C.2. ...

3. a. If a driver has been regularly employed by a motor carrier for a continuous period of no less than three years immediately prior to January 20, 1988, such driver is exempt from complying with Sections 391.21, 391.23, and 391.33.

b. If a driver has been employed as a commercial motor vehicle operator for a minimum of 24 months prior to March 31, 1992, such driver is exempt from complying with Sections 391.41(b)(1), (2), (3), (4), (5), (10) and (11). However, such a driver may remain qualified only as long as an examining physician determines, during the biennial medical examination required in 49 CFR 391.45, that the existing medical or physical condition that would otherwise render a driver unqualified has not significantly worsened or that another disqualifying medical or physical condition has not manifested. The medical examiner's certificate must display upon its face the inscription "MEDICALLY UNQUALIFIED OUTSIDE LOUISIANA" when the driver is qualified in accordance with the provisions stated herein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32.1501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 14:31 (January 1988), amended LR 14:298 (May 1988), LR 17:1115 (November 1991), repromulgated LR 18:78 (January 1992), amended LR 18:

For further information on these rules, please contact: Lt. Kendall Fellon, Transportation and Environmental Safety Section, Office of State Police, Box 66614, Baton Rouge, LA 70896.

Interested persons may comment on the proposed rules in writing at the above address until May 19, 1992.

Col. Paul W. Fontenot
Deputy Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Motor Carrier Safety and Hazardous Materials
Regulations for Carriage By Public Highway**

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

It is estimated that the costs associated with implementation of this proposed rule change will be minimal

(i.e. costs of promulgation). Local governmental agencies are not involved since the rule deals with the state drivers' license law.

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

There will be some minimal increase in state revenue since a small number of otherwise medically disqualified drivers of commercial vehicles will remain qualified and thus will, from time to time, renew their license to drive.

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

The proposed rule enlarges and continues an original so-called "grandfather" clause dealing with drivers of commercial vehicles. The change is anticipated in the near future by the federal government. This proposed change permits otherwise medically disqualified drivers of commercial vehicles to continue in their vocation, enabling them to continue to earn a livelihood for themselves and their families.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no impact on competition in the private sector.

Linda M. Dawkins
Undersecretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Social Services
Office of Community Services**

The Department of Social Services, Office of Community Services, proposes to adopt the following rule in the Social Services Block Grant Program. The rule entitled "Title 67, Part V. Office of Community Services, Chapter 2. Social Services Block Grant program," published in the *Louisiana Register*, Vol. 17, No. 11, November 20, 1991, is hereby amended as follows:

Title 67

SOCIAL SERVICES

Part V. Office of Community Services

Chapter 2. Social Services Block Grant Program

§207. Eligibility

A. Certain individuals and categories of individuals may be eligible for services according to federal regulations. These are:

6. families with gross incomes which do not exceed 125 percent of the poverty level, as published yearly by the U.S. Department of Health and Human Services in the *Federal Register*.

Inquiries and comments regarding this proposed rule may be addressed to Brenda Kelley, Department of Social Services, Office of Community Services, Box 44367, Baton Rouge, LA 70804, Telephone (504) 342-2297.

AUTHORITY NOTE: Promulgated in accordance with Pub. L. 97-35, Sections 2351-55 (42 U.S.C. 1397-1397e).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 17:1118 (November 1991), amended LR 18:

Gloria Bryant-Banks
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Social Services Block Grant Program

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

This proposed rule amends the rule published in the November, 1991 *Louisiana Register* which was a description of the Social Services Block Grant Program. The rule provided that families with gross incomes which do not exceed 150 percent of the poverty level would be eligible for services according to federal regulations. This was incorrect. Families with gross incomes which do not exceed 125 percent of the poverty level are eligible for services according to federal regulations.

There are no implementation costs or savings to the state or local governmental units.

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

There are no effects on revenue collections of state or local governmental units.

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

There are no costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no impact on competition or employment.

Robert J. Hand
Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Social Services
Office of Community Services**

The Department of Social Services, Office of Community Services shall adopt the following rule in the Adoption Program. An emergency rule was published in the February, 1992, issue of the *Louisiana Register*.

This rule is mandated by The Children's Code, Title XII, Chapter 2. This rule amends, reenacts, and revises rules in respect to Private Adoptions. This rule hereby repeals the notice published in the September 20, 1991, *Louisiana Register*, Vol. 17 No. 9, pp. 917-918.

PROPOSED RULE

I. Certificate of Adoption

Any prospective adoptive parent in a private adoption shall obtain a certificate of adoption prior to physically receiving the child except when the child is the step-child, grand-

child, sibling, niece, or nephew of one of the prospective adopting parents.

II. Definitions

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

B. *Prospective adoptive parents*—any couple who is adopting any child except persons who may petition for intra-family adoption. The following persons may petition for an intrafamily adoption:

1. a stepparent married to the parent of a legitimate child;
2. a single grandparent or married grandparents of a legitimate child when the child has been in the grandparent's home for six months prior to the filing of a petition for adoption.

When the spouse of the stepparent or one joint petitioner dies after the petition has been filed, the adoption proceedings may continue as though the survivor was a single original petitioner.

III. Procedures

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

A. The prospective adoptive couple may apply for a court order approving the placement of a child in their home. The court shall be of proper venue in state of Louisiana.

1. The application for court approval of adoptive placement shall be verified and shall contain the following:
 - a. the name, address, age occupation, and marital status of the prospective adoptive parents;
 - b. the expected date of the child's placement;
 - c. the relationship between the child and the prospective adoptive parent, if any;
 - d. the name of the child whose placement is requested, if known;
2. This application for court approval of adoptive placement shall be filed with the clerk of a court of appropriate venue as authorized in Louisiana's Children's Code.
3. The application for court approval of adoptive placement shall be set for hearing in chambers, confidentially, and in a summary manner within 48 hours of its filing.
4. At the hearing, the prospective adoptive parents shall testify under oath concerning their fitness to receive the child into their care and custody, including but not limited to:
 - a. their moral fitness, previous criminal records or validated complaints of child abuse or neglect, if any;
 - b. their mental and physical health;
 - c. their financial capacity and disposition to provide the child with food, clothing, medical care, and other material needs;
 - d. their capacity and disposition to give the child love, affection, and guidance and to undertake the responsibilities of becoming the child's parents;
 - e. the adequacy of the physical environment of their home and neighborhood for the placement of the child;
 - f. the names and ages of other family members who would reside with the child in the prospective adoptive home

and their attitude toward the proposed adoption;

g. the stability and the permanence, as a family unit, of the proposed adoptive home;

5. At the conclusion of the hearing, the court shall render an order approving or disapproving the placement of the child with the prospective adoptive parents;

6. The order shall be in writing and signed by the judge.

7. A certified copy of the court order approving the adoptive placement shall be given to the prospective adoptive parents. This certified court order is the certificate of adoption if approval is granted.

8. Any order disapproving the adoptive placement shall include specific reasons therefor.

9. Any perjury, withholding of information or misleading statements, during this hearing, may be grounds for revocation of the certificate of adoption, or for revoking the adoption itself.

10. The court may issue an instanter order taking protective custody of the child if this information, if known, together with other evidence presented at the hearing, would have resulted in the court's disapproval of the adoptive placement.

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

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

LAC 48:4115(C) Adoptive Home Study

LAC 48:4115(D) Notification regarding application

LAC 48:4115(E) Access to Records

LAC 48:4115(F) Updating Home Study

LAC 48:4115(H) Review Procedure

LAC 48:4115(I) Adoptive Parents' Records

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

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

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

New Orleans Regional Office, Box 57149, New Orleans, La. 70157-7149;

Baton Rouge Regional Office, Box 66789, Baton Rouge, La. 70896;

Lafayette Regional Office, 1353 Surrey Street Lafayette, La. 70501;

Lake Charles Regional Office, Box 16865, Lake Charles, La. 70616;

Alexandria Regional Office, Box 832, Alexandria, La. 71309;

Shreveport Regional Office, 801 State Office Building, 1525 Fairfield Avenue, Shreveport, La. 71101-4388;

Monroe Regional Office, Box 3047, Monroe, La. 71210;

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

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

4. Payment of the home study is at the petitioner's expense.

IV. Enforcement

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

Interested persons may submit written comments within twenty days of the publication of this notice to the following address: Brenda 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: Private Adoptions

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

Implementation costs to the Office of Community Services will be \$1000 for printing.

Other costs are negligible such as an occasional long distance telephone call, if court order is from a jurisdiction that is not local. The provision of reports to the court is routinely part of the operation of the Office of Community Services, Adoption Petition Unit. There are no decreases in cost of operations.

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

There are no effects on revenue collections of state or local governmental units. There are no fees generated solely for the implementation of the proposed rule.

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

There is a cost to prospective adoptive parents to obtain the Certificate of Adoption required home study. The current cost for obtaining a home study for private adoptions purposes in Louisiana ranges from \$650 to \$1500.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no impact on competition or employment.

Robert J. Hand
Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Social Services Office of Family Support

The Department of Social Services, Office of Family Support, proposes to amend the Louisiana Administrative Code, Title 67, Part III., Subpart 5, Job Opportunities and Basic Skills Training Program, or Project Independence, the name for Louisiana's Program.

This rule is a result of regulations for Project Independence Support Services at 45 CFR 255.1(c).

Title 67

SOCIAL SERVICES

Part III. Office of Family Support Subpart 5. Job Opportunities and Basic Skills Training Program

Chapter 29. Organization

Subchapter A. Designation and Authority of State Agency

§2901. Implementation

A. 1-3....

4. Support Services

a. Effective July 1, 1992, the procedure to purchase refreshments as a supportive service for in house component delivery will be implemented. Supplies will be purchased in bulk from vendors, following state procurement rules and regulations, and utilized in accordance with the projected numbers of participants and days of activities the supplies are to cover at a maximum cost of \$1 per day per participant.

AUTHORITY NOTE: Promulgated in accordance with F.R. 54:42146 et seq., 45 CFR 255.1(c).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Eligibility Determinations in LR 16:626 (July 1990) and LR 16:1064 (December 1990), LR 17:1227 (December 1991) and LR 18:80 (January 1992). Amended by LR 17:973 (October 1991). Amended by Emergency Rules effective July, 1991 as published in LR 17:646 (July 1991) and effective October 1, 1991 as published in LR 17:973 (October 1991). Amended by LR 18:

Interested persons may submit written comments within 30 days to the following address: Howard L. Prejean, Assistant Secretary, Office of Family Support, Box 94065, Baton Rouge, LA 70804-4065. He is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on the proposed rule will be held on May 27, 1992 in the second floor auditorium, 755 Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments orally or in writing.

Gloria Bryant-Banks
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Project Independence
Exclusion From Resources**

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

The estimated implementation costs to state government associated with this rule will be the costs of printing of the executive bulletin announcing the change and the cost of printing approximately two pages of the Project Independence Manual to incorporate the change into existing policy. The projected estimated costs of printing is \$128.

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

This rule will have no effect on revenue collection.

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

There are no costs or economic benefits associated with this rule. Each parish that participates in Project Independence has funds already set aside under the Support Services Plan from which refreshments would be procured.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect projected on competition or employment.

Howard L. Prejean
Assistant Secretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

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

Notice is hereby given that the Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to impose 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.

For any fiscal year, each participant employer, regardless of the source of funding, may be assessed a surcharge in an amount determined by the Board of Trustees for each retiree and each dependent of such retiree without Medicare coverage as listed on the participant employer's invoice issued April 1 of the previous fiscal year. Said surcharge 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.

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, as follows:

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.

Comments or objections will be accepted, in writing, by the executive director of the State Employees Group Benefits Program until 4:30 p.m. on June 9, 1992, at the following address: James R. Plaisance, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804.

James R. Plaisance
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Surcharge on Retirees and Dependents not Covered by Medicare**

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

The cost of the surcharge for each agency is computed as a per person cost for the loss experienced by their retirees and dependents who are not covered by Medicare. This cost is based on the prior year's loss for this class of retiree. The per person cost for fiscal year 91/92 was \$2271.40. The total appropriation for this purpose for FY 91-92 was \$35.8 million from the state general fund.

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

Each member agency in the State Employees Group Benefits Program will need necessary revenues to cover their pro-rata portion of the surcharge assessed. This amount will vary from year to year.

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

The surcharge is assessed directly to the agency which the plan member is retired and will not be paid by the individual. The agency will be responsible for its share of the surcharge that assessed based on its total number of retirees and their dependents without Medicare.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be affected.

James R. Plaisance
Executive Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Wildlife and Fisheries
Office of Wildlife**

The Department of Wildlife and Fisheries does hereby give notice of its intent to amend the rule that determines those species that have been designated as endangered or threatened pursuant to the Federal Endangered Species Act. These species are deemed to be endangered or threatened under the provision of R.S. 56, Chapter 8, Part IV.

**Title 76
WILDLIFE AND FISHERIES**

**Part I. Wildlife and Fisheries Commission
and Agencies Thereunder**

**Chapter 3. Special Powers and Duties
Subchapter E. Louisiana Natural Heritage Program
§317. Threatened and Endangered Species Determination; Lists**

The secretary of the Department of Wildlife and Fisheries hereby determines that those species designated as endangered or threatened pursuant to the Federal Endangered Species Act, are designated as such by the U.S. Fish and Wildlife Service at 50 CFR 17.11 (July 15, 1991; September 30, 1991; January 7, 1992). Based upon the above determination, said species, which are enumerated below, are deemed to be endangered or threatened species under the provisions of R.S. Title 56, Chapter 8, Part IV.

B. REPTILES

Leatherback Sea Turtle *Dermochelys coriacea* E

C. MAMMALS

Louisiana Black Bear *Ursus americanus luteolus* T

D. INVERTEBRATES

American Burying Beetle *Nicrophorus americanus* E

Inflated Heelsplitter *Potamilus inflatus* T

E. FISH

Pallid Sturgeon *Scaphirhynchus album* E

Gulf Sturgeon *Acipenser oxyrhynchus desotoi* T

E = Endangered

T = Threatened

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1904.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Office of Wildlife, LR 15:1099 (December 1989).

Interested persons may comment on the proposed changes and/or additions in writing, until 4:30 p.m., June 12, 1992 to Gary Lester, Louisiana Natural Heritage Program, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

Joe Herring
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

**Rule Title: Threatened and Endangered Species
of Louisiana**

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

The implementation of this rule will not result in any added costs to the operation of the department nor to any other branch of state or local government.

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

The implementation of this rule will not affect revenue collections of state or local governmental units.

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

The proposed rule should have no estimated costs and/or economic benefits to persons or non-governmental units.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Joe L. Herring
Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

In accordance with the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., the Wildlife and

Fisheries Commission does hereby give notice of its intent to amend rules and regulations governing game breeders.

Title 76
WILDLIFE AND FISHERIES
Part V. Wild Quadrupeds and Wild Birds

Chapter 1. Wild Quadrupeds

§107. Game Breeder's License

A. This commission regulation established general requirements, minimum pen specifications and animals that will be permitted under the Game Breeder's License to read as follows.

B. Minimum Pen Specifications and Requirements for Game Quadrupeds and Birds, the dimensions and specifications described herein are minimum standards for permanent exhibit facilities for the well-being of the animals specified. It must be emphasized that these are minimum standards and the optimum conditions for most animals would include dimensions at least several times greater than those cited.

1. Waterfowl

Single Bird: 100 square feet with 25 percent in water area; increase pen size by 25 percent for each additional bird with one-fourth of this increase being in water area.

a. Commercial Operation. Extension Service Recommendation.

i. Up to six weeks old; 1 square foot per duck. Over six weeks old; three square feet per duck.

2. Doves

Single Bird: 3 feet x 2 feet x 5 feet high. Community Group: large enough to fly or at least 8 feet in diameter.

3. Pheasant, Quail, Chukar

a. Exhibit Purposes: 20 square feet; add 20 square feet for each additional bird.

b. Commercial Operation: Extension Service Recommendations:

i. Quail: 1-10 days old: 9 chicks per square foot; 10 days - 6 weeks old: 6 chicks per square foot; 6 weeks and older: 3 birds per square foot; 1 breeding pair per square foot.

NOTE: If only Pharaoh Quail are to be kept then the Game Breeder's License is not required.

ii. Pheasants and Chukar: 1-10 days old: 4 chicks per square foot; 10 days-6 weeks old: 6 chicks per square foot; 6-14 weeks old: 1 bird per 4 square feet; 1 breeding pair per 8 square feet.

4. *Wild Turkeys (License will not be issued)

It is unlawful to take from the wild or possess in captivity any live wild turkeys or their eggs. No pen raised turkeys from within or without the state shall be liberated (released) within the state.

5. Hawk, Falcons

Refer to federal raptor facilities specifications

6. Squirrels

a. Single Animal: 3 feet long x 3 feet wide x 4 feet high;

b. Additional Animals: add 6 inches more in length per additional animal; several limbs, nest box.

c. Due to the inherent tendency of these animals to bite people, it is further required that applicants provide a certificate of good health from a license veterinarian stating that the squirrels do not show symptoms of rabies.

7. Rabbits

a. Single Animal: 6 feet long x 3 feet wide x 3 feet high; gnawing logs; den or retreat.

Additional Animals: add 1 foot in length per animal.

8. Whitetail Deer or Other North American Deer

a. No license will be issued in metropolitan or urban areas. A rural environment is required to keep these animals.

b. Single Animal: 5000 square feet paddock or corral (50 feet wide x 100 feet long); increase corral size by 50 percent of that size for each additional animal; shelter required. Pen site must be well drained so as to prevent extended periods of standing water.

c. Materials: 12 gauge chain link or other satisfactory woven wire, 8 feet high minimum. Welded wire is not acceptable.

9. *Elk (license will not be issued)

a. Single Animal: 5000 square feet paddock or corral; increase corral size by 50 percent for each additional animal; barn, shaded or protected area attached to or adjoining corral fence, 9 gauge chain link or woven wire; 8 feet high. Welded wire is not acceptable.

10. *Bear (license will not be issued)

a. Single Animal: Sturdy pen (chain link wire) not less than 9 gauge with top cover 25 feet long x 12 feet wide x 10 feet high;

b. Pair: 30 feet x 15 feet x 10 feet high;

c. Pool: 6 feet x 4 feet x 18 inches deep, with facilities for spraying or wetting bears;

d. Den: 6 feet long x 4 feet wide x 4 feet high, per animal.

11. *Wolves and Wolf Crosses (license will not be issued)

Single Animal: 15 feet long x 8 feet wide x 6 feet high; double cage area for each additional animal; secluded den area required, 4 feet x 4 feet for each animal, sturdy wire required.

12. *Cougar, Mountain Lion (License will not be issued)

a. Single Animal: 10 feet long x 8 feet wide x 8 feet high, covered roof;

b. Pair: 15 feet long x 8 feet wide x 8 feet high;

c. Materials: not less than 9 gauge chain link or equivalent and safety perimeter rail, danger sign, claw log; 24-inch wide shelf, 8 feet long, 40 inches off floor.

*NOTE: Valid Game Breeder's License holders for these species legally possessed prior to October 1, 1988, will be "grandfathered" and renewed annually until existing captive animals expire, or are legally transferred out of state or to a suitable public facility. This position by the department is necessary due to the ability of these animals to cause serious physical injury to the owner or other innocent bystanders and/or their potential to transmit disease to wildlife or livestock. Qualified educational institutions, municipal zoos or scientific organizations will be exempted to this provision on a case-by-case basis.

13. Other Game Quadrupeds and Birds: Other game quadrupeds and birds indigenous to North America may not be kept without specific approval of the Game Division. Pen specifications for other species will be developed by the Game Division as needed.

14. General Requirements

General Rules

a. Game quadrupeds and birds cannot be taken from

the wild, nor can animals held under a game breeders license be released into the wild except as provided on licensed shooting preserves. (The only exception to this policy is that hawks and falcons may be taken from the wild by licensed falconers, as provided in the federal falconry regulations).

b. Game Breeders can only keep those species for which they have been approved. If an applicant desires to keep additional species, the facilities for those species must be inspected and approved prior to obtaining the new species.

Application Requirements

c. A game breeders license must be issued before any animals are obtained. It is the responsibility of the applicant to comply with pen specifications. In addition to the described pen dimensions, all bird and animal pens must include adequate feeding and watering facilities necessary for the well being of the animal. Applicants for waterfowl, doves, pheasants, quail, chukars, squirrels and rabbits must submit a form verifying their facilities meet or exceed the described pen specifications. Their facilities may require inspection at the biologists discretion. All pens built for raising deer, birds of prey and potentially dangerous animals are required to be inspected for security.

d. All applicants for a Game Breeder's License for deer and potentially dangerous animals must submit:

i. a signed waiver statement holding the Department of Wildlife and Fisheries and its employees harmless for liability as a result of issuing a Game Breeder's License. Licenses will only be issued to those applicants who are willing to accept full responsibility and liability for any damages or injuries resulting from their animals or activities as a licensed game breeder of domesticated wildlife in Louisiana;

ii. a written plan of action for the recapture of an escaped animal must be submitted and approved by the department before the application is processed. The plan of action should include:

(a) equipment;

(b) personnel;

(c) recovery techniques; and

(d) method of mitigation payments for damages caused by the escaped animal.

This information is necessary because the Department of Wildlife and Fisheries will not provide these services. Records and Inspections

e. Applicants are required to have a bill of sale for each animal acquired, as well as keep records of all animals sold or transferred including names and addresses to whom they were sold or transferred. An annual report detailing animals in possession and all transactions must be submitted annually with license renewal application.

f. License holders must allow inspections of premises by Department of Wildlife and Fisheries employees for purposes of enforcing these regulations. Inspections may include but are not limited to, pens, stalls, holding facilities, records, and examination of animals as necessary to determine health and/or identification of species.

Hunting

g. Hunting of deer and other big game animals held under a game breeder's license by individuals other than the licensee must conform to all hunting regulations including season and license requirements for the area in which the animals are confined.

Administrative Fees

h. An inspection fee of \$50 will be assessed when a pen is inspected as part of the application process as required for birds of prey, deer and potentially dangerous animals. A license renewal processing fee of \$5 will be assessed annually. These fees are in addition to the \$25 required for the game breeder license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56.171.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 14:631 (September 1988), amended LR 17: (August 1991), LR 18:

Interested persons may comment on the proposed changes and/or additions in writing to Hugh Bateman, Administrator, Game Division. LA Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 until 4:30 p.m. June 12, 1992.

James H. Jenkins, Jr.
Chairman

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Game Breeder License Regulations

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

The proposed rule will have no implementation cost to state government.

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

The Department of Wildlife and Fisheries presently licenses approximately 400 game breeders annually. The proposed rule clarifies portions of the rule in effect since 1988 and provides for collection of administrative fees. The proposed \$5 renewal fee will increase revenues by approximately \$2,000 annually. The proposed \$50 inspection fee is a one-time fee charged when inspection of pens is required as part of the application process. Based on approximately 40 inspections yearly, this will increase revenues by \$2,000 annually. Total additional revenue will be approximately \$4,000 annually.

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

Licensed game breeders and new applicants will be affected. All licensed game breeders will be assessed a \$5 annual renewal fee. New applicants will be assessed a one-time inspection fee of \$50 if an inspection is required.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will have no effect on competition and employment.

Joe L. Herring
Secretary

David W. Hood
Senior Fiscal Analyst

Administrative Code Update

CUMULATIVE ADMINISTRATIVE CODE UPDATE January, 1992 through March, 1992

Vol.	Title:Part.Section	Effect	Month	Page
1	LAC 10			
	I.113,115	Adopted	Feb	144
	I.Chapter 27	Adopted	Jan	24
	VII.301	Amended	Jan	26
2	LAC 7			
	I.105	Adopted	Feb	144
	XXIII.Chapter 131	Adopted	Mar	247
	XXIX.15107-15113	Amended	Mar	249
3	LAC 46			
	I.1117	Amended	Mar	250
	XLIX.Chapters 1-15	Repealed/ Repromulgated	Feb	181
	LIII.729-751	Amended	Mar	273
	LIII.753, 755	Repealed	Mar	274
	LV.307, 308	Amended	Jan	30
	LIX.Chapters 1-9	Amended	Feb	189
	LX.Chapters 5,9,13	Amended	Jan	51
	LX.Chapters 7,8	Amended	Mar	269
	LXVII.Chapter 34	Adopted	Jan	24
	LXVII.Chapter 105	Adopted	Feb	144
4	LAC 4			
	VII.937	Amended	Mar	269
	VII.1229	Amended	Mar	267
	VII.1273	Adopted	Mar	265
5	LAC 76			
	I.315	Amended	Mar	290
	I.321	Adopted	Jan	82
	III.107	Adopted	Mar	290
	VII.125	Amended	Mar	294
	VII.163	Adopted	Mar	294
	VII.201	Adopted	Jan	81
	VII.201, 203	Repromulgated	Feb	198
	VII.203	Adopted	Jan	82
	VII.341	Adopted	Feb	199
	VII.345	Adopted	Feb	199
6	LAC 22			
	I.103	Amended	Jan	77
	IX.Chapters 1,2	Repromulgated	Feb	164
	IX.Chapters 1-4	Adopted	Jan	44
	LAC 55			
	I.1773-1787	Amended	Mar	283
	I.Chapter 23	Adopted	Mar	283
	I.Chapter 24	Adopted	Feb	196
7	LAC 40			
	I.Chapter 7	Repromulgated	Feb	148
	I.2715	Repromulgated	Mar	257
	III.Chapters 1-17	Adopted	Feb	167
8	LAC 48			
	I.Chapter 91	Adopted	Jan	57

Vol.	Title:Part.Section	Effect	Location LR 17	Month	Page
9	LAC 48				
	I.Chapter 135	Adopted		Feb	182
	I.15101	Adopted		Jan	54
	I.15103	Adopted		Feb	181
	I.Chapter 161	Adopted		Feb	185
10	LAC 61				
	II.101	Adopted		Mar	287
	V.909	Amended		Feb	197
11	LAC 33				
	III.3155	Adopted		Feb	150
	III.3337	Adopted		Mar	262
	III.4881	Adopted		Feb	158
	III.4885	Amended		Jan	31
	III.4887	Amended		Jan	31
	III.4891	Adopted		Feb	150
	III.6523	Repromulgated		Jan	31
12	LAC 33				
	III.6088	Adopted		Mar	258
13	LAC 33				
	V.10305	Repromulgated		Jan	78
14SW	LAC 33				
	VII.Chapters 103, 105	Adopted		Jan	34
	VII.10307	Amended		Feb	164
15	LAC 33				
	XV.Chapters 1,3,7,20	Amended		Jan	34
17	LAC 43				
	I.Chapter 8	Adopted		Mar	281
	V.101,103	Amended		Jan	70
	XI.Chapter 1	Amended		Jan	64
	XI.Chapter 25	Adopted		Jan	60
18	LAC 28				
	I.1523	Amended		Jan	29
	I.1523	Amended		Jan	30

Potpourri

POTPOURRI

Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences

Crop Pests and Diseases

QUARANTINE

In accordance with LAC 7:XV.9507 and 9509, we are hereby publishing the annual quarantine.

1.0 Sweet Potato Weevil (*Cylas formicarius elegantulus* Sum)

a. In the United States: the states of Alabama, Florida, Georgia, Mississippi, Texas, and South Carolina; in Arkansas, Ouchita County.

b. In the State of Louisiana

1. The entire parishes of: Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Rapides, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Vernon, Washington, West Baton Rouge, West Feliciana.

2. That portion of Natchitoches Parish lying south and west of the Red River.

3. The following areas are non-sweet potato areas.

a. Those portions of Bienville parish as follows: the property of Guy Thomas in Section 29, Township 14 North, Range 6 West; and all properties within a one-mile radius thereof.

b. Those portions of Claiborne parish as follows: the property of Mable Presley in Section 34, Township 20 North, Range 6 West; and all properties within a one-mile radius thereof.

2.0 Pink Bollworm (*Pectinophora gossypiella* Saunders)

Pink bollworm quarantined areas are divided into generally infested and/or suppressive areas as described by USDA-PPQ.

ARIZONA

1. Generally infested area: the entire state.

ARKANSAS

1. Generally infested area: none

2. Suppressive area: The entire counties of: Clay, Craighead, Crittenden, Cross, Greene, Mississippi, Monroe, Poinsett, and St. Francis.

CALIFORNIA

1. Generally infested area: the entire counties of: Imperial, Inyo, Los Angeles, Orange, Riverside, San Bernardino, San Diego.

2. Suppressive area: the entire counties of: Fresno, Kern, Kings, Madera, Merced, San Benito, Tulare.

LOUISIANA

1. Generally infested area: none

2. Suppressive area: That portion of Concordia parish as follows: that portion of the parish bounded by a line beginning at the intersection of the Concordia - Tensas parish line and the Louisiana - Mississippi state line., then west along the Concordia - Tensas parish line to a point 0.3 miles due east of the southern boundary line of Section 50, Range 10 East, Township 9 North; then west across the Mississippi River levee and along the southern boundary line of Sections 50 and 51, Range 10 East, Township 9 North to its junction with the eastern border of the Lake St. John oil and gas field; then north along this border to the Concordia - Tensas parish line; then west along the parish line to its junction with the northern edge of Lake St. John; then south along the western edge of Lake St. John to its junction with the southeast corner of the property line of the North Half of Lower Coosa Plantation in Section 34, Range 10 East, Township 9 North; then southwest along this property line to a point on the northern boundary line of Section 2, Range 9 East, Township 8 North marked by a stake with pointers marked "X" (indicating the northwest property boundary of Pittsfield Plantation); then southeast in a straight line to the northeastern corner of Section 56, Range 9 East, Township 8 North; then continuing along the eastern boundary line of this section across state

highway 568 to the Lake Concordia levee; then southwest along the levee to the point where state road 900 intersects state highway 568 adjacent to the levee; then southeast in a straight line across Lake Concordia to the western edge of a natural tree row; then continuing southeast along the tree row to the point where the tree row makes a 90° turn toward the northeast; then extending southeast beyond this point to state road 3196; then northeast along state road 3196 to the point where the road intersects the Mississippi River levee; then southeast along a line at a 20° angle from this intersection to the Louisiana Mississippi state line (this is inclusive of Mud Lake and the northern half of the Fairchilds Bend oil field); then north along the Louisiana - Mississippi state line to the point of beginning.

MISSISSIPPI

1. Generally infested area: none

2. Suppressive area: the entire county of Washington.

NEVADA

1. Generally infested area: the entire counties of Clark and Nyle.

2. Suppressive area: none.

NEW MEXICO

1. Generally infested area: the entire state.

OKLAHOMA

1. Generally infested area: the entire state.

TEXAS

1. Generally infested area: the entire state.

3.0 Brown Garden Snail (*Helix aspersa*)

The entire states of California and Arizona.

4.0 Leaf Scald (*Xanthomonas albilineans*)

All areas of the county where sugarcane is grown.

5.0 Lethal Yellowing

The states of Florida and Texas.

6.0 Sweet Potato Mosaic

The states of Alabama and Georgia and any other state which may hereafter be found to be infected with sweet potato mosaic; and all other states which do not maintain restrictions against the movement of regulated products from the quarantined area.

7.0 Tristeza, xyloporosis, psorosis, exocortis

All citrus growing areas of the United States.

8.0 Burrowing nematode (*Radopholus similis*)

The states of Florida and Hawaii and the Commonwealth of Puerto Rico.

9.0 Oak Wilt (*Ceratocystis fagacearum*)

ARKANSAS

Infected counties: Baxter, Benton, Boone, Carroll, Clay, Craighead, Crawford, Franklin, Fulton, Independence, IZard, Johnson, Lawrence, Logan, Madison, Marion, Mississippi, Nevada, Newton, Poinsett, Pope, Randolph, Scott, Searcy, Sharp, Stone, Washington, and Yell.

ILLINOIS

Entire state.

INDIANA

Entire state.

IOWA

Entire state.

KANSAS

Infected counties: Anderson, Atchison, Cherokee, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Linn, Miami, Neosho, Pottawatomie, Shawnee, and Wyandotte.

KENTUCKY

Infected counties: Adair, Allen, Ballard, Bath, Bell, Boyd, Breathitt, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Carter, Casey, Christian, Clay, Clinton, Cumberland, Daviess, Edmonson, Elliott, Estill, Fleming, Floyd, Graves, Grayson, Green, Greenup, Hancock, Hardin, Harlan, Hart, Henderson, Hopkins, Jefferson, Johnson, Knott, Knox, Lawrence, Lee, Leslie, Letcher, Lewis, Logan, McCracken, McLean, Magoffin, Marshall, Martin, Menifee, Metcalfe, Montgomery, Morgan, Muhlenberg, Nelson, Ohio, Oldham, Owsley, Perry, Pike, Powell, Pulaski, Rowan, Russell, Taylor, Todd, Trigg, Union, Warren, Wayne, and Webster.

MARYLAND

Infected counties: Allegany, Frederick, Garrett, and Washington.

MICHIGAN

Infected counties: Barry, Barrien, Calhoun, Cass, Clare, Clinton, Grand Traverse, Kalamazoo, Kent, Lake, Livingston, Manistee, Missaukee, Muskegon, Oakland, Roscommon, St. Joseph, Van Buren, Washtenaw, Wyne, and Menominee.

MINNESOTA

Infected counties: Anoka, Aitkin, Blue Earth, Carver, Cass, Chicago, Crow Wing, Dakota, Dodge, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Le Sueur, McLeod, Mille Lacs, Morrison, Mower, Nicollet, Olmsted, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Waseca, Washington, Winona, and Wright.

MISSOURI

Entire state.

NEBRASKA

Infected counties: Cass, Douglas, Nemaha, Otoe, Richardson, and Sarpy.

NORTH CAROLINA

Infected counties: Buncombe, Burke, Haywood, Jackson, Lenoir, Macon, Madison, and Swain.

OHIO

Entire state.

OKLAHOMA

Infected counties: Adair, Cherokee, Craig, Delaware, Haskell, Latimer, LeFlore, Mayes, McCurtain, McIntosh, Ottawa, Pittsburg, Rogers, Sequoyah, and Wagoner.

PENNSYLVANIA

Infected counties: Adams, Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Centre, Clarion, Clinton, Cumberland, Erie, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lawrence, Mifflin, Perry, Somerset, Venango, Washington, and Westmoreland.

SOUTH CAROLINA

Infected counties: Chesterfield, Kershaw, Lancaster, Lee, and Richland.

TENNESSEE

Infected counties: Blount, Carter, Cocke, Cumberland, Grainger, Greene, Hamblen, Hancock, Hardeman, Hawkins, Jefferson, Knox, Lincoln, Loudon, Montgomery, Rhea, Roane, Robertson, Sevier, Sullivan, Union, Washington, and White.

TEXAS

Infected counties: Bandera, Bastrop, Bexar, Blanco, Basque, Burnett, Dallas, Erath, Fayette, Gillespie, Hamilton, Kendall, Kerr, Lampasas, Lavaca, McLennan, Midland, Tarrant, Travis, Williamson.

VIRGINIA

Infected counties: Aleghany, Augusta, Bath, Botetoust, Clarke, Frederick, Giles, Highland, Lee, Loudoun, Montgomery, Page, Rockbridge, Rockingham, Scott, Shenandoah, Smyth, Warren, Washington, Wise, and Wythe.

WEST VIRGINIA

Infected counties: all counties except Tucker and Webster.

WISCONSIN

Infected counties: Adams, Brown, Buffalo, Chippewa, Clark, Columbia, Crawford, Dane, Dodge, Dunn, Eau Claire, Fond du Lac, Grant, Green, Green Lake, Iowa, Jackson, Jefferson, Juneau, Kenosha, La Crosse, Lafayette, Lincoln, Marquette, Milwaukee, Monroe, Oconto, Outagamie, Ozaukee, Pepin, Pierce, Polk, Portage, Racine, Richland, Rock, St. Croix, Sauk, Shawano, Trempealeau, Vernon, Walworth, Washington, Waukesha, Waupaca, Waushara, Winnebago, and Wood.

10.0 Phony Peach

ALABAMA

Entire state.

FLORIDA

Entire state.

GEORGIA

Entire state.

ARKANSAS

Counties of Arkansas, Ashley, Bradley, Chicot, Columbia, Crittendon, Cross, Desha, Drew, Hempstead, Howard, Jefferson, Lafayette, Lee, Lincoln, Little River, Miller, Monroe, Nevada, Phillips, Pike, Poinsett, St. Francis, Sevier, Union, and Woodruff.

KENTUCKY

County of McCracken.

LOUISIANA

Parishes of Bienville, Bossier, Caddo, Claiborne, DeSoto, Jackson, Lincoln, Morehouse, Natchitoches, Ouachita, Red River and Union.

MISSISSIPPI

Entire state.

MISSOURI

County of Dunklin.

NORTH CAROLINA

Counties of Anson, Cumberland, Gaston, Hoke, Polk and Rutherford.

SOUTH CAROLINA

Counties of Aiken, Allendale, Bamberg, Barnwell, Cherokee, Chesterfield, Edgefield, Greenville, Lancaster, Laurens, Lexington, Marlboro, Orangeburg, Richland, Saluda, Spartanburg, Sumter, and York.

TENNESSEE

Counties of Chester, Crockett, Dyer, Fayette, Hardman, Hardin, Lake, Lauderdale, McNairy, Madison, and Weakley.

TEXAS

Counties of Anderson, Bexar, Brazos, Cherokee, Freestone, Limestone, McLennan, Milan, Rusk, San Augustine, Smith, and Upshur.

11.0 Citrus Canker (*Xanthomonas campestris pv citri* [Hasse] Dawson)

That portion of Manatee and Highlands Counties in Florida, and any future areas designated as quarantined un-

der the Federal Citrus Canker quarantine 7 CFR 301.75 et seq.

Bob Odom
Commissioner

POTPOURRI

**Department of Economic Development
Office Commerce and Industry
Board of Commerce and Industry**

Notice is hereby given, in accordance with R.S. 49:953(A)(2), that the Board of Commerce and Industry, will conduct a public hearing to receive oral comments on its proposed rules to repeal the following rules, LAC 13:1.2101-2111 providing a formula to evaluate the environmental compliance of applicants for tax exemptions.

The hearing will be held at 1:30 p.m., Wednesday, April 29, 1992, in the Mineral Board Hearing Room, Department of Natural Resources Building, 625 N. Fourth St., Baton Rouge, 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 March 20, 1992. Written comments on the proposed rules may be submitted to the board through May 6, 1992, by directing the same 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

POTPOURRI

**Department of Environmental Quality
Office of Legal Affairs and Enforcement**

Enforcement and Regulatory Compliance Division

The Department of Environmental Quality wishes to announce the availability of the semiannual Regulatory Agenda prepared by the Enforcement and Regulatory Compliance Division. The current agenda contains rules which have been proposed but have not been published as final rules and rules which are scheduled to be proposed in 1992. Check or money order in the amount of \$2.25 is required in advance. To obtain a copy send a request to Greta Carmouche, Department of Environmental Quality, Office of Legal Affairs and Enforcement, Enforcement and Regulatory Compliance Division, Box 82282, Baton Rouge, LA 70884-2282 or call (504) 765-0399 for more information.

Joan Albritton
Administrator

POTPOURRI

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

Pursuant to R.S. 30:2011.D.(23) the following executive order was issued by the secretary of the Department of Environmental Quality.

**Declaration of Official Intent to
Issue Reimbursement Bonds**

I, Kai D. Midboe, Secretary of the Louisiana Department of Environmental Quality ("DEQ"), being the duly appointed chief executive officer of DEQ, an executive department and agency of the State of Louisiana, am authorized to issue a declaration of official intent on behalf of DEQ with respect to the issuance of reimbursement bonds as required by §1.103-18(c)(2)(i) of the U.S. Treasury Regulations, and as such officer do hereby declare the intention of the DEQ to issue, or have issued on its behalf, reimbursement bonds with respect to the following described projects and the expenditures therefor:

Section 1. DEQ has previously entered into Loan and Pledge Agreements (the "Loan Agreements") with the municipalities identified on Exhibit A below, pursuant to which DEQ has agreed to make loans to said municipalities from the State Revolving Loan Fund ("SRF") administered by DEQ, said loans being made to finance the acquisition and construction of certain sewage disposal and wastewater treatment facilities owned and operated by the municipalities and identified in the applicable Loan Agreement with respect thereto.

Section 2. DEQ hereby declares that it reasonably expects to reimburse expenditures made pursuant to the Loan Agreements with the municipalities for the projects described on Exhibit A hereto from proceeds of debt to be incurred by or on behalf of DEQ, and further declares that this executive order is a "declaration of official intent under" Section 1.103-18 of the U.S. Treasury Regulations.

Section 3. Exhibit A hereto contains a functional description of each of the projects for which expenditures will be reimbursed under the Loan Agreements and sets forth the maximum principal amount of debt to be incurred to reimburse expenditures for each of the projects identified.

Section 4. The projects described on Exhibit A hereto will be paid from the SRF administered by the DEQ pursuant to the federal Water Quality Act of 1987, as amended, which is the state revolving fund established in Louisiana to provide financing assistance to local government entities for the acquisition and construction of sewage disposal and wastewater treatment facilities.

Section 5. This executive order, including Exhibit A, shall be placed on file in the office of the Municipal Facilities Division of DEQ and shall be available for public inspection immediately upon issuance in accordance with state law.

Section 6. This executive order shall take effect immediately.

EXHIBIT A

Project	Maximum Debt of DEQ to Reimburse Expenditures	Disbursed from SRF Prior to 3/2/92	Available for Disbursement from SRF on or after 3/2/92
City of Franklin Sewer Project	850,000.00	719,252.36	130,747.64
Town of Gramercy Sewer Project	1,250,000.00	78,255.27	1,171,744.73
City of Mansfield Sewer Project	2,750,000.00	16,000.00	2,734,000.00
City of Natchitoches (I) Sewer Project	4,475,000.00	1,955,847.72	2,519,152.28
City of Ponchatoula Sewer Project	2,400,000.00	198,363.57	2,201,636.43
City of Ruston Sewer Project	4,500,000.00	2,698,239.42	1,801,760.58
Town of Vinton Sewer Project	1,500,000.00	985,407.94	514,592.06

Kai D. Midboe
Secretary

POTPOURRI

**Office of the Governor
Office of Women's Services**

The Governor's Office of Women's Services (OWS) announces the following guidelines for allocation of marriage license surcharge fees, from the Programs for Victims of Family Violence Fund.

**Title 4
ADMINISTRATION
Part VII. Governor's Office**

Chapter 17. Women's Services

§1737. Guidelines for Application of Marriage License Fees

* * *

E. Application Process

1. Application packets will be sent to all existing family violence program providers, and all persons/organizations who have made past inquiries regarding funding. Interested potential applicants may request application packets from the Office of Women's Services, Box 94095, Baton Rouge, LA 70804-9095.

2. The application packet will be mailed within five working days of receipt of request.

3. The application must be received by the Office of Women's Services by June 1 of each year.

4. All applications will be evaluated and prioritized according to the stated criteria for evaluation. During the evaluation process, applicants may be contacted by the Office of Women's Services to review and negotiate the application and proposed budget.

5. Applicants will be notified by the Office of Women's Services as to the final decision within 60 days of receipt of the application.

6. The contracts will be signed, and distribution of funds will begin within 45 days of final approval of the contract.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 46: 2121.1(1), R.S. 46:2126, R.S. 45:2127 and R.S. 46:2128.

HISTORICAL NOTE: Adopted by the Office of the Governor, Office of Women's Services, LR 13:238 (April 1987), amended LR 17:479 (May 1991).

Bobette B. Apple
Executive Director

POTPOURRI

**Department of Health and Hospitals
Board of Embalmers and Funeral Directors**

The Board of Embalmers and Funeral Directors will give the National Board Funeral Director and Embalmer/Funeral Director exams on Saturday, May 30, 1992 at Delgado Community College, 615 City Park Ave., New Orleans, LA.

Interested persons may obtain further information from the Board of Embalmers and Funeral Directors, Box 8757, Metairie, LA 70011, (504) 838-5109.

Dawn Scardino
Confidential Assistant

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 25 claims in the amount of \$68,989.62 were received in the month of March 1992, 26 claims in the amount of \$55,227.18 were paid and one claim was denied.

Loran C. coordinates of reported underwater obstructions are:

26994	46947	Cameron
26903	46966	Cameron
27535	46910	Iberia
29049	46797	Plaquemines
27450	46913	Iberia
27462	46916	Iberia
28343	46827	Lafourche
28564	46861	Jefferson
28342	46822	Lafourche
28610	47030	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 Revenue and Taxation
Severance Tax Division**

Severance Tax Rate on Natural Gas

Pursuant to the authority granted by R.S. 47:633(9)(d)(ii), the Department of Natural Resources has determined the "gas base rate adjustment" for the 12-month period ending March 31, 1992, to be .797. Accordingly, the Department of Revenue and Taxation has determined the severance tax rate on natural gas and related products described in R.S. 47:633(9)(a) to be \$.07 per thousand cubic feet measured at a base pressure of 15.025 pounds per square inch absolute and at the temperature base of 60 degrees Fahrenheit, effective July 1, 1992. Since the "gas rate adjustment" times \$.07 (the base rate for 1992) is less than \$.07, the new rate is the minimum rate of \$.07 per thousand cubic feet as provided for in the statute.

The reduced rates provided for in R.S. 47:633 (9)(b) and (c) remain the same.

The determination of this "gas base rate adjustment" and corresponding tax rate and their "publication in the *Louisiana Register* shall not be considered rule making within the intendment of the Administrative Procedure Act, R.S. 49:953." A fiscal impact statement or a notice of intent is therefore not required.

Questions should be directed to Linda Denney, Director of the Severance Tax Division at (504) 925-7497.

Ralph Slaughter, CPA
Secretary

POTPOURRI

**Department of Social Services
Office of Community Services**

The Louisiana Department of Social Services (DSS) announces opportunities for public review of the state's pre-expenditure report on intended uses of Social Services Block Grant (SSBG) funds for the State Fiscal Year (FY) beginning July 1, 1992 and ending June 30, 1993. The Proposed FY 92-93 SSBG Intended Use Report has been developed in compliance with requirements of §2004 of the Social Security Act, as amended, and includes information on the types of activities to be supported and the categories or characteristics of individuals to be served through use of the state's allocation of SSBG funds. §2004 of the Social Security Act further requires that the SSBG pre-expenditure report shall be "made public within the state in such manner as to facilitate comment by any person." DSS as the designated state services agency will continue to administer programs funded under the Social Services Block Grant in accordance with applicable statutory requirements and federal regulations. The DSS/Office of Community Services (OCS) will be responsible for provision of social services, by direct delivery and vendor purchase, through use of federal SSBG funds. Estimated SSBG expenditures (including LIHEAP transfer funds) for FY 1992-93 total \$48,942,175.

Louisiana through the DSS Office of Community Services will utilize its allotted funds to provide comprehensive social services on behalf of children and families in fulfillment of legislative mandates for child protection and child welfare programs. These mandated services, and certain other essential social services, are proposed for provision without regard to income (WRI) to individuals in need. Individuals to be served also include low-income persons as defined in the Intended Use Report who meet eligibility criteria for services provided through SSBG funding.

Services designated for provision through SSBG funding for SFY 92-93 are:

1. Adoption (pre-placement to termination of parental rights);
2. Child Protection Investigations (investigation, assessment, evaluation, social work intervention, shelter care, counseling, referrals, and follow-up);
3. Day Care for Children (direct care for portion of the 24-hour day);
4. Family Services (social work intervention subsequent to validation of a report of child abuse/neglect, counseling to high risk groups);
5. Foster Care/Residential Habilitation Services (foster, residential care and treatment on a 24-hour basis);
6. Homemaker (in-home personal care and chore services);
7. Training/Treatment (assistance to improve personal skills, adjustment, and knowledge);
8. Transportation (access to and from health and social resources and to conduct necessary household business).

Definitions for the proposed services are set forth in the Intended Use Report. Proposed funding for purchased homemaker, training/treatment and transportation services is contingent upon appropriation of state general funds.

Persons eligible for SSBG funded services include:

1. Persons without regard to income, who are in need

of Adoption services, Child Protection Investigation, Family Services, and Foster Care/Residential Habilitation services;

2. Individuals without regard to income who are certified as Gary W. classmembers, and those who are recipients of Title IV E. Adoption Assistance;

3. Recipients of Supplemental Security Income (SSI) and recipients of Aid to Families with Dependent Children (AFDC) and those persons whose needs were taken into account in determining the needs of AFDC recipients;

4. Low-income persons (income eligibles) whose gross monthly income is not more than 125 percent of the poverty level. A family of four with gross monthly income of not more than \$1,453 would qualify as income eligible for services;

5. Persons who are members of groups identified in the proposed plan to receive certain services except children's day care which involves additional eligibility criteria.

The proposed SSBG Intended Use Report for FY 1992-93 is available for public review at OCS parish and regional offices Monday through Friday from 8:30 a.m. to 4 p.m. Copies are available without charge by telephone re-

quest to (504) 342-2272 or by writing the assistant secretary, Office of Community Services, Box 44367, Baton Rouge, LA 70804. Inquiries and comments on the proposed plan may be submitted until May 29, 1992 to the assistant secretary, OCS, at the above address.

A public hearing on the proposed SSBG Intended Use Report for FY 1991-92 is scheduled for Tuesday, May 12, 1992 at the Office of Community Services Building, third floor conference room, 1755 Florida Street, Baton Rouge, LA at 10 a.m.

At the public hearing all interested persons will have the opportunity to provide recommendations on the proposed SSBG plan, orally or in writing. Written comments will be accepted through May 29, 1992.

Post expenditure reports for the SSBG program for state fiscal years 1989-90 and 1990-91 are included in the SSBG Intended Use Report for FY 92-93 and are available for public review at the Office of Community Services, 1755 Florida Boulevard, Baton Rouge, LA.

Gloria Bryant-Banks
Secretary

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