

LOUISIANA ADMINISTRATIVE CODE/LOUISIANA REGISTER

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Executive Orders

EXECUTIVE ORDER MJF 96-69

JTPA Program Merger

WHEREAS: the Department of Education administers, through two separate Bureaus, the Job Training Partnership Act (hereinafter "JTPA") 8% Program and the JTPA Title III Program with funds allocated from the Louisiana Department of Labor;

WHEREAS: the JTPA 8% Program is a separate appropriation from the JTPA Title III Program which is budgeted through an appropriation of the Office of Vocational Education;

WHEREAS: the administrative and fiscal reporting requirements of and the administrative services provided by both programs are similar, and combining the programs would be more cost effective than if the two programs are kept separate; and

WHEREAS: both the Secretary of Labor (the funding source) and the State Superintendent of Education (the recipient of the funds) support the merger of the JTPA 8% Program and the JTPA Title III Program within the Department of Education;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The services, the reporting requirements and the functions of the JTPA 8% Program and the JTPA Title III Program are authorized to be merged and/or remain merged, within the Vocational Education Budget Unit of the Department of Education.

SECTION 2: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate in the implementation of the provisions of this Order.

SECTION 3: Upon signature of the Governor, the provisions of this Order shall be made retroactive to August 11, 1996, and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have 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 9th day of December, 1996.

M.J. "Mike" Foster
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9701#011

EXECUTIVE ORDER MJF 96-70

Louisiana Occupational Information Coordinating Committee

WHEREAS: the United States has enacted the Job Training Partnership Act of 1982 (hereafter "JTPA"), 29 U.S.C.A. §1501 et seq.; the Vocational Education Act of 1963 (hereafter "VEA"), 20 U.S.C.A. §2301 et seq.; and the Wagner-Peyser Act of 1933, 29 U.S.C.A. §49 et seq.; and

WHEREAS: to receive federal assistance under these acts, the State of Louisiana must establish a state occupational information coordinating committee to provide and manage a statewide comprehensive labor market and occupational information system to facilitate the implementation of a career information delivery system in accordance with the JTPA and VEA;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The Louisiana Occupational Information Coordinating Committee (hereafter "LOICC") is hereby re-created and re-established within the Department of Labor. The LOICC shall be composed of federally mandated members and at-large members who shall be appointed by and serve at the pleasure of the governor.

The federally mandated members are as follows:

A. a representative of the Board of Elementary and Secondary Education;

B. the assistant secretary of the Office of Employment Security, Department of Labor;

C. a representative of the Department of Economic Development;

D. the director of the Job Training Partnership Act Program, as representative of the governor's State Job Training Coordinating Council;

E. a representative of Louisiana's institutions of higher education, selected by the chair of the Board of Regents; and

F. the director of Rehabilitation Services, Department of Social Services.

At large associate members shall be selected in accordance with LOICC bylaws.

SECTION 2: The LOICC shall be responsible for the planning, the development, and the management of a statewide occupational information system consistent with the objectives and functions of the National Occupational Information Coordinating Committee, pursuant to 29 USCA §2422a, including the design and oversight standards of the JTPA. The LOICC shall serve as the state liaison to the National Occupational Information Coordinating Council and shall have exclusive responsibility for the state's coordination of occupational information.

SECTION 3: The Office of Management and Finance, Department of Labor, shall be the fiscal agent for the LOICC. The Office of Employment Security, Department of Labor, shall be responsible for oversight of the statewide

comprehensive labor market and occupational information system for the LOICC.

SECTION 4: The duties of the LOICC federally mandated members and the secretary of the Department of Labor, or the secretary's designee, shall include, but are not limited to, reviewing and giving approval to the following: 1) the LOICC Basic Assistance Grant proposal prior to its submission to the National Occupational Information Coordinating Committee; 2) the occupational information system prior to its release; 3) all major contracts for services; and 4) any changes in basic operating policy prior to implementation.

SECTION 5: Committee members shall not receive compensation or a per diem. Nonetheless, contingent upon the availability of funds, members may receive reimbursement for actual travel expenses in accordance with state guidelines and procedures, and upon the approval of the commissioner of administration.

SECTION 6: Support staff for the committee and facilities for its meetings shall be provided by the Department of Labor.

SECTION 7: All departments, commissions, boards, agencies, and officers of the state, and any political subdivisions thereof, are authorized and directed to cooperate with the Department of Labor and the LOICC in implementing the provisions of this order.

SECTION 8: Upon signature of the governor, the provisions of this order shall be made retroactive to August 11, 1996, and shall remain in effect until amended, modified, terminated, or rescinded by the governor, or until terminated by operation of law.

IN WITNESS WHEREOF, I have 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 11th day of December, 1996.

M.J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9701#012

EXECUTIVE ORDER MJF 96-71

Postsecondary Review Commission

WHEREAS: federally guaranteed student loans made to students for their attendance at colleges, universities, trade schools, and proprietary schools within the State of Louisiana are of vital importance to the citizens and the economic development of this state;

WHEREAS: 20 USCA §1099a provides that, in order to be eligible for federal funding, each state shall designate a postsecondary review entity for performing a review of institutions of higher education; and

WHEREAS: the federal government has authorized the United States Secretary of Education (hereafter "secretary") to enter into agreements with states and to provide funding for the state's postsecondary review entity;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The Louisiana Postsecondary Review Commission (hereafter "commission") is reestablished and recreated within the Executive Department, Office of the Governor.

SECTION 2: The commission shall, on behalf of the State of Louisiana, conduct and coordinate the review of institutions of higher education pursuant to 20 USCA §1099a-3, and ensure that each institution remains in compliance with the standards required by 20 USCA §1099a-3.

SECTION 3: The commission is designated as the state entity authorized to enter into agreements with the secretary, on behalf of the State of Louisiana, as provided in the guidelines set forth in 20 USCA §1099a-1.

SECTION 4: The commission shall have the authority to apply for federal funding, as provided for by 20 USCA §1099a-2, and for other federal funding or reimbursements made available to the states.

SECTION 5: The members of the commission shall be appointed by and serve at the pleasure of the governor. The membership of the commission shall be composed as follows:

- A. the governor, or the governor's designee;
- B. the chair of the Louisiana Board of Regents, or the chair's designee;
- C. the chair of the Louisiana Association of Independent Colleges and Universities, or the chair's designee;
- D. the chair of the Proprietary School Commission, or the chair's designee;
- E. the chair of the Louisiana Bankers' Association, or the chair's designee;
- F. the chair of the Board of Secondary and Elementary Education, or the chair's designee; and
- G. the chair of the Louisiana Office of Student Financial Assistance, or the chair's designee.

SECTION 6: The chair of the commission shall be appointed by the governor from its membership.

SECTION 7: Commission members shall not receive compensation or a per diem, nor shall they be reimbursed for travel expenses for their attendance at meetings.

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 commission in implementing the provisions of this order.

SECTION 9: Upon signature of the governor, the provisions of this order shall be made retroactive to August 11, 1996, and shall remain in effect until amended, modified, terminated, or rescinded by the governor, or until terminated by operation of law.

IN WITNESS WHEREOF, I have 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 11th day of December, 1996.

M.J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9701#013

EXECUTIVE ORDER MJF 96 - 72

French Heritage—Joint Committees

WHEREAS: the State of Louisiana, through its Council for the Development of French in Louisiana (hereafter "CODOFIL") and through its Consortium of Louisiana Universities (hereafter "Consortium"), has committed itself to the preservation of its French heritage;

WHEREAS: the State of Louisiana, through CODOFIL and the Consortium, has developed considerable expertise in the promotion of the French language and culture, and has managed numerous programs related to the teaching of all levels of the French language and to the training of Louisiana teachers about the French language and culture;

WHEREAS: the State of Louisiana is deeply interested in maintaining and continuing to pursue opportunities to share its French heritage with the French-speaking countries and provinces of the world with whom it has enjoyed general relations over the years, which include France, Belgium, Quebec, and the Canadian Maritime Provinces of New Brunswick, Nova Scotia and Prince Edward Island;

WHEREAS: in a spirit of international friendship and understanding, the people of France, Belgium, Quebec, and the Canadian Maritime Provinces, have supported the efforts of the State of Louisiana in developing its French cultural heritage; and

WHEREAS: over the years, representatives of France, Belgium, Quebec, and the Canadian Maritime Provinces, and the State of Louisiana have met at regular intervals in joint commission meetings to arrange for and organize educational, cultural, and touristic exchanges;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The France-Louisiana Joint Committee, the Quebec-Louisiana Joint Committee, the Maritime Provinces-Louisiana Joint Committee, and the Belgium-Louisiana Joint Committee (hereafter "Joint Committees") are recreated and re-established.

SECTION 2: The four Joint Committees shall each be composed of the following members: the Governor, or his designee; the Lieutenant Governor, or her designee; the Chair of CODOFIL; the Chair of the Consortium of Universities, or

the Chair's designee; the Director of CODOFIL; the Superintendent of Education, or the Superintendent's designee; and the President of the State Board of Elementary and Secondary Education, or the President's designee.

SECTION 3: The Chair of CODOFIL shall also be the Chair of each of the four Joint Committees.

SECTION 4: Each of the four Joint Committees shall meet at least once prior to December 31, 1999.

SECTION 5: The members of the Joint Committees shall not receive a per diem or compensation for their services. Contingent upon the availability of funds, members may be reimbursed for actual expenses incurred for travel and accommodations while attending meetings, by the appropriate agencies of state government, in accordance with state guidelines and procedures, and upon the approval of the Commissioner of Administration.

SECTION 6: Support staff for the Joint Committees and facilities for their meetings shall be provided by CODOFIL.

SECTION 7: All departments, commissions, boards, agencies, and officers of the state, and any political subdivisions thereof, are authorized and directed to cooperate in the implementation of the provisions of this Order.

SECTION 8: This Order is effective upon signature of the Governor and shall continue in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have 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 11th day of December, 1996.

M.J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9701#014

EXECUTIVE ORDER MJF 96-73

School Based Health Center Investigation

WHEREAS: Subsection A of R.S. 40:31.3 directs the Office of Public Health, Department of Health and Hospitals to establish an adolescent school health initiative program to facilitate and encourage development of comprehensive health centers in public middle and secondary schools in the State of Louisiana to provide preventive health services, counseling, acute health services, and appropriate referral for acute health services;

WHEREAS: Subsection C of R.S. 40:31.3 specifically prohibits personnel at school based health centers (hereafter "SBHC") from "counseling or advocating in any way or referring any student to any organization for counseling or advocating abortion" and from "distributing at any public

school any contraceptive or abortifacient drug, device or other similar product";

WHEREAS: allegations have surfaced that some personnel at SBHC may be violating the foregoing provisions of Subsection C of R.S. 40:31.3, thereby jeopardizing public and legislative approval and support for the program; and

WHEREAS: due to such concerns, certain members of the Legislature were opposed to the appropriation in the General Appropriations Act, Act Number 17 of the 1996 Regular Session of 1996, of \$2.65 million to fund 15 SBHC for the 1996-97 fiscal year, and the governor received numerous requests to make a line-item veto of the \$2.65 million appropriation;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the Constitution and the laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The secretary of the Department of Health and Hospitals (hereafter "secretary") shall head an investigation regarding the allegations of violations of Subsection C of R.S. 40:31.3 by a few of the personnel employed by SBHC, and if the secretary finds evidence of violations of the statutory prohibition, the secretary shall take appropriate action against those who violated the statute.

SECTION 2: The secretary's investigation shall be conducted in such a manner as not to violate the right to privacy, as established by Article I, Section 5 of the Louisiana Constitution of 1974, of those students who have availed or who will avail themselves of the services of SBHC.

SECTION 3: The secretary shall determine the most effective means of preventing future violations of R.S. 40:31.3(C) and shall immediately implement those means or procedures consistent with state law.

SECTION 4: The secretary shall issue a report on the findings of the investigation to the governor, the House and Senate Committees on Health and Welfare, and the School Based Health Clinic Task Force, no later than February 15, 1997.

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 Department of Health and Hospitals in implementing the provisions of this order.

SECTION 6: The provisions of this order are effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have 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 16th day of December, 1996.

M.J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9701#015

EXECUTIVE ORDER MJF 96-74

School Based Health Clinic Task Force

WHEREAS: the school based health care program, known as the adolescent school health initiative, operates under the direction of the Office of Public Health within the Department of Health and Hospitals, pursuant to R.S. 40:31.3;

WHEREAS: school based health clinics (hereafter "SBHC") were created under this program;

WHEREAS: the number of SBHC have expanded from the three clinics in two parishes in 1987, to 15 clinics in 10 parishes in 1996, each of which is overseen by a local advisory council that consists of parents, medical professionals, and community members;

WHEREAS: the Louisiana Legislature has provided \$2.65 million in funding for SBHC in its 1996-97 fiscal budget; and

WHEREAS: some members of the Louisiana Legislature and the public-at-large have questioned whether the medical services provided by SBHC are an unnecessary duplication of the services already available to low-income families who are Medicaid eligible or an unnecessary service for middle income families, and whether there are negative aspects of the program which could be eliminated without detrimentally affecting the effectiveness of SBHC;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: An advisory task force known as the School Based Health Clinic Task Force (hereafter "task force") shall be created and established within the Executive Department, Office of the Governor.

SECTION 2: The primary objectives and duties of the Task Force are to develop and recommend a uniform parental consent form which takes into consideration public mores, the concerns of the community, and the needs of adolescent students to have appropriate medical attention or counseling; and to evaluate the types of services offered by SBHC, advise whether the services offered by SBHC adequately meet the needs of the adolescent students they serve, recommend whether any services offered by the SBHC should be limited or eliminated, and evaluate whether any services offered by SBHC are unnecessary because they duplicate other public services.

As an additional primary objective and duty, the task force shall make recommendations regarding the type of counseling which may be provided to adolescent students at SBHC, giving due consideration to the needs of the students and the parameters placed on school curricula by R.S. 17:281(A)(3) and (4) which promote and encourage sexual abstinence between unmarried persons.

SECTION 3: The secondary objectives and duties of the task force shall be to propose Adolescent School Health Initiative Program guidelines relative to the staffing and conduct of personnel employed at SBHC; and to recommend whether SBHC should be licensed and, if so, propose licensing criteria and guidelines.

SECTION 4: The task force shall prepare and submit a report to the governor on the progress and/or fulfillment of its primary objectives and duties, no later than March 15, 1997, and on the progress and/or fulfillment of its secondary objectives and duties, no later than May 15, 1997.

SECTION 5: The members of the advisory task force shall be appointed by and serve at the pleasure of the governor. The membership of the task force shall be selected from the following:

A. the secretary of the Department of Health and Hospitals, or the secretary's designee;

B. the assistant secretary, Office of Public Health, Department of Health and Hospitals, or the assistant secretary's designee;

C. the director of Adolescent and School Health, Office of Public Health, Department of Health and Hospitals, or the director's designee;

D. the president of the Senate, or the president's designee selected from the membership of the Senate;

E. the speaker of the House of Representatives, or the speaker's designee selected from the membership of the House;

F. a member of a school board in a school system which has at least one SBHC;

G. a member of a school board in a school system which applied for acceptance to the School Based Health Center program, but voluntarily withdrew its application after investigating the program or conducting public meetings on the issue;

H. a physician who practices at a SBHC;

I. four at-large members who are residents of the State of Louisiana;

J. a representative from the membership of a SBHC volunteer advisory board; and

K. the governor, or the governor's designee selected from his executive staff.

SECTION 6: The governor shall select the chair of the task force from its membership.

SECTION 7: Support staff for the task force and facilities for its meetings shall be provided by the Department of Health and Hospitals.

SECTION 8: Task force members shall not receive compensation or a per diem, but may receive reimbursement for actual travel expenses, in accordance with state guidelines and procedures, contingent upon the availability of funds, and the approval of the commissioner of administration.

SECTION 9: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with the Department of Health and Hospitals and the task force in implementing the provisions of this order.

SECTION 10: The provisions of this order are effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have 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 16th day of December, 1996.

M.J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9701#016

EXECUTIVE ORDER MJF 96-75

Forest Products Industry Development Task Force

WHEREAS: timber is the State of Louisiana's largest and highest grossing agricultural crop;

WHEREAS: in terms of gross income and value-added processing, the solid wood forest products industry, which is supported by the harvesting and processing of timber, consists of 700 primary and secondary manufacturing establishments;

WHEREAS: forest product related industries employ over 25,000 workers, making it one of the state's top employers;

WHEREAS: the State of Louisiana produces only \$0.97 of value-added product for every \$1 of lumber created by sawmills operating within the state; and

WHEREAS: for the State of Louisiana to attain its potential in the area of job creation and resource utilization within the timber industry sector, the state must develop a comprehensive program to modernize, revitalize, and maximize its forest products industries;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The Governor's Forest Products Industry Development Task Force (hereafter "task force") shall be created and established within the Departments of Economic Development and Agriculture and Forestry.

SECTION 2: The objectives and duties of the task force shall consist of the following:

A. identify opportunities for, and barriers to, growth and development of the value-added forest products industry in this state;

B. develop ideas and plans that foster the growth of the forest products companies existing in this state, that encourage corporate recruitment, that maximize the value of Louisiana's forest resources, and that provide additional economic and employment opportunities for Louisiana citizens in the forest product industry; and

C. provide aide for the establishment of a comprehensive program which develops Louisiana's forest products industry.

SECTION 3: The task force shall prepare a report on the progress and/or fulfillment of its primary objectives and duties for the review of the secretary of the Department of Economic Development and the commissioner of Agriculture and Forestry, no later than March 15, 1997.

SECTION 4: The task force shall be composed of not less than 10 members appointed by and serving at the pleasure of the governor. The membership shall be selected as follows:

A. the secretary of the Department of Economic and Development, or the secretary's designee;

B. the commissioner of Agriculture and Forestry, or the commissioner's designee;

C. a minimum of four members selected from a list of nominees submitted by the commissioner of Agriculture and Forestry; and

D. a minimum of four members selected from governmental entities, institutions of higher education, special interest groups, and industries involved in or related to the forest products industry.

SECTION 5: The co-chairs of the task force shall be the secretary of Economic Development, or the secretary's designee selected from the membership of the task force, and the commissioner of Agriculture and Forestry, or the commissioner's designee selected from the membership of the task force.

SECTION 6: Task force members shall not receive compensation or a per diem. Nonetheless, contingent upon the availability of funds, members may receive reimbursement for actual travel expenses in accordance with state guidelines and procedures, and upon the approval of the commissioner of administration.

SECTION 7: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with the task force and the Departments of Economic Development and Agriculture and Forestry in implementing the provisions of this order.

SECTION 8: The provisions of this order are effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have 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 16th day of December, 1996.

M.J. "Mike" Foster, Jr.
Governor

ATTEST BY THE
GOVERNOR
Fox McKeithen
Secretary of State
9701#017

EXECUTIVE ORDER MJF 96-76

Tangipahoa River Task Force

WHEREAS: the scenic Tangipahoa River is a popular recreational area in the State of Louisiana;

WHEREAS: the Tangipahoa River is also a vital part of the state's transportation and ecological systems;

WHEREAS: Senate Concurrent Resolution Number 139, authored by Senator John J. Hainkel, Jr., created the

Tangipahoa River Task Force as a means to protect and preserve the recreational, ecological, functional and aesthetic aspects of the Tangipahoa River;

WHEREAS: in its Concurrent Resolution, the Louisiana Senate accurately observed that in order to protect and preserve the integrity of the Tangipahoa River's recreational, ecological, scenic, and functional attributes, it is in the best interest of the State of Louisiana to establish a Tangipahoa River Task Force to provide advisory assistance to state agencies and local governments for the management of the river and its surrounding areas; and

WHEREAS: the elimination of the Office of Permits by the Office of the Governor necessitate that the Tangipahoa River Task Force be relocated within the Office of the Governor;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The Tangipahoa River Task Force (hereafter "task force") is created and established within the Executive Department, Office of the Governor.

SECTION 2: The members of the task force shall be appointed by and serve at the pleasure of the governor. The task force shall be composed of nine members selected as follows:

1. one member from a list of nominees compiled by the Tangipahoa Tourist Commission;
2. one member from a list of nominees compiled by the Tangipahoa Parish president;
3. one member from a list of nominees compiled by the president of Southeastern Louisiana University;
4. one member from a list of nominees compiled by the secretary of the Department of Economic Development;
5. one member from a list of nominees compiled by the Citizens for a Clean Tangipahoa;
6. one member from a list of nominees compiled by the Tangipahoa district of the Farm Bureau;
7. one member of the executive staff, Office of the Governor;
8. one member who is an elected mayor in the parish of Tangipahoa; and
9. the commissioner of Agriculture and Forestry, or the commissioner's designee.

SECTION 3: The membership of the task force shall elect its chair.

SECTION 4: In accordance with Senate Concurrent Resolution Number 139, the duties of the task force include, but are not limited to, coordinating the efforts of all state agencies involved in the cleanup of the Tangipahoa River and monitoring the cleanup to insure its safety for recreational use.

SECTION 5: Support staff for the task force and facilities for its meetings shall be provided by the Office of the Governor.

SECTION 6: The task force shall meet at regularly scheduled intervals, and also at the call of the chair.

SECTION 7: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision

thereof, are authorized and directed to cooperate with the task force in implementing the provisions of this order.

SECTION 8: This order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the City of Baton Rouge, on this 17th day of December, 1996.

M.J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9701#018

EXECUTIVE ORDER MJF 96-77

Statewide Intermodal Transportation Plan Steering Committee

WHEREAS: the Intermodal Surface Transportation Efficiency Act, enacted by the United States Congress in 1991, mandates that each state prepare a statewide intermodal transportation plan;

WHEREAS: the federal government selected Louisiana as one of six states to receive a special grant for the development of a model plan to be used as a guide by other states in developing their plans;

WHEREAS: in January of 1993, the Department of Transportation and Development, in cooperation with the Department of Economic Development and many public and private interests throughout the state, began development of its 25-year statewide intermodal transportation plan;

WHEREAS: on March 22, 1996, the secretary of the Department of Transportation and Development adopted the Statewide Intermodal Transportation Plan (hereafter "plan") as the official statewide transportation plan for the State of Louisiana; and

WHEREAS: the plan requires a steering committee to oversee its implementation;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The Statewide Intermodal Transportation Plan Steering Committee (hereafter "committee") is established within the Department of Transportation and Development.

SECTION 2: The committee shall be composed of seven members who shall be appointed by and serve at the pleasure of the governor. The membership of the committee shall be composed of the following:

A. the secretary of the Department of Transportation and Development, or the secretary's designee;

B. the secretary of the Department of Economic Development, or the secretary's designee;

C. commissioner of the Division of Administration, or the commissioner's designee;

D. the president of the Senate, or the president's designee selected from the membership of the Senate;

E. the speaker of the House of Representatives, or the speaker's designee selected from the membership of the House; and

F. two representatives of Louisiana businesses.

SECTION 3: The secretary of the Department of Transportation and Development, or the secretary's designee, shall serve as the chair of the committee.

SECTION 4: The committee shall meet at regularly scheduled intervals and at the call of the chair.

SECTION 5: The duties of the committee shall include, but are not limited to, the following:

A. providing guidance, support and executive leadership for the implementation of the plan;

B. coordinating implementation of the plan with public and private agencies, companies, groups, and individuals; and

C. drafting legislation to implement the plan.

SECTION 6: Other than from their agencies, committee members shall not receive compensation or a per diem, nor shall they be reimbursed for travel expenses for their attendance at meetings.

SECTION 7: Support staff for the committee and facilities for its meetings shall be provided by the Department of Transportation and Development.

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 committee in implementing the provisions of this order.

SECTION 9: The provisions of this order are effective upon signature and shall remain in effect until amended, modified, or rescinded by operation of law.

IN WITNESS WHEREOF, I have 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 23rd day of December, 1996.

M.J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9701#019

EXECUTIVE ORDER MJF 96-78

Bond Allocation—Calcasieu Parish Authority

WHEREAS: Executive Order MJF 96-32 (hereafter "MJF 96-32") was executed on September 17, 1996, pursuant to the Tax Reform Act of 1968 (hereafter "the act"), Act 51 of the 1986 Louisiana Legislature, and Executive Order MJF 96-25

(hereafter "MJF 96-25") which provides for the allocation of bonds subject to the private activity bond volume limits of the act for each calendar year (hereafter "ceiling");

WHEREAS: the \$7,300,000 allocation under the ceiling made by MJF 96-32 to the Louisiana Housing Finance Agency for the Malta Square at Sacred Heart project was returned unused by letter dated December 19, 1996;

WHEREAS: Section 4.8 of MJF 96-25 provides that if the ceiling for a year exceeds the aggregate amount of private activity bonds issued during the year, "the governor may allocate such excess to issuers for use as a carryforward for one or more carryforward projects permitted under the act by issuing an Executive Order for all carryforward projects for which an application has been submitted that contains the elements required by Subsection 4.2, and for which a request to be treated as a carryforward project has been received by the [staff of the Louisiana State Bond Commission]";

WHEREAS: the ceiling for 1996 exceeds the amount of private activity bonds issued during 1996 by \$7,300,000; and

WHEREAS: the governor desires to allocate this excess and unused amount of the 1996 ceiling to a project which is eligible for a carryforward under the act;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: Pursuant to and in accordance with the provisions of Section 146(f) of the Internal Revenue Code of 1986, and in accordance with the request for a carryforward filed by issuer, the excess unused private activity bond volume limit under the ceiling is allocated to issuer for the following carryforward project and in the following amount:

ISSUER	CARRYFORWARD PROJECT	CARRYFORWARD AMOUNT
Calcasieu Parish Authority	Single Family Mortgage Revenue Bonds or Mortgage Credit Certificate Program	\$7,300,000

SECTION 2: All references in this order to the singular shall include the plural, and all plural references shall include the singular.

SECTION 3: The undersigned certifies, under penalty of perjury, that the granted allocation was not made in consideration of any bribe, gift, or gratuity, or any direct or indirect contribution to any political campaign. The undersigned also certifies that the granted allocation meets the requirements of Section 146 of the Internal Revenue Code of 1986, as amended.

SECTION 4: This order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have 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 24th day of December, 1996.

M.J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9701#020

EXECUTIVE Order MJF 96-79

Unclassified State Employee Leave

WHEREAS: no permanent rules or policies on annual, compensatory, sick, special, military, and other leave exist for certain officers and employees who are in the unclassified service of the state; and

WHEREAS: Executive Order EWE 94-32, as amended by Executive Order EWE 95-27, which provided rules and policies on annual, compensatory, sick, special, military, and other leave for certain unclassified state employees, expired on August 12, 1996;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: Applicability

A. The rules and policies established by this order are applicable to all officers and employees in the unclassified service of the Executive Branch of the State of Louisiana, except elected officials and the officers and employees of a system that is authorized by the Constitution or legislative act to manage and supervise its own system.

B. Nothing in this order shall be applied in a manner which violates, or is contrary to, the Fair Labor Standards Act (hereafter "FLSA"), the Family and Medical Leave Act, or any other applicable federal or state law, rule, or regulation.

SECTION 2: Definitions. Unless the context of this order clearly indicates otherwise, the words and terms used in this order shall be defined as follows:

A. *Annual Leave*—leave with pay granted to an officer or employee for the purpose of rehabilitation, restoration or maintenance of work efficiency, or the transaction of personal affairs.

B. *Appointing Authority*—the agency, department, board, or commission, or the officers and employees thereof authorized by statute or lawfully delegated authority to make appointments to positions in state service.

C. *Compensatory Leave*—time credited for hours worked outside the regularly assigned work schedule.

D. *Continuing Position*—an office or position of employment with the state which reasonably can be expected to continue for more than one calendar year and/or 12 consecutive months.

E. *Educational Leave*—leave that may be granted by an appointing authority to an officer or employee only for limited educational purposes in accordance with the uniform rules developed by the commissioner of administration. *Educational Leave with Pay* is a subclass of educational leave and is for the purpose of attending an accredited educational institution to receive formalized training which will materially assist the officer or employee in performing the type of work performed by the officer or employee's department.

F. *Intermittent Employee*—a person employed in state service who is not hired to work on a regularly scheduled basis.

G. *Leave of Absence Without Pay*—a period of leave or time off from work granted by the appointing authority, or the appointing authority's designee, for which the officer or employee receives no pay.

H. *Military Duty*—refers to the performance of continuous and uninterrupted military duty on a voluntary or involuntary basis and includes active duty, active duty for training, initial active duty for training, full-time National Guard duty, annual training, and inactive duty for training (weekend drills).

I. *Overtime Hour*—an hour worked by an unclassified officer or employee at the direction of the appointing authority, or the appointing authority's designee:

1. on a day which is observed as a holiday in the department and area of employment and falls on a day within the workweek, or is observed as a designated holiday in lieu of a regular holiday observed in the department;

2. in excess of the regular duty hours in a regularly scheduled workday;

3. in excess of the regular duty hours in a regularly scheduled workweek;

4. in excess of 40 hours worked during any regularly recurring and continuous seven-day calendar work period where excessive hours are systematically scheduled;

5. in excess of 80 hours worked during any regularly recurring and continuous 14-day calendar work period where excessive hours are systematically scheduled;

6. in excess of the hours worked in a regularly established, continuous, and regularly recurring work period where hours average 40 hours per week, regardless of the manner in which scheduled; or

7. on a day in which a department or a division thereof is closed pursuant to R.S. 1:55(B)(5) by direction of the appointing authority due to an emergency.

J. *Regular Tour of Duty*—an established schedule of work hours and days recurring regularly on a weekly, biweekly, or monthly basis for full-time or part-time unclassified officers or employees.

K. *Seasonal Employee*—a person employed on a noncontinuous basis for a recognized peak work load period.

L. *Sick Leave*—leave with pay granted to an officer or employee who is unable to perform their usual duties and

responsibilities due to illness, injury, or other disability, or when the officer or employee requires medical, dental, or optical consultation or treatment.

M. *State Service*—for leave earning purposes shall include service in a state supported school, agency, or university; public parish school system; public student employment; service as a member of a public board or commission; or service with the legislature or the state court system. All such service must have been performed for a Louisiana public entity.

N. *Temporary Employee*—a person continuously employed for a period which does not exceed three consecutive calendar months.

O. *Unclassified Service*—refers to those positions of state service as defined in Article X, §2 of the Louisiana Constitution of 1974, which are not positions in the classified service.

SECTION 3: Full-time Employees. For each full-time unclassified officer or employee, each appointing authority shall establish administrative work weeks of not less than 40 hours per week.

SECTION 4: Granting Leave

A. At the discretion of their appointing authority, or the appointing authority's designee, officers and employees may be granted time off for vacations, illnesses, and emergencies.

B. An appointing authority, or the appointing authority's designee, has discretion to grant for disability purposes, annual leave, leave without pay, or sick leave.

SECTION 5: Earning of Annual and Sick Leave

A. Annual and sick leave shall not be earned by the following persons:

1. members of boards, commissions, or authorities;
2. student employees, as defined under Civil Service Rules;

3. temporary, intermittent, or seasonal employees; and

4. effective as of the signing and issuance of this order, all part-time employees of the Executive Department, Office of the Governor.

B. The earning of annual and sick leave, shall be based on the equivalent of years of full time state service and shall be credited at the end of each calendar month, or at the end of each regular pay period, in accordance with the following general schedule:

1. less than three years of service, at the rate of .0461 hour of annual leave and .0461 hour of sick leave for each hour of regular duty;

2. three or more years but less than five years of service, at the rate of .0576 hour of annual leave and .0576 hour of sick leave for each hour of regular duty;

3. five or more years but less than 10 years of service, at the rate of .0692 hour of annual leave and .0692 hour of sick leave for each hour of regular duty;

4. ten or more years but less than 15 years of service, at the rate of .0807 hour of annual leave and .0807 hour of sick leave for each hour of regular duty; and

5. fifteen or more years of service, at the rate of .0923 hour of annual leave and .0923 hour of sick leave for each hour of regular duty.

For purposes of this Section, contract service does not constitute either full-time or part-time state service and cannot be used to determine, and has no effect upon, the rate at which annual leave and sick leave is earned by, accrued by, or credited to a full-time or a part-time officer or employee in unclassified state service.

C. No unclassified officer or employee shall be credited with annual or sick leave:

1. for any overtime hour(s);
2. for any hour(s) of leave without pay;
3. for any hour(s) of on-call status outside the officer or employee's regular duty hours;
4. for any hour(s) of travel or other activity outside the officer or employee's regular duty hours; or
5. for any hour(s) of a holiday or other nonwork day which occurs while on leave without pay.

SECTION 6: Carrying Annual and Sick Leave Forward. Accrued unused annual and sick leave earned by an unclassified officer or employee shall be carried forward to succeeding calendar years without limitation.

SECTION 7: Use of Annual Leave

A. An unclassified officer or employee must apply for use of annual leave, and it may only be used upon the approval of the appointing authority, or the appointing authority's designee.

B. Annual leave shall not be charged for nonwork days.

C. The minimum charge to annual leave records shall be in increments of not less than one-tenth of an hour, or six minutes.

D. An appointing authority, or the appointing authority's designee, may require an unclassified officer or employee to use their accrued annual leave whenever such an action is determined by the appointing authority, or the appointing authority's designee, to be in the best interest of the department.

When such an instance occurs, no unclassified officer or employee shall be required to reduce their accrued annual leave to less than 240 hours except:

1. when granted leave without pay, but subject to the military leave provisions of Section 17; or
2. when the absence from work is due to a condition covered by the Family and Medical Leave Act.

SECTION 8: Use of Sick Leave

A. Sick leave with pay may be used by an unclassified officer or employee who has accrued sick leave, when the following occurs:

1. illness or injury prevents the officer or employee from reporting to duty; or
2. medical, dental, or optical consultation or treatment is attended.

B. A medical certificate is not required for an unclassified officer or employee to use accrued sick leave, but the appointing authority, or the appointing authority's designee, has discretion to require such a certificate as justification for an absence.

C. Sick leave shall not be charged for nonwork days.

D. The minimum charge to sick leave records shall be in increments of not less than one-tenth of an hour, or six minutes.

E. Sick leave shall only be granted after it has been accrued by an unclassified officer or employee. Sick leave shall not be advanced.

F. An appointing authority, or the appointing authority's designee, has discretion to place an unclassified officer or employee on sick leave after an officer or employee asserts the need to be absent from work due to an injury or illness.

SECTION 9: Transfer of Annual and Sick Leave

A. A classified officer or employee, or an unclassified officer or employee subject to this order, shall have all accrued annual and sick leave credited to them when the officer or employee transfers without a break in service into a position covered by this order.

B. An officer or employee shall have all accumulated annual and sick leave, to the extent that it was earned, credited to them when the officer or employee transfers without a break in service from a department not covered by this order into a department covered by this order.

C. When an unclassified officer or employee transfers without a break in service to a position covered by other leave rules of the state, the officer or employee's accrued annual and sick leave shall be transferred to the new employing state department or agency. The employing department or agency shall either hold the annual and sick leave in abeyance or integrate the leave into its own system. The officer or employee's accumulated leave shall not be reduced during such integration.

SECTION 10: Disbursement of Accrued Annual Leave Upon Separation

A. Upon the resignation, death, removal, or other final termination from state service of an unclassified officer or employee, the officer or employee's accrued annual leave shall be paid in a lump sum, up to a maximum of 300 hours, disregarding any final fraction of an hour. The payment shall be computed as follows:

1. When the officer or employee is paid on an hourly basis, the regular hourly rate that the officer or employee received at the time of termination from state service shall be multiplied by the number of hours of their accrued annual leave, which number is not to exceed 300 hours; or

2. When the officer or employee is paid on other than an hourly basis, the officer or employee's hourly rate shall be determined by converting the salary the officer or employee received at the time of termination from service into a working hourly rate. The converted hourly rate shall be multiplied by the number of hours of their accrued annual leave, which number is not to exceed 300 hours.

B. An unclassified officer or employee, who is paid for accrued annual leave upon termination from service and who is subsequently reemployed in a leave-earning classified or unclassified position, shall reimburse the state service, through the employing agency, for the number of hours the officer or employee was paid which exceeded the number of work hours that transpired during the officer or employee's