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# EXECUTIVE ORDERS

## EXECUTIVE ORDER EWE 92-84

WHEREAS, the members of the Louisiana District Attorney's Association have a paramount interest in promoting improvement of the criminal justice system in the State of Louisiana; and to effectively discharge that responsibility, assistant district attorneys are needed to prosecute both civil and criminal matters; and

WHEREAS, there are annual requests from the Judicial Districts for additional assistant district attorneys as a result of population increases, increases in the rate of crimes and increases in the responsibilities of district attorneys; and

WHEREAS, there is currently no fixed criteria to determine the appropriateness and need for additional assistant district attorneys; and

WHEREAS, there is a need to establish a body to determine criteria, need, fiscal impact and feasibility of when to allocate warrants for additional assistant district attorneys; and

WHEREAS, such a body should be representative of the Judiciary, Legislative and Executive branches of government as well as experienced prosecutors.

NOW, THEREFORE I, EDWIN W. EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested in me through the Constitution and laws of the State of Louisiana, do hereby create and establish the Governor's Advisory and Review Commission on Assistant District Attorneys, and do hereby order and direct as follows:

SECTION 1: The Governor's Advisory and Review Commission on Assistant District Attorneys shall be composed of the following members:

1. Judicial Administrator of the Louisiana Supreme Court;
2. Speaker of the Louisiana House of Representatives, or his designee;
3. President of the Louisiana Senate, or his designee;
4. Chairman of the House Judiciary Committee;
5. Chairman of the Senate Judiciary "B" Committee;
6. President of the Louisiana District Attorneys Association; and
7. Executive Counsel to the governor.

SECTION 2: The governor shall appoint the Chairman of the Governor's Advisory and Review Commission on Assistant District Attorneys.

SECTION 3: No member of the Governor's Advisory and Review Commission on Assistant District Attorneys shall receive per diem or other compensation for the performance of their duties.

SECTION 4: The Governor's Advisory and Review Commission on Assistant District Attorneys shall be charged with the responsibility of determining the need, criteria, financial impact and feasibility of adding assistant district

attorneys, and recommending the creation of such additional assistant district attorneys to the governor and legislature.

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 Advisory and Review Commission on Assistant District Attorneys in implementing the provisions of this Executive Order.

SECTION 6: The provisions of this Executive Order are effective upon signature and shall remain in effect until amended, modified, or rescinded 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 23rd day of October, 1992.

Edwin Edwards  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

## EXECUTIVE ORDER EWE 92-85

WHEREAS, the State of Louisiana is strategically located as a natural gateway to Middle America, South America, and the Caribbean; and

WHEREAS, the State of Louisiana is historically and culturally associated with Middle America, South America, and the Caribbean; and

WHEREAS, many people throughout the State of Louisiana have relatives, friends, and associates in Middle America, South America, and the Caribbean; and

WHEREAS, it would be mutually advantageous for the State of Louisiana and the countries in Middle America, South America, and the Caribbean to develop their relationship through increased cultural, economic, educational, environmental, and medical activities; and

WHEREAS, issues relative to cultural, economic, educational, environmental, and medical development between the State of Louisiana and the countries in Middle America, South America, and the Caribbean will be properly and effectively addressed with the creation of a commission composed of representatives of the State of Louisiana, and residents of the State of Louisiana representing the countries in Middle America, South America, or in the Caribbean;

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 and establish the Pan American Commission within the Executive Department, Office of the Governor, and do hereby order and direct as follows:

SECTION 1: The Pan American Commission is created and established within the Executive Department, Office of the Governor.

SECTION 2: A. One-half of the membership of the Pan

American Commission shall be composed of members representing the following countries:

Belize	Federal Republic of
Republic of Costa Rica	Mexico
Republic of El Salvador	Republic of Guatemala
Republic of Honduras	Republic of Nicaragua
Republic of Panama	Anguilla
Antigua and Barbuda	The Commonwealth of the
Barbados	Bahamas
Cayman Islands	Republic of Cuba
Commonwealth of	Dominican Republic
Dominica	Grenada
Department of	Republic of Haiti
Guadeloupe	Jamaica
Department of Martinique	Montserrat
Netherlands Antilles	Commonwealth of Puerto
Federation of Saint	Rico
Kitts and Nevis	Saint Lucia
Republic of Trinidad	Saint Vincent
and Tobago	and the Grenadines
British Virgin Islands	Turks and Calcos Islands
Argentine Republic	Federal Republic of
Republic of Bolivia	Brazil
Republic of Chile	Republic of Colombia
Republic of Ecuador	Department of Guianar
Co-operative Republic	Republic of Paraguay
of Guyana	Republic of Peru
Republic of Surinam	Oriental Republic of
Republic of Venezuela	Uruguay

Such members shall possess the following minimum qualifications:

1. have the expertise or resources available to assist in the cultural, economic, educational, environmental, or medical development between the State of Louisiana and the country;
2. speak fluently the English language and the official language of the country;
3. have relatives, friends, or associates in the country;
4. be a resident of the State of Louisiana.

B. The remaining one-half of the membership of the Pan American Commission shall be composed of domiciliaries of the State of Louisiana who shall have the expertise or resources available to assist in the cultural, economic, educational, environmental, or medical development between Middle America, South America, the Caribbean and the State of Louisiana.

SECTION 3: The members of the Pan American Commission shall be appointed by and serve at the pleasure of the governor. The governor shall appoint the chair of the Pan American Commission. The vice-chair of the Pan American Commission shall be elected by its members.

SECTION 4: The members of the Pan American Commission shall not receive a per diem or other compensation for their services. Actual expenses incurred by the Pan American Commission may be reimbursed upon the approval of the Commissioner of Administration.

SECTION 5: The duties and functions of the Pan American Commission include, but are not limited to:

- A. providing public relations and information to government, business, and cultural leaders;
- B. fostering entrepreneurial activity between Middle

America, South America, the Caribbean, and the State of Louisiana;

C. coordinating economic development and resource utilization;

D. promoting the development of new products or services, as well as new uses for existing products or services, which are manufactured or marketed in Middle America, South America, the Caribbean, and the State of Louisiana;

E. supporting market research aimed at identification of new international markets;

F. fostering and supporting cultural, economic, educational, environmental, and medical cooperation between private business enterprise, financial institutions, educational institutions, non-profit institutions and organizations, and state and local political subdivisions in the State of Louisiana, Middle America, South America, and the Caribbean;

G. submitting a written report to the governor prior to the 1993 Regular Session of the Legislature, together with any recommendations for legislation;

H. other duties and functions as directed by the governor.

SECTION 6: The Pan American Commission shall be provided professional, technical, and clerical staff from the Department of Economic Development.

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 Pan American Commission in implementing the provisions of this Executive Order.

SECTION 8: The provisions of this Executive Order are effective upon signature and shall remain in effect until amended, modified, or rescinded 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 November, 1992.

Edwin Edwards  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

#### EXECUTIVE ORDER EWE 92-86

WHEREAS, in significant part, the State of Louisiana is composed of people with a proud Italian-American heritage; and

WHEREAS, Italian-Americans have enriched the State of Louisiana through their great contributions to our culture, economy, and government; and

WHEREAS, Italian-Americans have particular concerns relative to the preservation of their unique culture, and desire to enhance their contributions to the State of Louisiana through culture, economic development, and government; and

## EXECUTIVE ORDER EWE 92-87

WHEREAS, the issues facing Italian-Americans in Louisiana may best be identified and effectively considered through an advisory commission composed of leaders in the Italian-American community in Louisiana;

NOW, THEREFORE I, EDWIN W. EDWARDS, Governor of the State of Louisiana, by virtue in the authority vested in me by the Constitution and laws of the State of Louisiana, do hereby create and establish the Italian-American Advisory Commission in the Executive Department, Office of the Governor, and do hereby order and direct as follows:

SECTION 1: The Italian-American Advisory Commission is created and established in the Executive Department, Office of the Governor.

SECTION 2: The Italian-American Advisory Commission shall be composed of 11 members who shall be appointed by and serve at the pleasure of the governor. The members of the Italian-American Advisory Commission shall be leaders in the Italian-American Community in Louisiana, and shall have the necessary expertise or resources available to effectively identify and evaluate Italian-American issues in Louisiana.

SECTION 3: The governor shall appoint the chair of the Italian-American Advisory Commission. The vice-chair of the Italian-American Advisory Commission shall be elected by its members.

SECTION 4: The members of the Italian-American Advisory Commission shall not receive a per diem or other compensation for their services. Actual expenses incurred by the Italian-American Advisory Commission may be reimbursed upon the approval of the Commissioner of Administration.

SECTION 5: The duties and functions of the Italian-American Advisory Commission shall include, but are not limited to:

A. identifying issues relative to Italian-Americans in Louisiana;

B. evaluating those issues;

C. proposing solutions to those issues;

D. submitting a written report to the governor prior to the 1993 Regular Session of the Legislature, together with any recommendations for legislation;

E. other duties and functions as directed by the governor.

SECTION 6: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with the Italian-American Advisory Commission in implementing the provisions of this Executive Order.

SECTION 7: The provisions of this Executive Order are effective upon signature and shall remain in effect until amended, modified, or rescinded 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 5th day of November, 1992.

Edwin Edwards  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

[Editor's Note: The attachments referenced in the following Executive Order may be viewed at the Division of Administration, 1051 North Third Street, Baton Rouge, LA]

WHEREAS, it is in the best interest of the State of Louisiana to purchase Assets as defined in that Agreement for Purchase and Sale of Assets of Hotel Dieu Hospital to be executed, a copy of which is attached hereto and which is substantially in the form to be executed (hereinafter referred to as the "Purchase Agreement"), from Hotel Dieu Hospital, a private Louisiana non-profit corporation; and

WHEREAS, it is contemplated that the Louisiana Health Care Authority will manage and operate the Assets principally as a charity hospital facility to serve the needs of the uninsured and medically indigent citizens of Louisiana and to provide opportunity for clinical education to medical, nursing and allied health students.

NOW, THEREFORE I, EDWIN W. EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The Department of Health and Hospitals of the State of Louisiana, acting by and through its Secretary, J. Christopher Pilley, enter into the Purchase Agreement in substantially the form as the attachment hereto and any and all other documents, contracts, agreements or instruments as necessary to effect this transaction.

SECTION 2: The terms and conditions of the Purchase Agreement, and all transactions contemplated thereunder, are hereby authorized, ratified and confirmed.

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 November, 1992.

Edwin Edwards  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

## EXECUTIVE ORDER EWE 92-88

WHEREAS, Act 13, Section 7 (A) of the 1992 Regular Session authorizes the Division of Administration to reduce all appropriations contained in that Act for the employer contributions to the retirement systems to the level set by the Public Retirement Systems' Actuarial Committee; and

WHEREAS, pursuant to such authority, the letters of notification of appropriation for the retirement systems contain the funding levels set by the Public Retirement Systems' Actuarial Committee; and

WHEREAS, EWE 92-71 duplicated these adjustments:

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

SECTION 1: Executive Order EWE 92-71, Section 1, is amended to rescind that portion of the order which ordered adjustments to the following retirement systems:

Louisiana State Employees' Retirement System -

Contributions - Budget Unit 18-8585

Teachers' Retirement System - Contributions - Budget

Unit 18-8586

Louisiana State Police Retirement System - Contributions -

Budget Unit 18-8587

SECTION 2: This 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 23rd day of November, 1992.

Edwin Edwards  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

#### EXECUTIVE ORDER EWE 92-89

WHEREAS, there is a need for additional effort to facilitate the implementation of local community emergency response plans; and

WHEREAS, Executive Order EWE 92-17 was executed to create the Louisiana Emergency Response Commission; and

WHEREAS, Executive Order EWE 92-61 was executed to add one additional member representing local emergency managers;

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 amend and reenact Executive Order EWE 92-17 and Executive Order EWE 92-61 as follows:

SECTION 1: The Louisiana Emergency Response Commission shall be composed of two additional at-large members, who shall be appointed by and serve at the pleasure of the governor, and an additional member representing the Louisiana Department of Health and Hospitals, who shall be appointed by and serve at the pleasure of the governor.

SECTION 2: All other orders and directions of Executive Order EWE 92-17 and Executive Order EWE 92-61 remain in effect.

SECTION 3: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with the Louisiana Emergency Response Commission in implementing the provisions of this Executive Order.

SECTION 4: The provisions of this Executive Order are effective upon signature and shall remain in effect until amended, modified, or rescinded 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 30th day of November, 1992.

Edwin Edwards  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

#### EXECUTIVE ORDER EWE 92-90

WHEREAS, Executive Order EWE 92-69 was executed on September 16, 1992, to create the State Hazard Mitigation Team within the Military Department/Office of Emergency Preparedness; and

WHEREAS, there is a need to include additional agencies as part of the Hazard Mitigation Team; and

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 amend and reenact Executive Order EWE 92-69 as follows:

SECTION 1: The State Hazard Mitigation Team shall be composed of two additional representatives from the following agencies:

A. Department of Health and Hospitals;

B. Department of Economic Development.

SECTION 2: All other orders and directions of Executive Order EWE 92-69 remain in effect.

SECTION 3: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with the State Hazard Mitigation Team in implementing the provisions of this Executive Order.

SECTION 4: The provisions of this Executive Order are effective upon signature and shall remain in effect until amended, modified, or rescinded 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 1st day of December, 1992.

Edwin Edwards  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

## EXECUTIVE ORDER EWE 92-91

WHEREAS, Executive Order EWE 92-49 signed July 7, 1992, created the Calcasieu Estuary Environmental Task Force within the Executive Branch, Office of the Governor; and

WHEREAS, there is a need for two additional at-large members to be added to the Estuary Environmental Task Force;

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 amend and reenact Executive Order EWE 92-49 as follows:

SECTION 1: The Calcasieu Estuary Environmental Task Force within the Executive Branch, Office of the Governor shall be composed of two additional at-large members, who shall be appointed by and serve at the pleasure of the Governor.

SECTION 2: All other orders and directions of Executive Order EWE 92-49 remain in effect.

SECTION 3: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with the Calcasieu Estuary Environmental Task Force in implementing the provisions of this Executive Order.

SECTION 4: The provisions of this Executive Order are effective upon signature and shall remain in effect until amended, modified, or rescinded 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 1st day of December, 1992.

Edwin Edwards  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

## EXECUTIVE ORDER EWE 92 - 92

WHEREAS, Bishop Stanley Joseph Ott, a Louisiana native, has been a vital participant in the Baton Rouge community for 35 years; and

WHEREAS, Bishop Ott has been a faithful spiritual leader in the Diocese of Baton Rouge for 30 years and has been its Bishop for almost 10 years; and

WHEREAS, Bishop Ott has given unselfishly of his time and energy not only to the people of his diocese but also the people of Louisiana; and

WHEREAS, the people of the State of Louisiana are mourning the loss of this spiritual man whose life was dedicated to the service of others;

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, and in order to show the respect of the people of the State of Louisiana for the loss of Bishop Stanley Joseph Ott, do hereby order the flag of the United States and the flag of the State of Louisiana to be flown at half-mast on Friday, December 4, 1992, over the State Capitol and the public departments and institutions of the state.

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 3rd day of December, 1992.

Edwin Edwards  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

## EXECUTIVE ORDER EWE 92-93

WHEREAS, from 1990 to 1992, the Department of Environmental Quality (DEQ) undertook a comparative risk evaluation initiative to identify the environmental issues that pose the greatest risk to Louisiana citizens' health and quality of life, as well as this state's ecosystem, known as the Louisiana Environmental Action Plan or LEAP to 2000 project; and

WHEREAS, this project has been conducted in a precedent setting, collaborative fashion, designed to build a broad-based consensus to identify and help resolve Louisiana's environmental issues; and

WHEREAS, in conducting this project, the DEQ invited 11 other departments to participate in both the Project Technical and the Steering Committees, and these departments actively participated; and

WHEREAS, a Public Advisory Committee (PAC) was also organized, consisting of representatives of the full range of constituencies impacted by the decisions made on environmental matters in Louisiana. Business and industry (including chemical, oil and gas, pulp and paper and waste management), local and federal government agencies and private citizens were represented on this PAC; and

WHEREAS, the Public Advisory and Steering Committees (collectively referred to as the PASC) have studied the work of the Technical Committee, prepared a list of Louisiana's environmental problems, ranked in order of priority; and

WHEREAS, representatives of the PASC have met jointly and developed a positive working relationship; and

WHEREAS, the PASC has worked cooperatively to review and ratify the LEAP to 2000 Project Report that includes: a vision statement describing their environmental goals for Louisiana for the year 2000; a prioritized ranking of Louisiana's most pressing environmental issues; a summary of perceived obstacles to reducing risks to the environment; and themes to guide the implementation of LEAP; and

WHEREAS, in order to complete the LEAP to 2000 Project, it is appropriate and necessary that the existence of the Public Advisory Committee be perpetuated to enable citizens from the full range of interests to participate in the implementation of the action strategies, and to ensure that the state departments who have been involved in this project continue the spirit of collaboration, and to assist the departments in developing and adopting long-term action plans which respond to the high priority issues the committees identified.

NOW, THEREFORE I, EDWIN W. EDWARDS, Governor of the State of Louisiana, by virtue of the Constitution and laws of the State of Louisiana, do hereby order and direct that the Public Advisory Committee (PAC) already established under the LEAP to 2000 Project be officially recognized and authorized to carry out the duties and responsibilities listed below.

**SECTION 1: Structure and Membership of the Public Advisory Committee**

A. The PAC's first task under this Order will be to appoint two co-chairs, who will schedule and facilitate meetings. The two co-chairs' responsibility shall be to continue the cooperative, collaborative spirit which has characterized this group's interactions to date. The PAC will select individuals to serve as co-chairs based on the ability these individuals have demonstrated in prior meetings to work in a constructive, conciliatory manner and to ensure a fair exchange of information.

B. The co-chairs' goal will be to continue improving relationships among PAC members and the interest groups they represent, to enhance the trust between them they have already established, and to enable the PAC to continue its work using a consensual decision-making process. To achieve this goal, the first task of the co-chairs will be to convene the PAC to develop a set of ground rules by which the PAC will function.

C. The co-chairs will be responsible for the basic functions needed to carry out the work of the PAC, including scheduling of meetings, working with project support staff to prepare project reports, and in consultation with the PAC, replacement of any member or constituency who can no longer participate.

D. The PAC already formed under the project consists of representatives from: three parish governments, five representatives of the chemical industry, the oil and gas industry, the waste management industry, the paper industry, two civic organizations, a medical professional, a professor, the U. S. Minerals Management Service, the U. S. Soil Conservation Service, the Louisiana Cooperative Extension Service, six local environmental groups, four state environmental groups, a state sporting organization, a national governmental group, a labor/union organization, and three citizens.

E. Each existing member of the PAC will have the opportunity to decide whether they are interested in continuing to participate. If so, these individuals will be given preference to represent their constituency. The PAC will identify a membership subcommittee of itself to review the make-up of the PAC after the members have had an opportunity to

continue their participation. The membership subcommittee will review the PAC make-up after individuals have decided whether to continue their participation. The membership subcommittee will determine whether the PAC needs additional members to maintain its geographic representatives, diversity, and balance. If so, the membership subcommittee will work the PAC and LEAP support personnel to identify potential replacements. The membership of the new PAC shall be decided upon no later than October 31, 1992.

F. In addition to the existing membership, the following state officials are requested to appoint key staff members as liaisons and observers to work with the PAC:

1. President of the Senate;
2. Speaker of the House of Representatives;
3. Chair of the Standing Senate Committee on Natural Resources;
4. Chair of the Standing Senate Committee on Environmental Quality;
5. Chair of the Standing House Committee on Natural Resources;

The PAC may, as its discretion, request that additional state officials appoint liaisons to help complete its work. The participation of these liaisons will help ensure that LEAP initiatives requiring legislative support are understood and carried forward.

**SECTION 2: Duties and Responsibilities of the Public Advisory Committee**

A. The PAC will identify an implementation subcommittee of itself to work the LEAP staff to review the proposed action strategies which have been developed for state departments' consideration to reduce the risk associated with the high priority issues which the LEAP Project has identified and ranked. This subcommittee will also work with the LEAP staff to develop the LEAP to 2000 Implementation Report.

B. PAC members will present the proposed action strategies to their constituencies, explaining its purpose and the context of its development. The PAC will also help to identify additional parties to receive the proposed action strategies.

C. The proposed action strategies will be distributed to state departments for their evaluation and comment. In order for the PAC to assist state government in carrying out initiative associated with the LEAP to 2000 Project, state departments need to continue to inform the PAC about their ongoing activities. Therefore, within 90 days of receipt of the proposed action strategies, each department will provide responses to the PAC. The PAC will review each department's response.

D. The PAC, in collaboration with the state departments involved, will select specific policy options from the proposed action strategies and from each state department response. Next, the PAC and departments will also identify appropriate vehicles for implementation of the selected options. These vehicles may include, but are not limited to, recommendations for legislation or guidelines, memoranda of understanding, interagency agreements, recommendations for additional departmental budget appropriations, and recommendations for reallocation of existing budget appropriations. These recommendations for implementation will be compiled into the

LEAP to 2000 Implementation Report, which will be presented to the Governor's Office by March 31, 1993. This report will also contain the proposed action strategies which were not selected. The reasons for not selecting these proposed strategies will be stated.

E. The same subcommittee for the PAC will develop procedures to monitor and track the progress of the LEAP initiatives. These procedures will be detailed in the implementation report.

**SECTION 3: Authorities of the Public Advisory Committee**  
In carrying out its duties and responsibilities, this committee has the following authorities:

- A. to continue to schedule and hold public meetings;
- B. to obtain information from all involved parties, particularly state, regional, and local government employees;
- C. to convene meetings with state department heads or their designees and support staff.

**SECTION 4: Responsibilities of the Executive Departments**

The state departments under the direct authority will continue to work in this cooperative effort with the PAC in preparing the LEAP to 2000 Implementation Report. This includes: Economic Development, Education, Environmental Quality, Health and Hospitals, Natural Resources, Transportation and Development, Wildlife and Fisheries, Public Safety and Corrections, and the Division of Administration. Departments will review and respond to the proposed action strategies sent to them by the PAC, within 90 days of receipt of such documents. Department secretaries will make staff available to work on this effort as required and as requested of the secretaries by the PAC. State department secretaries, or their designees, shall meet with the PAC, so PAC members gain an understanding of each department's abilities and limitations.

**SECTION 5: Invitation to State Administrators and Commissioners**

The attorney general, the commissioner of agriculture, and the lieutenant governor are invited and encouraged to continue the participation of their departments on the project steering committee. The success of this project to date has largely been due to its collaborative and inclusive nature. The continued participation of these departments is critical to the project's success.

**SECTION 6: Responsibility for Staffing and Budget**

The Department of Environmental Quality shall be responsible for coordinating the first PAC meeting following this Executive Order and will provide assistance as requested by the PAC. The Department of Environmental Quality shall be responsible for administrative support for the project including staff. The departments working on initiatives related to this project shall provide staff to support this work. Additional resources which need to be provided can be made available through the Governor's Office at his discretion.

**SECTION 7: The provisions of this Executive Order are effective upon signature and shall remain in effect until amended, modified, or rescinded 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 4th day of December, 1992.

Edwin Edwards  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

### EXECUTIVE ORDER EWE 92-94

WHEREAS, the National Historical Publications and Records Commission was created to cooperate with and encourage appropriate federal, state and local agencies and private and nongovernmental institutions, societies, and individuals in collecting, preserving, editing, and publishing the papers of outstanding citizens of the United States and other documents as may be important for an understanding and appreciation of the history of the United States; and

WHEREAS, the preservation, collection, and publication of important historical papers and documents is best achieved through the coordinated efforts of an advisory commission;

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 establish the Louisiana Historical Records Advisory Commission in the Office of the Secretary of State, Department of State, and do hereby order and direct as follows:

**SECTION 1:** There is hereby created in the Office of the Secretary of State, Department of State, the Louisiana Historical Records Advisory Commission, to be composed of 12 members, each of whom shall be appointed by the governor to serve at his pleasure. The State Archivist and Director of the Archives, Records Management and History Division of the Department of State shall be an ex officio, voting member of this commission.

**SECTION 2:** The commission shall be composed in the following manners:

A. A majority of the members of the commission shall be persons having recognized professional qualifications, experience, and institutional affiliations in the administration of historical records, or in fields of research which make extensive use of such records.

B. The remaining members of the commission shall be representatives of organizations such as historical and genealogical associations which possess known interest in the administration and use of historical records or persons interested in the study of historical records.

C. To the extent possible, the members of the commission shall be representatives of the public and private archival and research institutions and organizations of this state.

SECTION 3: The commission shall be chaired by the state archivist, who shall serve as historical records coordinator of the commission.

SECTION 4: The commission shall serve as an advisory body for historical records planning activities and for projects developed and carried out under the programs of this state. The commission may perform the following duties, including, but not limited to:

A. sponsor surveys of the condition and needs of historical records in this state, and publish the results of the surveys;

B. solicit or develop plans for historical records projects to be carried out in this state by institutions or by the commission with financing by the National Historical Publications and Records Commissions;

C. review historical records projects proposed by state institutions and make recommendations thereon to the national commission;

D. develop, revise annually and submit to the national commission recommended state plans for historical records projects following priorities prescribed by the national commission.

SECTION 5: Review through reports and otherwise, the operation and progress of approved historical records projects in the state which are financed by the national commission.

SECTION 6: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with the Louisiana Historical Records Advisory Commission in implementing the provisions of this Executive Order.

SECTION 6: The provisions of this Executive Order are effective upon signature and shall remain in effect until amended, modified, or rescinded 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 7th day of December, 1992.

Edwin Edwards  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

#### EXECUTIVE ORDER EWE 92-95

WHEREAS, Executive Order EWE 92-30 was executed to create an Advisory Task Force on Environmental Quality within the Executive Department, Office of the Governor; and

WHEREAS, the Advisory Task Force on Environmental Quality as created by Executive Order EWE 92-30 could perform its duties and functions in a more efficient and effective manner with the assistance of two more additional members;

NOW, THEREFORE I, EDWIN W. EDWARDS, Governor

of the State of Louisiana, by virtue of the Constitution and laws of the State of Louisiana, do hereby amend and reenact Executive Order EWE 92-30 as follows:

SECTION 1: The Advisory Task Force on Environmental Quality shall be composed of two additional members to be appointed by and serve at the pleasure of the governor. These additional members shall be recognized leaders in the fields of the environment, conservation, business, or industry, and shall be able to provide expertise concerning environmental quality.

SECTION 2: All departments, commissions, boards, agencies, and officers of the state or any political subdivision thereof are authorized and directed to cooperate with the Advisory Task Force on Environmental Equality in implementing the provisions of this Executive Order.

SECTION 8: The provisions of this Executive Order are effective upon signature and shall remain in effect until amended, modified, or rescinded 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 14th day of December, 1992.

Edwin Edwards  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

#### EXECUTIVE ORDER EWE 92-96

WHEREAS, there is a need for additional effort to combat the use of illicit drugs and alcohol by the children of Louisiana; and

WHEREAS, Executive Order EWE 92-3 was executed to create the Governor's Advisory Council on Drug Free Schools and Communities; and

WHEREAS, Executive Order EWE 92-48, was executed to add six additional members to be appointed by and serve at the pleasure 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 amend and reenact Executive Order EWE 92-3 and Executive Order EWE 92-48 as follows:

SECTION 1: The governor shall designate one member to serve as vice-chairman of The Governor's Advisory Council on Drug Free Schools and Communities.

SECTION 2: All other orders and directions of Executive Order EWE 92-3 and Executive Order EWE 92-48 remain in effect.

SECTION 3: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with the Governor's Advisory Board on Indian Gaming in implementing the provisions of this Executive Order.

SECTION 4: The provisions of this Executive Order are effective upon signature and shall remain in effect until amended, modified, or rescinded 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 14th day of December, 1992.

Edwin Edwards  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

### EXECUTIVE ORDER EWE 92-97

WHEREAS, Chapter 2 of the August F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (Public Law 100-297) emphasizes the partnership between federal, state, and local agencies for the purpose of educational improvement; and

WHEREAS, Chapter 2 provides for a single block grant allocation of federal funds which gives state and local educational agencies the opportunity to define their priorities and fund appropriate goals, objectives, and activities; and

WHEREAS, the state application procedure to receive grants under Chapter 2 requires the existence of an advisory committee formed for the purpose of maintaining continued consultation with the state educational agency concerning the state and local allocation of Chapter 2 funds;

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 and establish the Chapter 2 Advisory Committee within the Department of Education, and do hereby order and direct as follows:

SECTION 1: The Chapter 2 Advisory Committee is hereby created and established within the Department of Education.

SECTION 2: The duties and functions of the Chapter 2 Advisory Committee include, but are not limited to: advising the Department of Education on the allocation of funds among targeted programs in accordance with Section 1531 of Public Law 100-297 (not to exceed 20 percent of the amount of the state's allotment) reserved for state use under Section 1512(a); advising on the formula for the allocation of funds to local educational agencies, and on the planning, development, support, implementation, and evaluation of state programs assisted under Chapter 2.

SECTION 3: The members of the Chapter 2 Advisory Committee shall be appointed by the governor and determined by the governor to be broadly representative of the educational interests and the general public in the state. These members shall include individuals representative of:

A. public and private elementary and secondary school children;

- B. classroom teachers;
- C. parents of elementary and secondary school children;
- D. local boards of education;
- E. local and regional school administrators (including principals, superintendents, and administrators of intermediate educational units);
- F. institutions of higher education;
- G. the state legislature;
- H. elementary and secondary school librarians; and
- I. school counselors and public services personnel.

SECTION 4: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with the Chapter 2 Advisory Committee in implementing the provisions of this Executive Order.

SECTION 5: The provisions of this Executive Order are effective upon signature and shall remain in effect until amended, modified, or rescinded 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 22nd day of December, 1992.

Edwin Edwards  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

### EXECUTIVE ORDER EWE 92-98

WHEREAS, the Louisiana Public Facilities Authority (the "Authority") a public trust and public corporation created pursuant to an Indenture of Trust dated August 21, 1974 established for public purposes and existing under the Louisiana Public Trust Act, Chapter 2-A of Title 9 of the Louisiana Revised Statutes of 1950, as amended, La. R.S. 9:2341-2347, inclusive (the "Act") and other laws of the State of Louisiana (the "State") and is a duly constituted authority of its beneficiary, the State; and

WHEREAS, the Act and said Indenture of Trust empower the Authority to provide, among other things, hospital, medical, health, nursery care, nursing care, clinical, ambulance, laboratory and related services and facilities to the State and to its agencies, instrumentalities and political subdivisions and in furtherance thereof to provide the funds therefor through the issuance and delivery of special obligation revenue bonds notes or other evidences of indebtedness of the Authority; and

WHEREAS, the Secretary of the Department of Health and Hospitals acting on behalf of the State has executed and Agreement for Purchase and Sale of Assets dated November 18, 1992 (the "Purchase Agreement") between Hotel Dieu Hospital, the Authority and the State through the Department,

as hereinafter defined, to purchase the Hotel Dieu Hospital facility (the "Facility") located in New Orleans, Louisiana, in order to continue to ensure the provision of adequate health care principally for its medically indigent residents, and the availability of adequate opportunities for clinical education for the State's students of medicine, nursing, and allied health; and

WHEREAS, under the Act, the Authority is empowered to undertake the financing of the acquisition of the Facility with funds provided from the issuance of special obligation revenue bonds payable from revenues and moneys derived from leases with the State covering the Facility so financed; and

WHEREAS, the State has determined that the most feasible and cost effective method of financing the facility is through the issuance of special obligation revenue bonds (the "Bonds") of Authority payable from the secured by lease rental payments to be made the State through Department of Health and Hospitals (the "Department") and the Division of Administration created within the Office of the Governor by Chapter 1 of Title 39 of the Louisiana Revised Statutes of 1950, as amended (the "Division") as lessee of the Facility; and

WHEREAS, the State, acting by and through the Division and the Department, desires to lease the Facility at a rental sufficient to pay the principal of, interest on and premium, if any, of the bonds issued to finance the Facility and other costs associated therewith, subject to an annual appropriation dependency clause in accordance with that certain Agreement to Lease with Option to Purchase, dated as of December 1, 1992, (the "Lease Agreement") and in accordance with that certain Cooperative Endeavor Agreement by and between the Authority and the State acting through both the Department and the Division, dated as of December 1, 1992 (the "Cooperative Endeavor Agreement"), and in accordance with the Tax Regulatory Agreement by and among the Authority, Hancock Bank of Louisiana, Baton Rouge, Louisiana, as Trustee and the State, acting through the Department and the Division, dated as of December 1, 1992 (the "Tax Regulatory Agreement").

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

SECTION 1: Pursuant to the provisions of the Act and other constitutional and statutory authority, the Division, acting through the Commissioner of Administration, or an Assistant Commissioner of Administration and the Department of Health and Hospitals, acting through the Secretary or Deputy Secretary, or his designed, are hereby designated as the agencies authorized on behalf of the State to enter into the Lease Agreement, Cooperative Endeavor Agreement and Tax Regulatory Agreement and are hereby further authorized and directed, for and on behalf of the State, to accept, receive, execute, seal, attest and deliver all such documents, certificates and other instruments as are required in connection with the authorization, issuance, sale and delivery of the Bonds, the Purchase Agreement, the Lease Agreement, the Tax Regulatory Agreement and the cooperative endeavor Agreement and to take such further action, including by not

limited to approving such amendments and authorizing the execution and delivery of such documents as may be appropriate, convenient or required by law in connection with the issuance of the bonds and the lease of the Facility.

SECTION 2: The executive order shall be effective upon signature of the Governor.

IN WITNESS WHEREOF, I have hereunder 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 the 28th day of December, 1992.

Edwin Edwards  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

#### EXECUTIVE ORDER EWE 92-99

WHEREAS, Executive Order EWE 92-98 was executed on December 28, 1992, regarding the Agreement for Purchase and Sale of Assets between Hotel Dieu Hospital, the Louisiana Public Facilities Authority and the state through the Department of Health and Hospitals; and

WHEREAS, there is a need to add the following additional language; and

NOW, THEREFORE I, EDWIN W. EDWARDS, Governor of the State of Louisiana, by virtue of the Constitution and laws of the State of Louisiana, do hereby amend and reenact Executive Order EWE 92-98 as follows:

SECTION 1: It is contemplated that the Louisiana Health Care Authority will manage and operate the Hotel Dieu Hospital facility.

SECTION 2: All other orders and directions of Executive Order EWE 92-98 remain in effect.

SECTION 3: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed in implementing the provisions of this Executive Order.

SECTION 4: The provisions of this Executive Order are effective upon signature and shall remain in effect until amended, modified, or rescinded 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 28th day of December, 1992.

Edwin Edwards  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

## EXECUTIVE ORDER EWE 92-100

WHEREAS, Executive Order EWE 92-47 (the "Executive Order") was executed by the Governor of the State of Louisiana (the "Governor") on June 30, 1992, pursuant to the provisions of the Tax Reform Act of 1986 (the "Act") and provides for the allocation of bonds subject to the private activity bond volume limits of the Act for the calendar year ending December 31, 1992 (the "Ceiling"); and

WHEREAS, Section 4.14 of the Executive Order provides that if the Ceiling exceeds the aggregate amount of bonds during any year by all issuers, the Governor may allocate such excess to issuers for one or more carryforward projects permitted under Act through the issuance of an Executive Order; and

WHEREAS, there remains, as of the date hereof, \$13,191,389.00 of the Ceiling which was not used for projects in the calendar year ending December 31, 1992;

WHEREAS, the Governor desires to allocate all of the excess unused Ceiling to a certain project which is eligible for a carryforward under the Act:

NOW, THEREFORE I, EDWIN W. EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested in me through 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 the issuer below, there is hereby allocated to said issuer the following amount of excess unused private activity volume limit under the Ceiling for the following carryforward project:

Issuer	Carryforward Project	Carryforward Amount
Parish of St. Charles	Louisiana Power & Light Company	\$13,191,389.00

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 28th day of December, 1992.

Edwin Edwards  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

## EXECUTIVE ORDER EWE 93-1

WHEREAS, the Louisiana Realtors Association recognizes that the housing industry is a vital component of local, state and national economics; and

WHEREAS, the Louisiana Realtors Association further recognizes that the expanding numbers and percentages of the elderly throughout the nation demand the development of appropriate housing strategies to accommodate the unique needs and concerns of the elderly; and

WHEREAS, by many factors (including geography, climate, recreational opportunities, service infrastructure, etc.) various areas throughout Louisiana in proximity to urban centers possess numerous advantages over other states and areas therein with respect to environments conducive to retirement lifestyles of the nation's elderly; and

WHEREAS, the development of retirement communities in proximity to urban centers may be promoted not only as a needed service to Louisiana households of retired elderly, but as a growth industry and economic development opportunity for the State of Louisiana (the "State"); and

WHEREAS, the Louisiana Realtors Association desires that the State recognize retirement communities as an essential component of its comprehensive housing affordability strategy ("CHAS") and as an economic development opportunity;

NOW, THEREFORE I, EDWIN W. EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The governor and the Louisiana Housing Finance Agency are hereby requested to include retirement communities for the State's elderly as part of the State's comprehensive housing affordability strategy by identifying and coordinating the programs, policies and resources necessary to promote retirement communities.

SECTION 2: The governor is hereby requested to establish a task force to determine the extent to which policies, programs and other initiatives may be coordinated and developed to promote retirement communities as a growth industry within the State.

SECTION 3: The provisions of this Executive Order are effective upon signature and shall remain in effect until amended, modified, or rescinded 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 8th day of January, 1993.

Edwin Edwards  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

## EXECUTIVE ORDER EWE 93-2

WHEREAS, the Congress of the United States has enacted the Anti-Drug Abuse Act of 1988 in recognition of the serious problems occurring within the United States due to increased drug abuse; and

WHEREAS, the Louisiana Commission on Law Enforcement has been created within the Office of the Governor to serve as a forum for communication and coordination of drug abuse projects; and

WHEREAS, two-thirds of Louisiana's public, private and

parochial school systems have executed written agreements with law enforcement to implement Drug Abuse Resistance Education (D.A.R.E.) programs; and

WHEREAS, the D.A.R.E. Program is a nationally recognized and copyrighted drug education effort with specific criteria for implementation and requires strict replication of the parent project;

NOW, THEREFORE I, EDWIN W. EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The Louisiana D.A.R.E. Advisory Board is hereby created within the Office of the Governor.

SECTION 2: The board shall be composed of 13 members, each of whom shall be appointed by the governor as follows: two from the Louisiana Sheriff's Association; two from the Louisiana Chiefs' of Police Association; two from the Louisiana Commission on Law Enforcement; the President of the Louisiana D.A.R.E. Officers' Association; a local school principal; an elementary school teacher; a representative from the Governor's Drug Policy Board; and three members representing private/community interests. The governor shall appoint the chairman of the board.

SECTION 3: The board shall develop, promote, monitor and evaluate the D.A.R.E. Program throughout the state and shall serve as an advisory body to the Louisiana Commission on Law Enforcement for performance of its duties in this respect.

SECTION 4: No member of the board shall receive a per diem or other compensation or reimbursement of expenses incurred by the performance of his/her duties hereunder.

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 January, 1993.

Edwin Edwards  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

### EXECUTIVE ORDER EWE 93-3

WHEREAS, the Capitol Lakes provide aesthetic, environmental, wildlife, and recreational qualities to the area surrounding the Capitol; and

WHEREAS, the legislature created a task force to study and make recommendations to preserve and enhance the qualities of the Capitol Lakes; and

WHEREAS, the task force has found that the Capitol Lakes are seriously contaminated, lacking up to one-third of the aquatic life that should exist there and that the sediments

contain extremely high levels of combustion hydrocarbons; and

WHEREAS, the legislature has joined in a concurrent resolution urging the governor to appoint a commission to begin working on implementing the recommendations of the Capitol Lakes Task Force;

NOW, THEREFORE I, EDWIN 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 Commission on the Capitol Lakes Rehabilitation Project, within the Executive Department, Office of the Governor, and do hereby order and direct as follows:

SECTION 1: The Governor's Commission on the Capitol Lakes Rehabilitation Project is hereby created and established within the Executive Department, Office of the Governor.

SECTION 2: The duties and functions of the Governor's Commission on the Capitol Lakes Rehabilitation Project, include but are not limited to:

A. Advising the governor as to long-term solutions to the inflow of polluted waters into the Capitol Lakes. The findings of the Task Force are to be the foundation and starting point of the commission.

B. Developing and implementing ways to preserve and enhance the aesthetics, environmental, wildlife, and recreational qualities of the Capitol Lakes.

SECTION 3: The members of the commission shall be appointed by and serve at the pleasure of the governor and shall receive no compensation for their services.

SECTION 4: The Governor's Commission on the Capitol Lakes Rehabilitation Project shall be composed of the following members:

A. The secretary of the Department of Environmental Quality who shall serve as the chairman.

B. An appointee from:

1. The Louisiana House of Representatives;
2. The Louisiana Senate;
3. Citizens for a Clean Environment;
4. Downtown Development District;
5. Spanish Town Historic District;
6. Capitol View Place;
7. Garden City Community Alliance;
8. Mid-Continent Oil and Gas Association;
9. Baton Rouge Earth Day.

C. Three at-large appointments by the governor.

SECTION 5: The commission shall be assisted by a Technical Support Team appointed by the Secretary of the Department of Environmental Quality who will provide plans, cost estimates, and other technical information requested by the commission.

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 Governor's Commission on the Capitol Lakes Rehabilitation Project in implementing the provisions of this Executive Order.

SECTION 7: This Executive Order shall be effective upon signature.

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

of Louisiana, at the Capitol, in the City of Baton Rouge, on this 25th day of January, 1993.

Edwin Edwards  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

#### EXECUTIVE ORDER EWE 93-4

WHEREAS, Article VII, Section 14 (C) of the Louisiana Constitution of 1974 authorizes the use of "Cooperative Endeavors" between the state and its political subdivisions or political corporations and the United States or its agencies, or with any public or private association, corporation, or individual, for a public purpose; and

WHEREAS, under R.S. 38:2193, the attorney general is vested with the authority to institute civil proceedings, if necessary, to invalidate contracts which violate the above referenced constitutional provisions, upon submission to him of pertinent facts thereof by the legislature or its members, the legislative auditor, or upon his own initiative; and

WHEREAS, it would be in the best interest of the state to have these agreements reviewed prior to implementation in order to avoid the subsequent problem of invalidating such an agreement by litigation, thereby maintaining the integrity of such agreements; and

WHEREAS, the Division of Administration is charged with the responsibility of overseeing the state's acquisition of supplies and services under contractual agreements and therefore has the necessary personnel to determine if certain "Cooperative Endeavor" agreements are in violation of the constitutional provisions, or the various procurement statutes which regulate the manner in which the state must acquire supplies and services; and

WHEREAS, the best interest of this state can be served by monitoring the use of this type of agreement from both a legal and budgetary standpoint, and by providing a centralized record of these agreements:

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

SECTION 1: Each state entity within the executive branch shall submit to the Division of Administration, Office of Contractual Review, for review and approval, each cooperative endeavor agreement which requires the expenditure of public funds.

SECTION 2: Each entity shall submit every such agreement and/or contract, in the manner prescribed by the office of contractual review for the submittal of cooperative endeavor agreements.

SECTION 3: A "BA-22" or other appropriate budgetary form shall be submitted with each contract evidencing the availability of funds.

SECTION 4: Each such contract must contain provisions which will condition its implementation on the availability of funds to fulfill the requirements of the contract, and on the approval of the Division of Administration.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 16th, day of February, 1993.

Edwin Edwards  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

#### EXECUTIVE ORDER EWE 93-5

WHEREAS, the Louisiana Correctional Facilities Corporation (the "Corporation") was created under the authority of Act 893 of the Legislature of Louisiana for the year 1985, now appearing as Chapter 17-B of Title 39 of the Louisiana Revised Statutes of 1950, as amended, La. R.S. 39:1780-1795, inclusive (the "Act"), for the purpose of acquiring and financing correctional facilities to be leased to the State of Louisiana (the "State"); and

WHEREAS, after careful investigation and thorough study in cooperation and consultation with the Division of Administration ("Division") and the Department of Public Safety and Corrections ("Department"), the Corporation on December 30, 1985 issued its Lease Revenue Bonds, Series 1985 (the "1985 Bonds") to undertake a project consisting of the acquisition, construction and equipping of three medium security correctional facilities and the acquisition of two additional sites, which were leased to the State through the Department (collectively, the "Project"); and

WHEREAS, it is now the desire of the Corporation to issue its Lease Revenue Refunding Bonds, Series 1993 (the "1993 Bonds") to provide funds to the Corporation, along with other available funds, (i) to defease the outstanding 1985 Bonds, and (ii) to pay costs of issuance, including the premiums for the debt service reserve policy and the bond insurance policy; and

WHEREAS, the State, acting by and through the Department, and acknowledged by the Division, will continue to lease the Project at a rental sufficient to pay the principal of, interest on and premium, if any, of the 1993 Bonds and other costs associated therewith, subject to an annual appropriation dependency clause in accordance with that certain Restated Agreement to Lease and Option to Purchase, dated as of February 1, 1993 (the "Lease Purchase Agreement"), and in accordance with that certain Tax Regulatory Agreement by and among the Corporation, Premier Bank, National Association, Baton Rouge, Louisiana, as Trustee and the State, acting through the Department and the Division, dated as of February 1, 1993 (the "Tax Regulatory

# EMERGENCY RULES

## DECLARATION OF EMERGENCY

### Board of Elementary and Secondary Education

#### Bulletin 1706-Louisiana School for the Deaf Alternative Placement

The State Board of Elementary and Secondary Education, at its meeting of February 25, 1993, exercised those powers conferred by the Administrative Procedure Act, R.S. 49:953(B) and adopted an amendment to Bulletin 1706, *Regulations for Implementation of the Exceptional Children's Act* to add §716, Louisiana School for the Deaf Alternative Placement, as stated below.

#### **§716. Louisiana School for the Deaf Alternative Placement**

A. In compliance with Acts 433 and 911 of the 1992 Regular Session of the Louisiana Legislature, the Louisiana School for the Deaf (LSD) shall:

1. determine, not later than the second Monday in September of each year, the number of additional children who may be admitted under this placement option;

2. base the determination on the availability of all necessary resources required to provide a free appropriate public education.

B. Upon receipt from a parent (as defined in Part 900 of this bulletin) of an application for admission of their child, LSD shall:

1. require, at a minimum, an individual evaluation which meets the requirements in Bulletin 1508 for classification as hearing impaired (deaf/hard of hearing) as a part of the application;

2. notify the school system of parent/child domicile that application has been made, in order to fulfill the provisions established in Subsection 709 of this bulletin.

C. Within 45 operational days, LSD shall: process the application; make a determination of eligibility for admission; and develop an Individualized Education Program (IEP). In the development of the IEP, the parent shall be informed of all placement options available to meet the child's educational needs.

D. LSD shall notify the school system of parent/child domicile that a child has been admitted or rejected under the provisions of this Subsection.

E. The applicable procedural safeguards established in Part 500 of this bulletin shall be followed.

Emergency adoption is needed in order that the implementation begin immediately in accordance with Acts 433 and 911 of the 1992 Regular Session of the Louisiana Legislature. Effective date of emergency rule is February 25, 1993.

Carole Wallin  
Executive Director

Agreement"), and in accordance with that certain Second Amendment to the Construction Agreement by and between the Corporation and the Division, dated as of February 1, 1993 (the "Construction Agreement").

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

SECTION 1: Pursuant to the provision of the Act and other constitutional and statutory authority, the Division acting through the Commissioner of Administration or an Assistant Commissioner of Administration and the Department of Public Safety and Corrections, acting through the secretary or deputy secretary, or his designee, are hereby designated as the agencies authorized on behalf of the State to enter into or acknowledge the Lease Purchase Agreement, Tax Regulatory Agreement, and the Construction Agreement and are hereby further authorized and directed, for and on behalf of the State, to accept, receive, execute, seal, attest and deliver all such documents, certificates and other instruments as are required in connection with the authorization, issuance, sale and delivery of the 1993 Bonds, the Lease Purchase Agreement, the Tax Regulatory Agreement and the Construction Agreement and to take such further action, including but not limited to approving such amendments and authorizing the execution and delivery of such documents as may be appropriate, convenient or required by law in connection with the issuance of the 1993 Bonds, the defeasance of the 1985 Bonds and the lease of the Project.

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

IN WITNESS WHEREOF, I have hereunder 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 the 17th day of February, 1993.

Edwin Edwards  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

# DECLARATION OF EMERGENCY

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

### Felony Sentencing Guidelines (LAC 22:IX. Chapters 2 and 4)

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

The effective date of this emergency rule is April 1, 1993, and it shall be in effect for 120 days or until the final rule takes effect through the normal promulgation process, whichever is shortest.

#### Title 22

### CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

#### Part IX. Sentencing Commission

#### Subpart 1. Felony Sentencing Guidelines

#### Chapter 2. Determining Sentences Under the Sentencing Guidelines

#### §205. Criminal History Index Classification System

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#### B. Definitions

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8. *Prior Conviction or Prior Adjudication* — for purposes of the guidelines, means a plea of guilty or nolo contendere, a verdict of guilty, a judgment of guilt, or an adjudication occurring before the conviction for the offense which serves as the basis for the current sentencing. A conviction which was set aside under the provision of C.Cr.P. 893 shall be included as a prior conviction. A plea of guilty under R.S. 40:983 shall be included as a prior conviction unless the defendant was subsequently discharged and the case dismissed.

\*\*\*

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

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, Sentencing Commission, LR 18:47 (January 1992), amended LR 18:960 (September 1992), LR 19:

#### §209. Departures from the Designated Sentence Range

\*\*\*

B. *Aggravating circumstance* means a factor which is present to a significant degree which makes the present case more serious than the typical case arising under the offense of

conviction. Factors which constitute essential elements of the offense of conviction or separate offense(s) for which defendant was convicted and sentenced shall not be considered aggravating circumstances. The following factors constitute aggravating circumstances:

\*\*\*

19. The offender foreseeably endangered human life by discharging a firearm during the commission of an offense which has, as an element, the use, attempted use, or threatened use of physical force against the person or property of another, and which, by its very nature, involves a substantial risk that physical force may be used in the course of committing the offense.

20. The offender used a firearm or other dangerous weapon while committing or attempting to commit an offense which has, as an element, the use, attempted use, or threatened use of physical force against the person or property of another, and which by its very nature, involves a substantial risk that physical force may be used in the course of committing the offense.

21. The offender used a firearm or other dangerous weapon while committing or attempting to commit a controlled dangerous substance offense.

22. Any other relevant aggravating circumstances which distinguish the case from the typical case of the offense of conviction.

\*\*\*

D. Special Provisions for the Use of Sanction Units in an approved Treatment Plan. When the sentencing court finds it appropriate to impose a sentence composed in whole or in part of sanction units requiring the defendant's participation in a program of treatment, the court may exceed the maximum number of sanction units provided in the appropriate grid cell if the court finds that additional sanction units are necessary for the satisfactory completion of the treatment program.

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

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, Sentencing Commission, LR 18:47 (January 1992), amended LR 18:960 (September 1992), LR 19:

#### Chapter 4. Louisiana Sentencing Guidelines Tables

#### §401. Criminal Serious Tables

##### A. Crime Seriousness Master Ranking List

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Carrying a firearm by a student or non-student on school property or firearm-free zone (R.S. 14:95.2): Level 4.

\*\*\*

##### B. Felonies Ranked Numerically by Statute Number

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Carrying a firearm by a student or non-student on school property or firearm-free zone (R.S. 14:95.2): Level 4.

\*\*\*

##### C. Ranked Felonies in Alphabetical Order

\*\*\*

Carrying a firearm by a student or non-student on school property or firearm-free zone (R.S. 14:95.2): Level 4.

\*\*\*

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

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, Sentencing Commission, LR 18:47 (January 1992), amended LR 18:960 (September 1992), LR 19:

**§402. Criminal History Tables**

\*\*\*

**D. Crime Family Table**

\*\*\*

Carrying a firearm by a student or non-student on school property or firearm-free zone (R.S. 14:95.2): Level 4.

\*\*\*

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

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, Sentencing Commission, LR 18:47 (January 1992), amended LR 18:960 (September 1992), LR 19:

**§403. Tables for Determining Designated Sentence**

\*\*\*

**C. Intermediate Sanction Exchange Rate Table**

Sanction	Duration	Sanction Unit Value
Treatment--Residential***	1 Month	3
Treatment--Nonresidential***	15 Hours	3

\*\*\*

\*\*\*

\*\*\*May exceed the maximum number of sanction units in accordance with LAC 22:IX.209.D.

\*\*\*

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

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, Sentencing Commission, LR 18:47 (January 1992), amended LR 18:960 (September 1992), LR 19:

Complete tables 401.A, B, C, and 402.D, including amendments, can be obtained from the Office of the State Register, 1051 North Third Street, Baton Rouge, LA 70804 or from the Louisiana Sentencing Commission, 1885 Wooddall Boulevard, Room 708, Baton Rouge, LA 70806.

Michael A. Ranatza  
Executive Director

**DECLARATION OF EMERGENCY**

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

**Disproportionate Share Payment Methodology**

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 Medical Assistance Program.

Medicaid implemented via emergency rulemaking published in the January 20, 1993, *Louisiana Register*, (Vol. 19, No. 10, pages 7-8) a change in the methodology for calculating disproportionate share adjustment payments to teaching and non-teaching hospitals as well as distinct part psychiatric units of acute care general hospitals. A similar rule placing a cap on reimbursement to freestanding psychiatric hospitals, including disproportionate share payments was also published in the January 20, 1993, *Louisiana Register* (Vol. 19, No. 10, pages 19-20). These rules were intended to modify the methodology for calculating disproportionate share payments to ensure compliance with the cap on disproportionate share adjustment payments as a result of Public Law 102-234. Further evaluation of the issue has indicated that the January 1, 1993 changes will not ensure that the cap is not exceeded in federal fiscal year 1993 (FFY 93). Restructuring of the methodology is necessary to ensure compliance with the cap established under P. L. 102-234 and federal regulations published November 24, 1992, (*Federal Register*, Vol. 57, No. 227, pages 55118-55265). Therefore, the above-referenced rules published effective January 1, 1993, are rescinded and superseded by the following rules, subject to review and approval by HCFA. If federal approval is not received, the above referenced rules published effective January 1, 1993, shall remain in effect. Based on current projections for DSH payments, it is projected that the DSH payments to hospitals resulting from this and other rule changes being implemented as a result of the federal policy changes resulting from P. L. 102-234, shall be reduced by a total of \$250,000,000. This action is necessary to reduce the projected DSH payments to a level that will remain under the cap. This emergency rule will ensure that other services for health care to the needy of the state would remain available as otherwise reductions in these services may result if the cap is exceeded and the state must bear the full burden of DSH payments in excess of the cap.

**EMERGENCY RULE**

Effective for dates of service March 1, 1993, the Department of Health and Hospitals, Bureau of Health Services Financing shall amend the methodology for calculating the amount of disproportionate share payments for inpatient hospital services by acute care general hospitals, distinct part psychiatric units of acute care general hospitals and free-standing psychiatric hospitals. Below are the revised methodologies as modified in the state plan.

**Attachment 4.19A, Items 1, 14 and 16  
Methodology for Disproportionate Share Adjustment**

Effective for dates of service March 1, 1993, and after, qualification for and calculation of disproportionate share payments shall be based on the latest filed cost report as of March 31 of each year. Hospitals which meet the qualification criteria outlined in Item 1, D. 1. a-d, based on the latest filed cost report as of March 31 of each year, shall be included in one of the three following pools for calculation of disproportionate share adjustment payments. Payments shall be calculated and issued in three prospective payments distributed throughout the year for services in the immediately preceding months. The three pools are as follows.

1. Teaching Hospitals. Acute care general hospitals

(exclusive of distinct part psychiatric units) recognized as approved teaching hospitals under Medicare principles for the latest filed cost report as of March 31 of each year. The disproportionate share payments shall be calculated based on the product of the ratio of each teaching hospital's total Medicaid inpatient days for the applicable cost report, divided by the total Medicaid inpatient days provided by all teaching hospitals in the state qualifying as disproportionate share hospitals (the "teaching pool") based on the latest filed cost reports as of March 31 of each year, multiplied by an amount of funds for the pool to be determined by the director of the Bureau of Health Services Financing.

Disproportionate share payments cumulative for all payments shall not exceed the federal disproportionate share cap for each federal fiscal year. The total disproportionate share payment amount for each qualifying hospital shall be calculated and issued in three payments over the year. Notice of the actual pool amount shall be published prior to issuance of the first payment.

2. **Non-teaching Hospitals.** Acute care general hospitals (exclusive of distinct part psychiatric units) not recognized as approved teaching hospitals under Medicare principles for the latest filed cost report as of March 31 of each year. The disproportionate share payments shall be calculated based on the product of the ratio of each non-teaching hospital's total Medicaid inpatient days for the applicable cost report, divided by the total Medicaid inpatient days provided by all non-teaching hospitals in the state qualifying as disproportionate share hospitals (the "non-teaching pool") based on the latest filed cost reports as of March 31 of each year, multiplied by an amount of funds for the pool to be determined by the director of the Bureau of Health Services Financing. Disproportionate share payments cumulative for all payments shall not exceed the federal disproportionate share cap for each federal fiscal year. The total disproportionate share payment amount for each qualifying hospital shall be calculated and issued in three payments over the year.

3. **Distinct Part Psychiatric Units/Freestanding Psychiatric Hospitals.** Distinct part psychiatric units of acute care general hospitals meeting the Medicare criteria for PPS exempt psychiatric units and enrolled under a separate Medicaid provider, and free-standing psychiatric hospitals recognized as such for the latest filed cost report as of March 31 of each year. The disproportionate share payments shall be calculated based on the product of the ratio of each distinct part psychiatric unit/psychiatric hospital's total Medicaid inpatient days for the applicable cost report, divided by the total Medicaid inpatient days provided by all distinct part psychiatric unit/psychiatric hospitals in the state qualifying as disproportionate share hospitals (the "psychiatric pool") based on the latest filed cost report as of March 31 of each year, multiplied by an amount of funds for the pool to be determined by the director of the Bureau of Health Services Financing. Disproportionate share payments cumulative for all payments shall not exceed the federal disproportionate share cap for each federal fiscal year. The total disproportionate share payment amount for each qualifying distinct part psychiatric unit or psychiatric hospital shall be calculated and issued in three payments over the year.

Implementation of this rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of this change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect. Interested persons may submit written comments to the following address: John Futrell, Office of the Secretary, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. He is the person responsible for responding to inquiries regarding this emergency rule. A public hearing will be held on this matter on Tuesday, May 25, 1993, at 9:30 a.m. in the auditorium of the Department of Transportation and Development at 1201 Capitol Access Road, Baton Rouge, LA. At that time all interested parties will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing. Copies of this rule and all other Medicaid rules and regulations are available in the Medicaid parish offices for review by interested parties.

J. Christopher Pilley  
Secretary

## DECLARATION OF EMERGENCY

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

### Enrollment of Inpatient Psychiatric Hospital Beds

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has adopted the following rule in the Medical Assistance Program through the emergency provision of the Administrative Procedure Act, R.S. 49:953(B). This emergency rule was adopted on December 18, 1992, and was published in the January 20, 1993, issue of this journal in Volume 19, No. 1. It is being redeclared at this time. The notice of intent to include inpatient psychiatric beds under the scope of coverage of the Facility Need Review Program was published in that same issue and a public hearing was held in February, 1993. This emergency rule will be effective until the final rule can become effective.

Medicaid currently reimburses for psychiatric inpatient care in either a free-standing psychiatric hospital or in a psychiatric unit of an acute-care, general hospital. There has been a proliferation of psychiatric beds in both free-standing and acute-care, general hospitals to the extent that there is now a sufficient number of psychiatric beds available for care of the Medicaid population. Since 1989, when Medicaid instituted a prospective reimbursement methodology for psychiatric inpatient services, there has been an extraordinary increase in psychiatric beds. For example, during 1989, approximately 471 distinct part psychiatric beds enrolled in Medicaid. Currently the number of such providers enrolled in Medicaid is approximately 1,045. Continued proliferation of psychiatric inpatient beds will result in increased expenditures

when the Medical Assistance Program is already facing cuts to avoid a budget deficit. Federal regulations permit Medicaid to refuse to enroll a provider for good cause, including a surfeit of beds. Based on prior growth in psychiatric beds, it is projected that the budget deficit may be reduced by 74 million dollars as a result of suspension of further enrollment of psychiatric beds unless a need for same may be determined. This action is necessary to avoid or reduce the projected deficit in the Medical Assistance Program. This emergency rule will ensure that other services for health care to the needy of the state would remain available and would not impair access to these services by the Medicaid population as sufficient providers are already enrolled.

#### EMERGENCY RULE

Effective April 16, 1993, DHH's Bureau of Health Services Financing shall suspend enrollment as Medicaid providers of further inpatient psychiatric hospital beds regardless of whether the beds are in a free-standing psychiatric hospital or a unit of an acute-care, general hospital. This suspension applies to the addition of new psychiatric beds as well as the conversion of acute-care, general beds to psychiatric beds.

Implementation of this rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of this change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

Interested persons may submit written comments to the following address: John Futrell, Box 91030, Baton Rouge, LA 70821-9030. Copies of this rule and all other Medicaid rules and regulations are available for review in the Medicaid parish offices.

J. Christopher Pilley  
Secretary

#### DECLARATION OF EMERGENCY

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

#### ICF/MR Beds

The department is adopting the following emergency rule in accordance with the Administrative Procedure Act, R.S. 49:953(B)(1). This emergency rule has been included as part of a notice of intent which will appear in the March 20, 1993, issue of the *Louisiana Register*. There is no cost associated with the implementation of this emergency rule.

This emergency rule is being implemented in order to insure that ICF/MR beds approved for Medicaid reimbursement because of special needs and circumstances are developed without undue delay. Therefore, certain language in the Policies and Procedures for Facility Need Review related to the appeal process is being revised.

#### EMERGENCY RULE

Effective March 7, 1993, the Policies and Procedures for Facility Need Review are being revised as follows:

#### 12502 Subsection A. Community and Group Home Beds for the Mentally Retarded

5.g. shall read as follows:

At the end of the 60-day review period, each applicant will be notified of the department's decision to approve or disapprove the application. Applicants will be given 30 days from the date of receipt of notification by the department in which to file an appeal (refer to Section 12505 c., Appeal Procedures).

5.h. strike the words "and judicial review"

Disapproval of the applicable changes by HCFA will automatically cancel this emergency rule and current policy will remain in effect.

Interested persons may submit written comments to the following address: John Futrell, Box 91030, Baton Rouge, LA 70821-9030. He is the person responsible for responding to inquires regarding this emergency rule. Copies of this rule and all other Medicaid rules and regulations are available in the Medicaid parish offices for review by interested parties.

This emergency rule is contained as one provision of a notice of intent scheduled for public hearing on April 27, 1993, in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, LA at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

J. Christopher Pilley  
Secretary

#### DECLARATION OF EMERGENCY

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

#### Inpatient Psychiatric Services - Reimbursement

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to adopt the following rule in the Medicaid Program. The provisions of this emergency rule were contained in a related emergency rule which was effective on January 1, 1993, and was published in the January 20, 1993 issue of the *Louisiana Register*, Volume 19, Number 1 on page 19. The Bureau of Health Services Financing is rescinding with the effective date of this emergency rule the requirement for separate enrollment contained in the January 1, 1993, emergency rule. However the provision to rebase the statewide prospective per diem rate for inpatient hospital services or distinct psychiatric units has been in effect since January 1, 1993, under that emergency rule and is being continued in force.

Medicaid currently reimburses for inpatient psychiatric care in either a free-standing psychiatric hospital or an acute care general hospital's psychiatric unit. These providers are reimbursed based on a prospective statewide per diem based on 1987 audited data. Medicaid is currently developing a prospective reimbursement methodology for acute care services utilizing 1991 cost report data and is proposing to rebase the prospective statewide per diem for psychiatric inpatient services utilizing 1991 cost data also.

This action is necessary to ensure adequate and reasonable reimbursement of these types of services and to reduce the projected DSH payments to a level that will remain under the cap on disproportionate share payments imposed by P.L. 102-234. This emergency rule will ensure that minimal psychiatric inpatient services to the needy of the state would remain available as otherwise limits on these and other services may result if the disproportionate share cap is exceeded and the state must bear the full burden of DSH payments in excess of the cap. The estimated increase in program expenditures is \$311,759 for the first year of implementation.

#### EMERGENCY RULE

Effective for dates of service March 1, 1993, the Department of Health and Hospitals, Bureau of Health Services Financing is amending the methodology for reimbursement of inpatient psychiatric services to implement the following change. The statewide prospective per diem rate for reimbursement of inpatient psychiatric hospital services in either a free-standing psychiatric hospital or distinct part psychiatric unit of an acute care general hospital shall be recalculated utilizing a base of 1991 allowable costs in accordance with Medicare principles of reimbursement. These rates will be updated annually effective January 1 of each year by increasing the previous year's per diem rate by the Health Care Financing's (HCFA) target rate percentage for non-prospective payment system hospitals/units for the applicable year.

Implementation of this emergency rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of this change by HCFA will automatically cancel the provisions of this proposed rule and current policy will remain in effect.

Interested persons may submit written comments to the following address: John Futrell, Office of the Secretary, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. He is the person responsible for responding to inquiries regarding this emergency rule and providing information on a public hearing. A public hearing will be held on this matter on Tuesday, April 27, 1993 at 9:30 a.m. in the auditorium of the Department of Transportation and Development at 1201 Capitol Access Road, Baton Rouge, LA. At that time all interested parties will be afforded an opportunity to submit data, views or arguments, orally or in writing. Copies of this emergency rule and all other Medicaid rules and regulations are available in the Medicaid parish offices for review by interested parties.

J. Christopher Pilley  
Secretary

## DECLARATION OF EMERGENCY

Department of Justice  
Office of the Attorney General  
Riverboat Gaming Commission

Riverboat Gaming (LAC 42:XIII.Chapters 1-16)

In accordance with the provision of R.S. 49:953 (B), the Riverboat Gaming Commission, after consideration of the evidence available to it, hereby determines that a state of emergency exists in riverboat gaming in Louisiana which affects the safety, health, or welfare of the public in general.

The state of Louisiana is experiencing a serious projected budgetary deficit and is in need of generating new revenue and enlarging its economic development base. The Louisiana Riverboat Economic Development and Gaming Control Act was passed in an effort to realize a new source of revenue without raising taxes on the general citizenry of Louisiana.

Currently, millions of dollars are leaving the state of Louisiana and are being spent on the Mississippi gulf coast in that state's riverboat gaming casinos. Additional riverboat casinos are beginning operations along the Mississippi gulf coast at the rate of one per month. A total of approximately 15 riverboat casinos are currently planned for the Mississippi gulf coast approximately 60 miles from New Orleans. As a result, the state of Mississippi is experiencing tremendous economic growth and is collecting gaming revenues and fees that should be staying in Louisiana. In addition, thousands of out-of-state tourists are opting to make areas outside of Louisiana their travel destination because of the availability of legalized gaming in those jurisdictions.

The commission further determines that unless immediate rule action is taken by the commission, those companies which are presently willing to invest millions of dollars in Louisiana and provide thousands of jobs to Louisiana residents will decide to invest their resources in other jurisdictions which presently offer riverboat gaming or will have authorized riverboat gaming in the next eight weeks.

The commission also finds that many state programs which would be or could be providing critical medical, health, social, and educational services to the citizens of Louisiana could be funded by revenues received by the state from implementation of riverboat gaming operations. Until riverboats are constructed and gaming activity has commenced, no revenue from this source can be realized.

Any unnecessary delay in the promulgation of Riverboat Gaming Commission rules will seriously delay the collection of application fees for "certificate of approval" and "certificates of approval of riverboat design", thereby adversely impacting the commission's ability to meet and deliberate the approval of the forthcoming rules for the application and licensing of riverboat operations.

As a result of the above findings, the Riverboat Gaming Commission determines that promulgation of initial rules constitutes circumstances affecting the safety, health and welfare of the citizens of the state of Louisiana and hereby promulgates emergency rules, effective February 12, 1993

pursuant to the provisions of R.S. 49:950 et seq. and in particular R.S. 49:954(B)(2) for a period of 120 days, said emergency rule to expire on June 11, 1993.

#### Title 42

### LOUISIANA GAMING

#### Part XIII. Riverboat Gaming Commission

#### Chapter 1. Issuance and Construction of Regulations and Administrative Matters

##### §101. Definitions

As used in this Subchapter, the following words and phrases shall have the following meanings:

*Act*—the Louisiana Riverboat Economic Development and Gaming Control Act.

*Administrative Decision*—the final action, decision, order or disposition by (the supervisor) or chairman of a request for administrative approval.

*Advisory Panel*—a panel or group of persons appointed by the chairman with and given a request to study, consider and advise the commission regarding specific or generalized issues, areas or courses of action.

*Applicant*—any person who has filed any part of an application with the commission seeking any certificate or permit authorized by the act or by rule of the commission.

*Application*—all the information, documents, forms, and materials required by the act and commission rules to be filed with the commission (or division) for any license, certificate or permit authorized by the act, commission rule or division rule.

*Architectural Plans and Specifications or Architectural Plans or Plans or Specifications*—all of the plans, drawings, and specifications for the construction, furnishing, and equipping of a riverboat, and including but not limited to detailed specifications of and illustrative drawings or models depicting the proposed size, layout and configuration of the component parts of the vessel, including electrical and plumbing systems, engineering, structure, and aesthetic interior and exterior design as prepared by one or more licensed professional architects and engineers.

*Berth*—the approximate location or locations where a riverboat is or will be authorized to dock as provided in the act and commission rules.

*Certificate*—an approval or authority issued by the commission. *Certificate* shall also mean the document or writing issued by the commission as evidence of the approval or authority granted.

*Certificate of Final Approval*—a certificate issued by the commission when and if, upon completion, the vessel and all support facilities comply with all requirements of the act and the regulations and, after a final inspection, have been certified by the applicant to be constructed in accordance with the riverboat plans, specifications and any conditions previously approved by the commission.

*Certificate of Preliminary Approval*—a certificate approving construction of a riverboat in accordance with a certificate and conditions thereto and preliminary approval of a proposed riverboat route and operations, as described in the application.

*Chairman*—the chairman of the Louisiana Riverboat Gaming Commission.

*Commission*—the Louisiana Riverboat Gaming Commission.

*Compliance Ruling*—a non-emergency ruling or opinion issued by the chairman determining whether a proposed action of a person subject to commission jurisdiction or a holder of a certificate will comply or has complied with a commission order or regulation, or condition of a certificate.

*Component*—a substantial portion or tangible part of a riverboat that must be constructed, modified or installed in or on the riverboat to complete construction of a riverboat, including but not limited to hulls, decks, paddlewheels, engines, motors, boilers, modular units, generators, electrical systems and wiring, plumbing systems and apparatus, heating and cooling systems, custom-made furniture and fixtures. Component shall not include gaming devices, equipment and supplies.

*Condition*—a condition or term upon which a certificate is issued. A condition may be voluntary or proposed by the applicant, or may be ordered by the commission even if not agreed to or proposed by the applicant in his application for certificate.

*Day*—as used in these rules and regulations, shall mean a calendar day.

*Designated Waterways*—those waterways listed in the act.

*Division*—the Louisiana Riverboat Gaming Enforcement Division of the Office of State Police.

*Dock*—to lower the gangplank to a pier or shore or to anchor a riverboat at a pier or shore, or both. The term also means the place where docking occurs and where one or more berths may be located.

*Emergency Order*—an order or approval issued by the chairman or his designee when an emergency or safety consideration necessitates immediate modification of an order of the commission, of a certificate or a condition thereof, or authorized route or operation of a riverboat.

*Excursion*—that period of time when a riverboat is away from its approved berth or is embarking or disembarking passengers at its approved berth.

*Gaming Operator*—a person issued a license by the division to conduct gaming operations upon a riverboat.

*Hearing*—a proceeding conducted by or at the direction of the supervisor or the commission and includes formal proceedings conducted by a hearing officer at the request of the commission to determine issues of fact or law and take such other action as authorized and provided in the act or the commission rules.

*Hearing Officer*—an agent of the commission appointed by the chairman from a list approved by the commission to conduct a hearing who has the following qualifications:

1. must be at least 21 years of age;
2. must be licensed to practice law in the state of Louisiana;
3. must have a working knowledge of the act and the regulations; and
4. such other qualifications required by the commission.

*Holder*—the person to whom a certificate has been issued.

*Inspection*—a surveillance or observation by the commission or its agents of operations conducted by a licensee or permittee, which surveillance and observation may or may not be made known to the licensee or permittee. *Inspection* also means a surveillance or examination of the activities of a

holder of certificate including construction of a riverboat and any operation or activity conducted by a person holding a certificate.

*License or Operator's License*—a riverboat gaming operator's license.

*Licensee*—a person who holds a license or operator's license.

*Meeting*—a gathering of the commission pursuant to law at which a quorum is present for the purpose of deliberating toward a decision or making a decision. The term includes but is not limited to, consideration of an application for certificate, the consideration of appeals taken from decisions of the division concerning license or permit applications, transfer of interest, issues involving matters of taxation, fees, charges and/or penalties, disciplinary proceedings, and exclusion list proceedings.

*Modification*—a change or modification of a material or substantial term, condition, part or portion of a certificate or commission order which is initiated by an applicant or holder.

*Operation*—the conducting of activities, excursions or gaming operations as described in an application or certificate.

*Operator's License*—a riverboat gaming operator's license.

*Passenger Access Area*—any enclosed or unenclosed area of a riverboat that is open to the public including but not limited to lavatories, restaurants, shopping areas, seating, lounges, entertainment areas, the outside deck areas and the designated gaming area.

*Permit*—a permit other than a certificate issued by the commission.

*Permittee*—a person who holds a permit by the commission.

*Person*—a person as defined in the act.

*Riverboat*—a vessel that carries a valid certificate of inspection issued by the United States Coast Guard with regard to the carriage of passengers on designated rivers or waterways within or contiguous to the boundaries of the state of Louisiana, carries a valid Certificate of Inspection from the United States Coast Guard for the carriage of a minimum of 600 passengers and crew, has a minimum length of 150 feet, is of such type and design so as to replicate in the opinion of the commission as nearly as practicable historic Louisiana river borne steamboat passenger vessels of the nineteenth century era, and is paddlewheel driven. For purposes of this Chapter, *paddlewheel driven* shall mean that the riverboat has one or more functional paddlewheels which, in the opinion of the commission, substantially contribute to the overall propulsion of the riverboat. A riverboat as defined herein is not required to be steam propelled or maintain overnight facilities for its passengers.

*Riverboat Operator*—an owner and/or operator of a riverboat.

*Route*—the authorized route or path of a riverboat moving upon designated rivers and waterways as permitted or authorized by the commission.

*Rule or Regulation*—an administrative rule promulgated by the commission pursuant to the act.

*Supervisor*—the individual in charge of the division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

### §103. Commission Rules and Regulations; Promulgation

A. Commission rules shall be promulgated in accordance with the Administrative Procedure Act.

B. Any rule or regulation proposed by the division shall be submitted to the commission for approval. The commission shall reject any rule or regulation which it finds unacceptable, or which does not comply with the act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

### §105. Construction of Regulations; Severability

Nothing contained in these regulations shall be so construed as to conflict with any provision of the act or any other applicable statute. If any provision of any rule or regulation is held invalid by any state or federal court in Louisiana, such provision shall be deemed severed from the rule and the court's finding shall not be construed to invalidate any of the other provisions of the regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

### §107. Definitions, Captions, Pronouns, and Gender

The terms defined in the act have the same meaning in these rules as they have in the act, unless the context otherwise requires. Captions appearing at the beginning of the rule are descriptive only, are for convenient reference to the rule and in no way define, limit or describe the scope, intent or effect of the rule. Masculine and feminine pronouns shall be substituted for the neuter form and vice-versa, and the plural shall be substituted for the singular form and vice-versa, in any place or places in the rule where the context requires such substitution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

### §109. Delegation to Chairman

A. The commission hereby delegates to the chairman the authority to issue rulings on meeting scheduling, procedural and evidentiary matters and other matters as provided in these rules that may be presented to the commission during the course of conducting a meeting or hearing or that may arise when the commission is not meeting. Any ruling issued by the chairman hereunder shall be deemed the ruling of the commission, unless objection is taken to such ruling as provided hereinafter.

B. The commission may, upon a majority vote in a specific case, temporarily abrogate the general delegation granted to the chairman by this rule, and any specific ruling or decision of the chairman is subject to consideration by the entire commission upon the request of any member of the commission or upon timely request by a person adversely affected by such ruling or decision.

C. The chairman may sign all orders on behalf of the commission.

D. The chairman may continue a meeting or hearing, recess a meeting or hearing, or call a special meeting of the commission.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 4:501 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

#### **§111. Establishment of Advisory Panels**

The chairman may, at his discretion, appoint advisory panels to study and report to the commission on any matter appropriate to the commission's administration of the act and these rules.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 4:501 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

#### **§113. Appeal of Commission Decision after Review of Administrative Decision**

The decision of the commission concerning its review of an administrative decision may be appealed as other decisions by the commission are appealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 4:501 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

#### **§115. Annual Commission Report; Periodic Special Reports**

A. The commission shall make an annual report to the president of the Senate, speaker of the House, the chairmen of the committees having legislative oversight and the Joint Legislative Committee on the Budget concerning riverboat gaming operations and activities and shall include in the report recommendations for changes in the act. A copy of this report shall be transmitted simultaneously to the governor.

B. The commission shall report immediately to the governor, the House of Representatives Committee on Administration of Criminal Justice and the Senate Committee on the Judiciary, Section B if any matter arises that necessitates prompt action or consideration or that requires changes in the act or Louisiana law to prevent abuses and evasions of the act or to correct undesirable conditions in connection with the operation and regulation of riverboat gaming.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 4:501 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

### **Chapter 3. Applications for Certificates, Permits, and Licenses**

#### **§301. Applications in General**

A. Any certificate, license or permit issued by the commission is deemed to be a revocable privilege, and no person holding such a license or permit is deemed to have acquired any vested rights therein. An applicant for any certificate, license or for any permit issued or to be issued by the commission or the division is seeking the granting of an absolute privilege, and the burden of proving his qualification to receive the certificate, license or permit sought is at all times on the applicant. An applicant agrees to accept the risk of adverse public notice, embarrassment, criticism, or other

action or financial loss that may result from action with respect to an application and expressly waives any claim for damages as a result thereof. The filing of an application under the act and these rules specifically constitutes a request for a decision upon the applicant's general suitability, reputation, character, integrity, and ability to participate or engage in or be associated with the riverboat gaming industry, and by filing an application, the applicant specifically consents to the making of such a decision by the division and commission.

B. A person may, but is not required to, file an application for a certificate of preliminary approval before making application to the division for a riverboat gaming license or permit. Additionally, a person may file an application for a certificate of preliminary or final approval after he has applied to or been licensed by the division.

C. The commission shall compose and provide forms for submission of applications and may prepare written instructions for submission of applications.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 4:501 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

#### **§303. Application for Certificate of Preliminary Approval**

A. Except as provided in §305 of this Chapter, before commencing construction of any vessel intended to be operated under the act, each person seeking approval of riverboat plans shall submit for advance approval by the commission an application for a certificate of preliminary approval which shall include the following information (parts) in the following order:

1. An Application Form. The applicant shall, on a form provided by the commission, provide a brief or general written description of the proposed vessel, a statement describing all persons proposed to have an interest in the ownership of the riverboat vessel, the proposed gaming operator and all persons holding an interest therein, the designated waterway or waterways upon which the vessel will operate, and the general area or areas where it is intended the riverboat will operate and berth.

2. A Detailed Statement of Proposed Riverboat Operations. The detailed statement of proposed operations shall be designed to inform the commission of the nature, scope, significant aspects, and general parameters of the proposed operation. It shall specifically include but not be limited to the following:

a. a diagram and description of the physical layout of the riverboat including a detailed artist's rendering of the riverboat which describes each deck and shows the details and proposed use of each area.

b. a statement of the total estimated cost of construction of the riverboat and shore and dock facilities proposed in the application, as well as the projected construction schedule for completion of the riverboat and shore and dock facilities.

c. a description of planned excursions including all proposed designated waterways and routes, frequency and approximate schedule of excursions, projected passenger load, admission charges, and a proposed general location of the berth or berths.

d. a description of proposed support facilities and services to be provided for each route and each proposed berth including parking, transportation to and from the vessel, terminal facilities, office facilities, rest areas, warehousing, security employee areas, food service, and facilities necessary for the safety of the operation.

e. a description of the kinds of cruise offerings and activities to be offered on the riverboat and support facilities including:

i. gaming activities. A description of all gaming activities including the approximate number and types of each kind of games or devices to be offered, a reasonably specific layout of the gaming area, and a description of any proposed projected dockside gaming and the periods thereof.

ii. nongaming activities. A description of all other proposed offerings upon the riverboat including food service, lounges, bars, entertainment, retail areas, rest areas and any non-gaming activities.

iii. a general promotion and advertising plan. A general description of the amounts, kinds and types of general promotion and advertising campaign(s) which will likely be undertaken by the applicant or operator including information whether any national or regional advertising will occur, the medium(s) which may be used, the proposed market and whether any other facility or activity except the riverboat will be included in such advertising.

3. A Feasibility Study. Each applicant shall submit or make available to commission personnel a feasibility study performed by an independent or approved applicant's staff consultant, which study shall examine, evaluate and attest to the feasibility of the applicant's proposed operation and shall describe or list the evaluation methodology used. The feasibility study shall include a list of the consultant's qualifications, a discussion of the overall market for riverboat gaming operations and the effect of the proposed riverboat on the market. In addition, the feasibility study shall address possible competition from other riverboat gaming and other forms of gaming in all areas of Louisiana and other states.

4. An Economic Development and Utilization Plan. Each applicant shall submit an economic development plan addressing the purchasing of or utilization of goods and services in the construction and operation of proposed riverboat as described in the detailed description of proposed operations. The plan shall include a list and offer of voluntary conditions by the applicant regarding the following procurement:

a. an estimated procurement budget for resources and goods to be used in the operation of a riverboat listing the amount of the proposed utilization of Louisiana resources, goods and services in the operation of the riverboat and the area from which they will be procured.

b. a list of (projected) employees which the applicant expects to employ in the riverboat operation, including job classifications and total estimated salaries.

c. the percentage of Louisiana residents projected to be hired and the percentage of minorities projected to be employed.

d. the projected participation, by way of ownership

interest or contracts for goods or services, of any minority owned or disadvantaged business enterprises.

5. A Statement of Local Support or Opposition. The application shall include any statements of support from the community or communities in which applicant intends to operate, including any letters of recommendation and, if available, letters of no opposition or support from businesses which, according to applicant's feasibility study, might be affected by applicant's operation of the riverboat. The applicant shall also list any organized opposition to its proposed actions.

6. An Application and Evaluation Fee. The applicant shall remit to the commission an application fee and an evaluation fee which shall consist of \$25,000 for the application and \$5,000 to defray the expenses of the commission in analyzing and evaluating an application for certificate. In the event that the actual expenses of the commission in evaluating an application for certificate exceed the evaluation deposit, the commission shall bill and the applicant shall remit the additional amount. An application fee shall not be refunded unless the application is denied or rejected in which case one half of the amount of the application fee will be refunded. Evaluation fees or deposits may not be returned or refunded. As part of an evaluation deposit an applicant shall provide the commission with the following:

a. ten pre-addressed overnight delivery service invoices (such as Federal Express, UPS, Airborne, etc.) which bear the delivery address of the applicant and a billing account number for the applicant.

b. a pre-paid or billable account number at a duplication or copy service or services designated by the commission to be used for duplication, binding or preparation of documents forming a part of or necessary for evaluation of the person's application. This may include duplication of artists renderings or blueprints of riverboats or support structures.

7. Other Requirements and Information. The applicant shall also include the below listed items or information and such other information which the applicant wishes the commission to consider:

a. an affidavit of full disclosure signed by the applicant certifying that the information, including all ownership interests listed, are true and correct to the knowledge, information and belief of the applicant;

b. an authorization to release information to the commission, signed by the applicant;

c. a release of all claims resulting from disclosure of information signed by the applicant; and

d. in addition, the commission may require an applicant to provide such other information and details as it needs to discharge its duties properly.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

### §305. Certificate of Approval of Riverboat Design

A. A person who is a shipyard may make application to the

commission for a certificate of approval of riverboat design whereby the shipyard may receive approval of the design and construction of a riverboat as defined in the act and these rules. Applicants may, at their own risk, and without any implied or actual guarantee of a certificate of preliminary approval other than for approval of the vessel design and specifications, start construction of a riverboat (for which a certificate of design approval has been issued) prior to receipt of a certificate of preliminary approval. The receipt of a certificate of approval of riverboat design does not imply, require, or guarantee that the riverboat will meet all of the requirements of the division in regard to division offices, security areas, and surveillance systems.

B. A person seeking a certificate of approval of riverboat design shall make application to the commission on a form prescribed by the commission. The application form shall include or have attached thereto the following:

1. preliminary arrangement drawings, profile drawings and preliminary construction specifications of the proposed riverboat which show the planned use of each deck, including the hold.

2. a schedule of the riverboat deck areas such that the commission can determine that not more than 60 percent of the total passenger access area or 30,000 square feet is planned for gaming. Space planned for division offices and division surveillance areas and monitors must also be designated.

3. profiles or renderings which are of sufficient detail to allow the commission to determine that the vessel has a recognizable appearance, insofar as is practical, of a nineteenth century riverboat.

4. information which shows how the riverboat is to be propelled and the overall percentage of propulsion that the paddlewheel(s) may contribute to the total forward propulsion power of the riverboat.

5. a statement of the total estimated cost of construction of the riverboat, as well as the projected construction schedule for completion.

6. a description and layout of the deck areas which may or are to be utilized for the following:

a. gaming activities. A description of all areas to be used for gaming and a reasonably specific layout and configuration of the proposed gaming area.

b. nongaming activities. A layout and configuration of areas to be used or capable of use for all other offerings upon the riverboat including any food service, lounges, bars, entertainment, retail areas, rest areas and any other non-gaming activities.

C. As part of the application for a certificate of approval of design the applicant shall designate the place and company to construct the vessel and the origin of component parts. Also included shall be the approximate total cost of the riverboat construction.

D. Upon receipt of a certificate of approval of riverboat design, the holder may commence construction of the riverboat as specified in the application and certificate. A completed riverboat which has been the subject of a certificate of approval of riverboat design shall qualify as a riverboat for purposes of a subsequent certificate of preliminary

approval. An applicant for a certificate of preliminary approval which proposes to utilize a riverboat which is the subject of a certificate of approval of riverboat design shall not be required to resubmit diagrams and descriptions of the riverboat as otherwise required by §303.A.1 and 2 of these rules in order to obtain a certificate of preliminary approval.

E. The application fee for an certificate of approval of riverboat design shall be \$25,000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

### **§307. Time Periods for Application to Division and Commencement of Construction**

It shall be a requirement that, within 30 days of the granting of a certificate of preliminary approval or final promulgation of application rules by the division which ever is later, the applicant or the proposed gaming operator for the riverboat must apply to the division for a license to conduct gaming operations and further must actually commence construction of the riverboat as authorized by the preliminary certificate within 60 days of being granted a license by the division. Should the applicant fail to apply to the division or fail to commence construction within either period specified above, the certificate shall become null and void. A construction plan, condition, berth, route or excursion may, upon approval of the commission, be changed at any time prior to or after the granting of a certificate by filing a petition for modification of certificate with the commission requesting the modification(s) described therein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

### **§309. Mandatory Conditions of Certificates**

A. Preliminary Approval. It shall be a mandatory condition of any certificate of preliminary approval that the applicant agree and stipulate to the following:

1. that the applicant or holder of the certificate may not mention, assert, utilize or argue that he or another person should be licensed by the division because he or another person holds or has applied for a certificate.

2. that the holder make application to the division for a gaming operator's license and commence construction of the riverboat within the time limits required by §307 of this Chapter.

B. Final Approval. It shall be a mandatory condition of any certificate of final approval that the holder agree and stipulate that:

1. any certificate of final approval is contingent upon licensure and approval of the gaming operator by the division.

2. that the commission may require a holder or applicant to discontinue use of a particular advertisement or promotion which the commission determines offensive or contrary to the integrity of gaming regulations.

3. that the riverboat meet all coast guard requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

### §311. Berth - Not Required at Time of Application

In the application for certificate of preliminary approval, it shall not be a requirement that an applicant have a specific berth site under contract at the time the application is filed. If an applicant shall have a berth site under a contract with a third party at the time of the application, then such contract shall be filed with the application. Contracts for berth sites entered after a certificate is granted shall be filed with the commission for approval prior to execution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

### §313. Time of Filing

A. An application is deemed filed when a written request for a certificate of preliminary approval and all necessary related supporting documentation and information, or any portion thereof, has been accepted by the commission as evidenced by a signed receipt.

B. The commission will make an initial determination within 10 days after the application has been filed if the application is complete, but if incomplete, the commission will request such additional information as is necessary to complete the application. The applicant shall provide all additional information requested by the commission to supplement the application, and an applicant's failure or refusal to comply with a request by the commission for such additional information is grounds for denial of part or all of the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

### §315. Criteria for Commission Action

In deciding whether to approve an application for certificate of preliminary approval, the commission shall evaluate each application based upon the information provided therein. The commission shall approve those applications for certificate of preliminary approval it deems to be in the best interests of the state and locale of the proposed operation subject to the following conditions and findings:

1. the operation must meet all requirements for commission approval contained in the regulations and the act;
2. the proposed appearance and design of the riverboat must be substantially in keeping with the appearance or aesthetics of historical designs, of nineteenth century riverboats;
3. the designated gaming area may not be more than 60 percent of the total square footage of the passenger access area of the vessel or 30,000 square feet, whichever is lesser;
4. no proposed route may be approved unless it is upon one or more designated rivers or waterways as specified in the act;
5. no proposed excursion may be approved unless it will last a period of at least three hours, but not more than eight hours in a continuous 24-hour period. One or more excursions may be scheduled in the same 24-hour period every day of every year;
6. no proposed route, excursion schedule, or berth may

be approved if the approval would:

a. create a foreseeable danger to the riverboat passengers and crew or an unreasonable risk of harm to the riverboat, docks, or real property, or

b. be inconsistent with laws, regulations, ordinances or orders issued by the United States Coast Guard.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

### §317. Awarding of Certificate - Subject to Conditions

The commission shall award certificates as provided in the rules subject to such conditions as it deems advisable. Conditions may be proposed by the applicants, or the commission may order conditions consistent with the information contained in the application and particularly, the proposed economic development and utilization plan. Such conditions shall be deemed to be conditions precedent or resolutive to the issuance or continuing validity of certificates.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

### §319. Commission Objection to Advertising or Promotion

A. The commission may require an applicant or holder of a certificate to discontinue use of a particular advertisement or promotion of riverboat operations if the commission determines the advertisement or promotion is:

1. inconsistent with the provisions of the act, or these rules,
2. offensive, or
3. likely to negatively affect the integrity of the gaming operation, or the perception of the state of Louisiana or gaming activities therein.

B. No holder, permittee or licensee shall be required to submit specific advertising promotions to the commission prior to use, display, or broadcast of the advertising or promotion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

### §321. Information Constitutes Grounds for Delay or Denial of Application; Petitions for Modification

A. It is grounds for denial of an application or disciplinary action for any person to:

1. make any untrue statement of material fact in any application or commission hearing, or in any statement or report filed with the commission,
2. willfully to omit to state in any such application, statement or report any material fact which is required to be stated therein, or which is necessary to make the facts stated not misleading.

B. All information included in an application must be true and complete as of the dates submitted. An applicant shall promptly add to or supplement any information based on facts occurring after the original application so as to make such information not misleading as of the dates of any action taken by the commission.

C. An application or certificate may be modified by leave

of the commission upon the filing of a petition for modification by the applicant. Any modification to an application may have the effect of establishing the date of such modification as the filing date of the application with respect to any time requirements for action on the application which have been set by the commission. Petitions for modification of an application must be in writing.

D. Except for emergency orders and applications therefor, all proposed modifications to routes, excursion schedules, and berths must be submitted by the applicant or holder for advance approval by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

### **§323. Continuing Representations and Quarterly Certifications**

A. Once an applicant has submitted the application and all required supporting information or has been awarded a certificate, the applicant shall notify the commission of any material change in any information previously submitted or any fact relating to any voluntary or other condition of the certificate.

B. Commencing with the issuance of any certificate, the holder of the certificate shall submit on a quarterly basis to the commission a statement of compliance with the applicant or holder's previously submitted application or economic development plan as to those aspects of the plan which are then underway.

C. The holder of a certificate will certify quarterly under oath that he is continuing to comply with all conditions of that certificate. The quarterly certification shall be forwarded to the commission by certified mail.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

### **§325. Commission Decision**

The commission will consider and conduct a hearing on an application for certificate for preliminary approval after the application is deemed complete. Applications first filed will be first considered, but not necessarily acted upon, by the commission in the order of filing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

### **§327. Place of Construction; Contract**

The applicant shall, as part of the application, advise the commission and obtain commission approval of all places where construction of the riverboat and its component parts will be undertaken and must file a copy of the contract or contracts for construction of the riverboat with the commission within five days after both parties have signed. The commission shall provide for quarterly pre-approved inspections of riverboat construction progress at the place of construction. If the location where construction will occur is within the state of Louisiana, the chairman may authorize the periodic inspection of each riverboat. If the location is outside of the state, then the full commission shall authorize the

inspection of each riverboat during construction. All change orders, amendments, and modifications of the terms and conditions of the contract or contracts must be reported by the applicant to the commission within seven days. All such contracts shall include a provision allowing the commission and division to have access during all construction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

### **§329. Confidentiality; Privileged Communications and Documents**

A. Any communication or document of an applicant that is required by law or by the act or regulations to be made or transmitted to the commission or any of their agents or its employees is deemed a public record and subject to public inspection as provided by law, unless such document or communication is a private or privileged document and excepted from public inspection by law. Private or privileged documents shall include documents which:

1. relate to the background of an applicant and were provided by a confidential source or informant.

2. consist of an applicant's detailed personal history questionnaires, disclosure forms, and financial statements which shall include financial projections and feasibility studies submitted as a part of an application for a certificate.

3. relate to the surveillance and security techniques, procedures, or practices of an applicant, licensee, or permittee.

4. relate to trade secrets and design of experimental gaming devices and equipment.

5. consist of architectural plans, specifications and blueprints of a riverboat or support facilities, not including artists renderings, deck and vessel configuration and deck plans.

B. If such a document or communication contains any information that is privileged under any law of this state, or the rules of the commission that privilege is not waived or lost because the document or communication is disclosed to the division or commission or any of their agents or employees.

C. The commission and their agents and employees shall not release or disclose any information, documents or communications provided by an applicant that are privileged under any law of this state, rules of the commission or division or any intelligence sharing or restricted use agreement entered into pursuant to the act. Privileged information, documents and communications protected by the rule may be disclosed in enforcement actions and hearings, without the prior written consent of the applicant, or pursuant to a lawful court order after timely notice of the proceeding has been given to the applicant.

D. The commission shall maintain all privileged information, documents and communications in a secure place that are accessible only to members of the commission and their authorized agents and employees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

### §331. Waiver of Privilege

An applicant or holder may claim any privilege afforded by the Constitution of the United States or of the state of Louisiana in refusing to answer questions or inquiries by the commission, but a claim of privilege with respect to any testimony or evidence pertaining to an application may by itself constitute sufficient grounds for denial of the application and may be used against the applicant or holder in any commission, division or subsequent proceeding.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 4:501 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

## Chapter 5. Riverboat Design and Construction

### §501. Riverboats upon which Gaming May Be Conducted

Gaming may be conducted only upon riverboats of new construction which is commenced after January 1, 1992. New construction shall include the laying of a keel or construction of a new vessel.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 4:501 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

### §503. Compliance with Requirements of the Act and Other Laws

After receiving a certificate of preliminary approval, and before commencing construction, unless otherwise authorized pursuant to §305 of these rules, an applicant must submit detailed architectural plans and specifications to the commission, and must represent and warrant that:

1. the plans and specifications satisfy the minimum requirements of riverboat size provided in the act, and
2. the plans and specifications comply with all applicable Coast Guard Regulations including, but not limited to, fire and safety codes or such other applicable requirements as are imposed on vessels of similar design and size by federal, state, or local laws,
3. the riverboat is paddlewheel driven. For purposes of this Chapter, paddlewheel driven shall mean that the riverboat has one or more functional paddlewheels which in the opinion of commission substantially contributes to the overall propulsion of the riverboat.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 4:501 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

### §505. Commission Ruling

The chairman will issue in writing the commission's decision to approve or disapprove of the architectural plans of a riverboat as described in the application for a certificate of preliminary approval and will notify the applicant thereof. If the plans are not approved, the commission's decision will include a statement of the reasons therefor.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 4:501 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

### §507. Certificate of Final Approval

Before any vessel, for which an applicant has obtained a

certificate of preliminary approval and a riverboat gaming license, may be placed in service, the operator thereof shall make application to the commission for and obtain a certificate of final approval from the commission. A certificate of final approval shall be granted if, upon completion, the vessel and all support facilities are found to comply with all requirements of the act, commission rules, and the certificate of preliminary approval. After a final inspection of any riverboat approved by the commission, the holder shall certify to the commission that the riverboat was constructed in accordance with the plans and specifications contained in the certificate of riverboat design approval or the certificate of preliminary approval and any conditions thereto.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 4:501 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

### §509. Indemnification

Every certificate for preliminary or final approval and every contract for construction of a riverboat shall contain an indemnification provision for the protection of the state, the commission, and their agents and employees against claims for personal injury or property damage arising out of errors and omissions in the following:

1. approval of riverboat or support facility plans, designs and specifications.
2. granting of a certificate.
3. issuance of emergency orders.
4. denial, suspension or revocation of a certificate of approval.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 4:501 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

## Chapter 7. Operating Standards

### §701. Methods of Operation Generally

A. It is the goal and policy of the commission to require that all riverboats whereon gaming is conducted, be operated in a manner suitable to protect the public health, safety, morals, good order and general welfare of the inhabitants of the state of Louisiana and in a manner that will foster and promote economic development and growth of the tourism industry and create new jobs for the inhabitants of the state of Louisiana within the state of Louisiana.

B. Responsibility for the observance and maintenance of suitable methods of operation rests with the applicant, holder, permittee or licensee, as the case may be, and willful or persistent use or toleration of unsuitable methods of operation is grounds for denial of application, or suspension or revocation of any certificate, license or permit.

C. The commission deems unsuitable any activity on the part of a holder, licensee, or permittee, or his agents or employees, which relates to activities or operations authorized by a certificate that is inimical to the public health, safety, morals, good order and general welfare of the people of the state of Louisiana or that would negatively reflect or tend to negatively reflect upon the state of Louisiana or its tourism industry. Any such unsuitable method of operation is

grounds for denial or revocation of an application or certificate.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 4:501 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

### **§703. Compliance with Laws**

Acceptance of a certificate or permit or renewal thereof constitutes an agreement on the part of the holder or permittee to be bound by all of the applicable provisions of the act and commission rules. It is the responsibility of the holder or permittee to keep informed of the content of all such laws and commission rules, and ignorance thereof will not excuse violations. Violation of any applicable provision of the act, commission rules, a certificate or the conditions thereof by a holder or permittee or by the agent, employee or representative of a licensee or permittee is contrary to the public health, safety, morals, good order and general welfare of the inhabitants of the state of Louisiana and constitutes grounds for disciplinary action including revocation or suspension of a certificate.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 4:501 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

### **§705. Emergency and Compliance Orders**

A. The chairman or his designee who is a member of the commission or staff may, in the event of extreme weather conditions, acts of God or other extreme circumstances, in consultation with the U.S. Army Corps of Engineers and the U.S. Coast Guard, issue any order which the commission deems necessary, suspending, changing, limiting or modifying the route, excursion schedule, or berth of a riverboat operating pursuant to the act.

B. The chairman or his staff designee is authorized to issue written compliance orders upon such kinds of matters which involve a determination of whether an action, specification or proposed action complies with a certificate or condition thereof. Any compliance order issued by the chairman shall be deemed to be an order or decision of the commission unless a member of the commission requests the commission to review or reverse the compliance ruling. Commission members shall be notified of compliance order issued by the chairman.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 4:501 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

### **§707. Authorized Routes, Excursion Schedules, Berths**

A. Gaming may be conducted on a riverboat only when the riverboat:

1. is located upon a route authorized by the commission at such times as are authorized by the commission,
2. is at dockside and for periods authorized by law and rule of the commission,
3. docks at another berth due to weather conditions or other emergency for not more than 45 minutes, or
4. stops during an excursion due to engine malfunction or failure and repairs are underway.

B. Gaming on a riverboat at any time or place other than those times and places specified in Subsection A above is prohibited.

C. For purposes of R.S. 4:525 (B) and these rules, a water level below 140 national geodetic vertical datum (feet) on the Red River flowing through or adjacent to a parish or municipality within the below described population limits shall constitute a water condition which is a present danger to the riverboat, its passengers and crew.

1. Any parish having a population between 240,000 and 250,000 persons according to the latest United States census.

2. Any parish having a population of between 85,000 and 90,000 persons according to the latest United States census.

3. Any municipality having a population of between 200,000 and 195,000 persons according to the latest United State census.

4. Any municipality having a population between 55,000 and 50,000 persons according to the latest United States census.

D. A riverboat which is located on the Red River within a parish or municipality when the river water level is a present danger as described in Subsection C of this Section may remain at its licensed berth while that water level exists and may conduct gaming operations during the period of the riverboats authorized excursions and periods authorized by R.S. 4:525 (B)(1).

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 4:501 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

### **§709. Passenger Embarking and Disembarking**

Except in the case of emergencies, passengers and crew may embark and disembark a riverboat only at its authorized berths.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 4:501 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

### **§711. Stops During Excursion; Gaming Prohibited**

Gaming on a riverboat that is stopped during an excursion is prohibited, except where the stop is the result of an emergency order, navigation delay, coast guard order, safety delay, engine malfunction or failure and repairs are underway.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 4:501 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

### **§713. Access to Premises and Production of Records**

A. Each gaming operator and manufacturer or supplier shall immediately make available for inspection by any division or commission member or agent, all papers, books and records produced and all portions of the premises where gaming is conducted or where gaming devices or equipment are manufactured, sold or distributed.

B. Any division or commission member or agent shall be given immediate access to any portion of the premises of any riverboat or premises of a manufacturer or supplier for the purpose of inspecting or examining:

1. any records or documents required to be kept under

the provisions of the act and the rules of commission or division,

2. any gaming device or equipment, or
3. the conduct of any gaming activity.

C. Access to the areas and records that may be inspected or examined by division and commission members or their agents must be granted to any such individual who displays official identification issued by the division or commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

#### **§715. Inspections During Construction**

Upon presentation of valid identification, any member or employee of the commission or division shall have the right at all times to inspect all portions or component parts of a riverboat under construction. The commission and division may, but are not required, to conduct joint inspections.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

#### **§717. Emergency Orders by Commission**

An emergency order modifying a certificate of preliminary approval, a certificate of final approval, or other certificate, license or permit may be issued by the chairman who shall notify the commission of such emergency order.

1. Unless safety or emergency circumstance prevent contemporaneous issuance in writing, the emergency order must be in writing and must set forth the grounds upon which it is issued including a statement of facts constituting the alleged emergency necessitating such action.

2. The emergency order is effective immediately upon issuance and service upon the applicant, holder or permittee.

3. An emergency order shall not be effective for or have a term of more than 10 calendar days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

### **Chapter 9. Appeal of Division Action, Order of Decision**

#### **§901. Appeals of Division Orders or to Commission**

A. Any person whose application for a license or permit has been denied by the division or any person adversely affected by an action, order, or decision of the division may appeal the action, order, or decision of the division to the commission by filing a notice of appeal with the commission within seven days of certified mailing of notice of the action, order, or decision by the division. The division, upon notice of appeal to the commission, shall transmit to the commission within 14 days, the record of all proceedings before the division at which the action, order, or decision appealed from was taken. For purposes of these rules, the record of a division proceeding shall include but not be limited to a copy of the division order, witness statements, physical evidence, if any, all documents introduced or considered and, upon request of the chairman, a transcript of the hearing before the division. The person appealing an action, order, or decision of the division shall remit to the division the cost of preparing the record of the proceedings before the division to the

commission as provided in the act and these rules.

B. The commission shall hear all appeals from actions, orders, or decisions of the division. The commission may reverse or modify an action, order, or decision of the division if it finds, based upon the record of the proceedings before the division, that the action of the division was clearly contrary to the facts in the record or contrary to the provisions of the act or the rules and regulations of the division.

C. The commission hearing on the appeal will be open to the public unless otherwise authorized by law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

#### **§903. Hearings and Appeals**

A. The chairman may designate a schedule for the filing of written briefs of the arguments to be presented at the hearing of any matter including appeals. Arguments in the briefs may be based on the law as well as upon facts, and both parties may attach affidavits or other relevant, reliable documentary evidence to support their respective positions. The burden of proof rests with the appellant.

B. The chairman will determine if the record of the hearing or appeal is complete and if incomplete, will request such additional information as the chairman deems necessary under the circumstances, and may issue subpoenas therefor. A party's failure or refusal to provide such additional information is grounds for a ruling in favor of the other party.

C. When the chairman has determined that the record of a hearing or an appeal is complete, he will provide advance written notice to the parties of the date, time and place where the matter will be heard by the commission. The chairman or a majority of the commission present may at any time during a proceeding make a re-determination that the record is incomplete and re-open the record for the purpose of taking additional submissions or evidence.

D. The chairman may determine that a hearing be held before a hearing officer who shall be chosen from a list of hearing officers previously approved by the commission who shall prepare a record and make recommendations to the commission.

E. The chairman may grant a continuance of a hearing or appeal for good cause, and if a continuance is requested by either party, such request must be submitted in writing at least seven days before the scheduled hearing date.

F. When briefs have been filed, the arguments of the parties at the hearing must be restricted to the issues raised in the briefs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

#### **§905. Representation by Counsel**

Any party to the hearing may be represented by an attorney or agent authorized to practice before the commission in accordance with commission rules. As used herein, "represented" includes but is not limited to attendance at and participation in hearings and the preparation of documents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

### §907. Default

The failure of either party to file a brief or respond to a request by the commission is grounds for a ruling in favor of the other party.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

### §909. Commission Decision

The commission will render its decision on an appeal and the reasons therefor in writing within 20 days after the hearing on the appeal and must provide a copy of the decision to the supervisor and the appellant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

### §911. Appeal of Commission Action

Any person adversely affected by an action, order, or decision of the commission may appeal to the Nineteenth Judicial District Court in accordance with the provisions of the act and Administrative Procedure Act, except that notice of appeal shall be given to the commission and petition for appeal shall be filed with the District Court within 10 days of the action, order, or decision of the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Justice, Riverboat Gaming Commission, LR 19:

Kenneth E. Pickering  
Chairman

## DECLARATION OF EMERGENCY

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

#### Anhydrous Ammonia (LAC 55:IX.Chapter 15)

The Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission has exercised the emergency provision of the Administrative Procedure Act, R. S. 49:953(B) to adopt the following emergency rules, effective March 20, 1993, for 120 days or until a final rule takes effect through the normal promulgation process, whichever is shortest. Emergency rule action is necessary to ensure the safe handling of anhydrous ammonia and to provide updated regulations in accordance with the law as amended in 1990.

#### Title 55

#### PUBLIC SAFETY

#### Part IX. Liquefied Petroleum Gas

#### Chapter 15. Sale, Storage, Transportation and Handling of Anhydrous Ammonia

*(Editor's Note: This Chapter applies specifically to the sale, storage, handling and transportation of anhydrous ammonia over*

Louisiana highways and the sale, construction and use of anhydrous ammonia containers and equipment.

### Subchapter A. New Dealers

#### §1501. Prerequisite

As a prerequisite to engage in the anhydrous ammonia business in the state of Louisiana, an applicant shall first comply with the applicable rules and regulations of the commission.

AUTHORITY NOTE: Promulgated in accordance with R. S. 3:1354.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:

#### §1503. Definitions

*New dealers*—individuals, firms or corporations that do not hold a permit to engage in the anhydrous ammonia business as of the date of their application.

AUTHORITY NOTE: Promulgated in accordance with R. S. 3:1354.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:

#### §1505. Applications

Any person, firm or corporation desiring to enter the anhydrous ammonia business in the state of Louisiana must file formal application with the Liquefied Petroleum Gas Commission 30 days prior to date of commission meeting. Presence of applicant or representative is required at the commission meeting when the application is heard. In no case will the applicant's supplier be the authorized representative. Application form will be furnished by the commission upon request.

AUTHORITY NOTE: Promulgated in accordance with R. S. 3:1354.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:

#### §1507. Requirements

Before any permit can be issued from the office of the director, all applicants must have complied with the following.

A. Must deposit filing fee of \$100 for Class A1; \$50 for Class A3; and \$25 for all others. This fee must accompany application.

B. Application must have been approved by the Liquefied Petroleum Gas Commission.

C. Must have on file in the office of the director a certificate of insurance signed by a Louisiana resident agent, showing kinds and amounts in force; said certificate shall be considered evidence of liability insurance coverage in the minimum sum of \$1,000,000 or \$5,000,000 depending on class; said certificate must bear the clause that in the event the insurance company intends to cancel, the insurance company will notify the director of the Liquefied Petroleum Gas Commission 30 days prior to date of cancellation.

D. Must furnish bond of \$10,000 with application, payable to the state of Louisiana, approved by the Liquefied Petroleum Gas Commission to insure compliance with the law and the rules and regulations.

E. Where applicable, storage tank and location must be approved. Storage tanks may not be located inside corporate limits without written permission of the governing body.

All sketches or drawings of proposed bottle filling plants, liquid withdrawal systems and/or installations utilizing ASME containers must be submitted to the office of the director and approved before system is put into operation.

F. Where applicable, must provide adequate transport and delivery trucks satisfactory to the commission. Each transport and/or delivery truck shall conform to CFR 49 of the DOT specifications.

G. Must have paid permit fee in the amount of \$300 to the Liquefied Petroleum Gas Commission of the state of Louisiana. For all succeeding years the permit fee shall be one-half of one percent of gross annual sales of anhydrous ammonia plus \$300.

H. Persons in charge of operations must furnish proof satisfactory to the commission and the director of the Liquefied Petroleum Gas Commission, that they have had experience in and are familiar with and will abide by all safety precautions necessary in the conducting of the business for which they are granted a permit.

I. All service and installation personnel, anhydrous ammonia transfer personnel, and tank truck drivers must have a card of competency from the office of the director. A card of competency will be issued to applicant upon receipt of \$10 examination fee and successfully completing the test providing applicant holds a current driver's license.

1. All certificates of competency must be renewed annually by permit holder. There will be a charge of \$5 per card. After expiration, there will be a penalty of \$3 per card. There will be a charge of \$5 for replacing a lost card; change of employer; or change of company name. A card with improper employer or company name shall not be valid.

2. All employees who are qualified by this commission and have been issued certificates of competency shall have their certificates of competency on their person while on duty. Should an employee lose his card, dealer is to notify this office within 10 days for the issuance of a new card. If an employee terminates his employment with the dealer for whom the card is issued, the card must be picked up by the dealer and returned to this office immediately.

J. Must have necessary experience in anhydrous ammonia business or have employed a recognized operator of such experience and competency. The commission reserves the right to demand that such knowledge and competency be proved by a written examination.

K. Where applicable must provide adequate switch track or tank loading and unloading facilities. All auxiliary equipment such as pumps, hose, electrical switches, etc., shall be, where possible, Underwriters Laboratory or any other nationally recognized testing agency approved for anhydrous ammonia. If equipment is not so approved, drawings and descriptions shall be submitted to the office of the director of the Liquefied Petroleum Gas Commission for his approval before installation.

L. Applications for a change of name must be on file with the commission 30 days prior to date of commission meeting and must deposit a filing fee of \$25 with application. A

representative of the new firm or corporation will be required to be present when the application is considered by the commission. All certificates of competency must be changed to new name.

M. Any permit holder who does not actively engage in business for which permit was granted, for a period of six consecutive calendar months, may have his permit revoked by the Liquefied Petroleum Gas Commission.

AUTHORITY NOTE: Promulgated in accordance with R. S. 3:1354.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:

#### **§1509. Compliance with Rules**

Compliance with all other applicable rules and regulations will be required for all permit holders.

1. The commission may assess a civil penalty of not less than \$10 nor more than \$500 for each violation of the rules and regulations adopted by this commission. Civil penalties may be assessed only by a ruling of the commission based on an adjudicatory hearing held in accordance with the Administrative Procedure Act. The commission may institute civil proceedings to enforce its ruling in the district court for the parish in which the commission is domiciled or the district court for the parish in which the violation occurred.

AUTHORITY NOTE: Promulgated in accordance with R. S. 3:1354.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:

#### **§1511. Re-application**

Any person, firm or corporation who has made application for a permit to enter the anhydrous ammonia business and whose request for permit has been denied, may re-submit an application 90 days after date of denial.

AUTHORITY NOTE: Promulgated in accordance with R. S. 3:1354.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:

#### **§1513. Classes of Permits**

The Liquefied Petroleum Gas Commission will issue upon application the following classes of permits:

1. Class A1. Holders of these permits may enter any phase of the anhydrous ammonia business.

a. Must file formal application with the Liquefied Petroleum Gas Commission 30 days prior to the date of the commission meeting at which time the application is to be considered, listing the names and addresses of the principal owners or, in the case of a corporation, the names and addresses of the principal officers and directors, and the agent of service. The name and address of the manager must also be furnished. Presence of the applicant is required at the commission meeting when the application is heard. Only with special approval of the commission, under extenuating circumstances, will the commission allow applicant to be represented by another party. Application forms will be

furnished by the commission upon request.

b. Must deposit filing fee of \$100 with application.

c. Must furnish evidence of liability insurance in the minimum sum of \$1,000,000 covering each of the following classes of insurance, covering applicant's legal liability:

i. Products Property Damage Liability

ii. Products Public Liability

iii. Manufacturer's and Contractor's Property Damage Liability

iv. Manufacturer's and Contractor's Public Liability

v. Automobile Public Liability

vi. Automobile Property Damage

d. Must furnish bond of \$10,000 with application, payable to the state of Louisiana, approved by the Liquefied Petroleum Gas Commission to insure compliance with the law and the rules and regulations.

e. Storage tank and location must be approved. Storage tanks may not be located inside corporate limits without permission of the governing body.

f. Must pay permit for first year's operations in the amount of \$300 to the Liquefied Petroleum Gas Commission of the state of Louisiana. For all succeeding years the permit fee shall be one-half of one percent of the gross annual sales of anhydrous ammonia plus \$300.

g. Person in charge of operations must be satisfactory to the commission and the director of the Liquefied Petroleum Gas Commission.

h. All service and installation personnel, anhydrous ammonia transfer personnel, and tank truck drivers must have a card of competency from the office of the director.

i. Must have necessary experience in anhydrous ammonia business or have employed a recognized operator of such experience and competency. The commission reserves the right to demand that such knowledge and competency be proved by a written examination.

j. Must provide adequate switch track of tank loading and unloading facilities. All auxiliary equipment such as pumps, hose, electrical switches, etc., shall be, where possible, Underwriters Laboratories or any other nationally recognized testing agency approved for anhydrous ammonia. If equipment is not so approved, drawings and descriptions shall be submitted to the office of the director of the Liquefied Petroleum Gas Commission for his approval before installation.

k. No truck shall be parked on a street or highway at night in any city, town or village, except that it be for the purpose of serving a customer, then only in an emergency.

l. Compliance with all other applicable rules and regulations will be required.

m. The name of the dealer or permit holder must appear on all tank trucks, storage tank sites, and/or advertising being used by the dealer.

2. Class A2. Holders of these permits may install and service anhydrous ammonia containers, piping and appliances, but shall not deliver anhydrous ammonia.

a. Must file formal application with the Liquefied Petroleum Gas Commission 30 days prior to the date of the commission meeting at which time the application is to be considered. Presence of the applicant (owner, manager or

officer) is required at the commission meeting when the application is heard. In no case will the applicant's supplier be the authorized representative. Application forms will be furnished by the commission upon request.

b. Must deposit filing fee of \$25 with application.

c. Must furnish evidence of liability insurance in the minimum sum of \$1,000,000 covering each of the following classes of insurance, covering applicant's legal liability.

i. Products Property Damage Liability

ii. Products Public Liability

iii. Manufacturer's and Contractor's Property Damage Liability

iv. Manufacturer's and Contractor's Public Liability

v. Automobile Public Liability

vi. Automobile Property Damage

d. Must furnish bond of \$10,000 with application, payable to the state of Louisiana, approved by the Liquefied Petroleum Gas Commission to insure compliance with the law and the rules and regulations.

e. Must pay permit for first year's operations in the amount of \$300 to the Liquefied Petroleum Gas Commission of the state of Louisiana. For all succeeding years the permit fee shall be one-half of one percent of the gross annual sales of anhydrous ammonia plus \$300.

f. Person in charge of operations must be satisfactory to the commission and the director of the Liquefied Petroleum Gas Commission.

g. All service and installation personnel must have a certificate of competency from the office of the director.

h. Must have necessary experience in anhydrous ammonia business or have employed a recognized operator of such experience and competency. The commission reserves the right to demand that such knowledge and competency be proved by a written examination.

i. Compliance with anhydrous ammonia law and all other applicable rules and regulations is required.

3. Class A3. Holders of these permits may engage in the filling of approved cylinders with anhydrous ammonia on their premises, but shall not deliver anhydrous ammonia.

a. Must file formal application with the Liquefied Petroleum Gas Commission 30 days prior to the date of the commission meeting at which time the application is to be considered. Presence of the applicant (owner, manager or officer) is required at the commission meeting when the application is heard. In no case will the applicant's supplier be the authorized representative. Application forms will be furnished by the commission upon request.

b. Must deposit filing fee of \$25 with application.

c. Must furnish evidence of liability insurance in the minimum sum of \$1,000,000 covering each of the following classes of insurance, covering applicant's legal liability.

i. Products Property Damage Liability

ii. Products Public Liability

d. Must furnish bond of \$10,000 with application, payable to the state of Louisiana, approved by the Liquefied Petroleum Gas Commission to insure compliance with the law and the rules and regulations.

e. Storage tank and location must be approved. All tanks located in corporate limits must also be approved by the

governing body.

f. Must pay permit for first year's operations in the amount of \$300 to the Liquefied Petroleum Gas Commission of the state of Louisiana. For all succeeding years the permit fee shall be one-half of one percent of the gross annual sales of anhydrous ammonia plus \$300.

g. Person in charge of operations must be satisfactory to the commission and the director of the Liquefied Petroleum Gas Commission.

h. All employees handling anhydrous ammonia must have a certificate of competency from the office of the director.

i. Must have necessary experience in anhydrous ammonia business or have employed a recognized operator of such experience and competency. The commission reserves the right to demand that such knowledge and competency be proved by a written examination.

j. Compliance with all other applicable rules and regulations will be required.

4. Class A3-X. Holders of these permits may engage in the exchange of approved anhydrous ammonia cylinders on their premises, but shall not fill cylinders.

a. Must file formal application with the Liquefied Petroleum Gas Commission 30 days prior to the date of the commission meeting at which time the application is to be considered. Presence of the applicant (owner, manager or officer) is required at the commission meeting when the application is heard. In no case will the applicant's supplier be the authorized representative. Application forms will be furnished by the commission upon request.

b. Must deposit filing fee of \$50 with application.

c. Must furnish evidence of liability insurance in the minimum sum of \$1,000,000 covering each of the following classes of insurance, covering applicant's legal liability.

i. Products Property Damage Liability

ii. Products Public Liability

iii. Automobile Property Damage Liability

iv. Automobile Public Liability

d. Must furnish bond of \$10,000 with application, payable to the state of Louisiana, approved by the Liquefied Petroleum Gas Commission to insure compliance with the law and the rules and regulations.

e. Must pay permit for first year's operations in the amount of \$300 to the Liquefied Petroleum Gas Commission of the state of Louisiana. For all succeeding years, the permit fee shall be one-half of one percent of the gross annual sales of anhydrous ammonia plus \$300.

f. Storage location must be approved. All tanks located in corporate limits must also be approved by the governing body.

g. Cylinder delivery trucks are to comply with CFR 49 of the DOT specifications.

h. Person in charge of operations must be satisfactory to the commission and the director of the Liquefied Petroleum Gas Commission.

i. All employees handling anhydrous ammonia must have a certificate of competency from the office of the director.

j. Compliance with all other applicable rules and regulations will be required.

5. Class A4. Holders of these permits may transport anhydrous ammonia by motor vehicle over the highways of the state of Louisiana but shall not sell product in the state. This permit may be secured from the office of the director upon receipt of the following.

a. Must file formal application with the Liquefied Petroleum Gas Commission 30 days prior to the date of the commission meeting at which time the application is to be considered. Presence of the applicant (owner, manager or officer) is required at the commission meeting when the application is heard. In no case will the applicant's supplier be the authorized representative. Application forms will be furnished by the commission upon request.

b. Must deposit filing fee of \$25 with application.

c. Must pay permit fee for first year's operations in the amount of \$300 to the Liquefied Petroleum Gas Commission of the state of Louisiana. For all succeeding years the permit fee shall be \$300.

d. Must furnish evidence of liability insurance in the minimum sum of \$5,000,000 covering each of the following classes of insurance, covering applicant's legal liability.

i. Automobile Public Liability

ii. Automobile Property Damage Liability

e. Must furnish bond of \$10,000 with application, payable to the state of Louisiana, approved by the Liquefied Petroleum Gas Commission to insure compliance with the law and the rules and regulations.

f. All trucks traveling in Louisiana shall conform to CFR 49 of the DOT specifications.

g. All transport trucks are subject to inspection and approval of the Liquefied Petroleum Gas Commission.

h. No truck shall be parked on a street or highway at night in any city, town, or village, except that it be for the purpose of serving a customer and this only in an emergency.

i. All transport and tank truck drivers must have a certificate of competency from the office of the director.

j. Compliance with all other applicable rules and regulations will be required.

6. Class A4-E. Holders of these permits may transport anhydrous ammonia over the highways of the state of Louisiana but shall not sell product in the state. These permits are valid only for 90 days from the date of issuance and may be secured from the office of the director upon receipt of the following.

a. Application must be submitted to the office of the Liquefied Petroleum Gas Commission.

b. Must deposit filing fee of \$25 with application.

c. Must pay emergency permit fee (valid for 90 days only) in the amount of \$325. In the event the applicant desires to obtain a permanent Class A4, \$300 of the emergency fee will be applicable to the current year's fee.

d. Must furnish evidence of liability insurance in the minimum sum of \$5,000,000 covering each of the following classes of insurance, covering applicant's legal liability.

i. Automobile Public Liability

ii. Automobile Property Damage Liability

e. Must furnish bond of \$10,000 with application, payable to the state of Louisiana, approved by the Liquefied Petroleum Gas Commission to insure compliance with the law and the rules and regulations.

f. All trucks entering the state of Louisiana shall be inspected by a field inspector from the staff of the commission and certified safe.

g. All trucks traveling in Louisiana shall conform to CFR 49 of the DOT specifications.

h. Operators of the equipment must pass appropriate examination.

i. Section 1505 of the rules and regulations is hereby declared non-applicable to the Class A4-E permit.

**AUTHORITY NOTE:** Promulgated in accordance with R. S. 3:1354.

**HISTORICAL NOTE:** Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:

#### **Subchapter B. Dealers**

##### **§1515. Compliance with Rules and Act**

Dealers must comply with R. S. 3:1355 of the Louisiana Revised Statutes and the rules and regulations of the Liquefied Petroleum Gas Commission in order to obtain a permit and to avoid cancellation of said permit.

**AUTHORITY NOTE:** Promulgated in accordance with R. S. 3:1354.

**HISTORICAL NOTE:** Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:

##### **§1517. Fine**

The commission, after 15 days notice to appear before them for trial, and trial held, may impose a fine in lieu of cancellation of permit.

**AUTHORITY NOTE:** Promulgated in accordance with R. S. 3:1354.

**HISTORICAL NOTE:** Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:

##### **§1519. Expiration of Permit**

After the expiration of permit fee date, any dealer continuing in operation without payment of the fee, as required by law, shall be considered as operating in violation of R. S. 3:1356 (A) of the Louisiana Revised Statutes and rules and regulations of the Liquefied Petroleum Gas Commission, and the commission may or may not renew, as in their judgment may decide.

**AUTHORITY NOTE:** Promulgated in accordance with R. S. 3:1354.

**HISTORICAL NOTE:** Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:

##### **§1521. Qualified Personnel**

All service and installation personnel, anhydrous ammonia transfer personnel, and tank truck drivers must have a card of competency from the office of the director. Where new persons are employed, they must not be placed in charge of making installations, servicing equipment, or delivering

anhydrous ammonia until they have passed the examination given by the director and a card showing their competency has been issued to them.

**AUTHORITY NOTE:** Promulgated in accordance with R. S. 3:1354.

**HISTORICAL NOTE:** Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:

##### **§1523. Report Accidents**

Any accident in the anhydrous ammonia business shall be reported in writing to the office of the director within 48 hours. For example, accidents involving the transportation of anhydrous ammonia, injury to an employee, etc.

**AUTHORITY NOTE:** Promulgated in accordance with R. S. 3:1354.

**HISTORICAL NOTE:** Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:

##### **§1525. Insurance**

Insurance requirements for an individual firm or corporation having a permit shall be the same as required of a new dealer.

**AUTHORITY NOTE:** Promulgated in accordance with R. S. 3:1354.

**HISTORICAL NOTE:** Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:

##### **§1527. Compliance with Rules**

Compliance with all other rules and regulations will be required for all permit holders.

**AUTHORITY NOTE:** Promulgated in accordance with R. S. 3:1354.

**HISTORICAL NOTE:** Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:

##### **§1529. Condemnation of Tanks**

Any anhydrous ammonia storage container corroded, pitted or worn to 20 percent of the thickness of the head, shell plate, or stand pipe shall be condemned for further storage of anhydrous ammonia, provided the shell thickness is not less than three-sixteenths inch.

**AUTHORITY NOTE:** Promulgated in accordance with R. S. 3:1354.

**HISTORICAL NOTE:** Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:

##### **§1531. Improper Installation**

A dealer shall not serve any anhydrous ammonia system which the dealer knows or should know is not installed pursuant to the Liquefied Petroleum Gas Commission regulations or is in a dangerous condition. All new installations or reinstallations must be checked by the dealer for tightness of lines, poor workmanship, use of unapproved pipe or equipment or use of poor piping design. All improper installations shall be corrected before the dealer services such installation or reinstallation with anhydrous ammonia for the first time. Any subsequent servicing dealer shall not be

responsible for unauthorized changes in or failures of an existing system or connected equipment.

1. Anyone violating this section shall also be liable for all damages resulting from an accident or explosion involving that shipment. The liability imposed by this Section may not be delegated by contract or practice to any transporter or subcontractor responsible for the transportation of anhydrous ammonia.

2. A permit may be suspended or revoked by the commission whenever the commission has assessed two or more penalties against a dealer for willful violation of or failure to comply with such rules and regulations provided the second or succeeding penalty or penalties have been imposed for violations of or failure to comply with the regulations of the commission committed after the imposition of the first penalty or forfeiture, reserving to the dealer the right to resort to the courts for reinstatement of the permit suspended or revoked. The commission may suspend or revoke the permit of any person who violates the provisions of R. S. 3:1355 or who fails to pay any civil penalty imposed by the commission under the provisions of R. S. 3:1357 within 30 days after the assessment becomes final. Any dealer who continues to operate after such permit is revoked or during the period of such suspension shall be liable to prosecution under the provisions hereof in the same manner as if no such permit had ever been issued. A permit may be revoked or suspended only by a ruling of the commission based on adjudicatory hearing held in accordance with the Administrative Procedure Act. The commission may institute civil proceedings to enforce its rulings in the district court for the parish in which the commission is domiciled or in the district court for the parish in which the violation occurred.

3. No dealer shall service an anhydrous ammonia system, tank or another dealer after having received notification by the commission that the system, tank or dealer is not in compliance with these rules and regulations. Mailing of an AD letter which states that a system, tank or dealer is not in compliance, or certified letter stating the same shall constitute notification.

AUTHORITY NOTE: Promulgated in accordance with R. S. 3:1354.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:

#### **§1533. Customer Notification**

Each dealer shall transmit a notice once each year to each customer stating that anhydrous ammonia systems are potentially dangerous, that a leak in the system could result in an injury and that systems should be inspected periodically.

AUTHORITY NOTE: Promulgated in accordance with R. S. 3:1354.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:

#### **§1535. Inspections**

Each dealer facility subject to the regulations of the commission shall submit to an inspection by a representative of the commission, which inspections may be conducted

without prior notice by the commission or its representative.

AUTHORITY NOTE: Promulgated in accordance with R. S. 3:1354.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:

#### **§1537. Dealer Permit Requirements**

Permits required under these general requirements shall not be transferred. All dealers, regardless of operation, must hold a permit and may not operate under a permit of another dealer.

AUTHORITY NOTE: Promulgated in accordance with R. S. 3:1354.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:

#### **§1539. Testing of Tanks**

The director of the Liquefied Petroleum Gas Commission reserves the right to require an internal hydrostatic pressure test on bulk storage or nurse tanks.

AUTHORITY NOTE: Promulgated in accordance with R. S. 3:1354.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:

#### **§1541. Sketches**

A. Three copies of all anhydrous ammonia installation plans and specifications including plot plans shall be submitted to the office of the director for approval before the job is begun.

B. Such plans must show the following:

1. the distance of container from line of adjoining property, highways, main line of railroads, places of public assembly, institutional occupancy (such as hospitals, nursing homes, schools) and dug wells;
2. size and location of tank;
3. the size and location of all pipe and the length of all runs;
4. all other details as related to the proposed installation as required.

AUTHORITY NOTE: Promulgated in accordance with R. S. 3:1354.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:

#### **§1543. Tags of Approval**

A. Dealers shall inspect their customers' nurse tanks up to 3,000 gallons annually. A report showing proof of inspection shall be mailed to the office of the director by the twentieth of the month following inspection.

The above inspection shall be good for one year only.

B. Any bulk storage container (over 3,000 gallons) shall be inspected and tagged by an inspector of the Liquefied Petroleum Gas Commission on an annual basis.

The above inspection shall be good for one year only.

C. Any system being serviced for the first time shall be inspected in accordance with the provisions of Subsection A

and B above, whichever may apply.

**AUTHORITY NOTE:** Promulgated in accordance with R. S. 3:1354.

**HISTORICAL NOTE:** Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:

### **Subchapter C. Forms and Reports**

#### **§1545. Installation Report**

An installation report form shall be used for all installations and reinstallations of DOT and ASME containers, and must be filed with the office of the director of the Liquefied Petroleum Gas Commission by the twentieth day of the following month (except in the case of a bulk storage installation which shall be filed at the time of installation).

**AUTHORITY NOTE:** Promulgated in accordance with R. S. 3:1354.

**HISTORICAL NOTE:** Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:

### **Subchapter D. Adoption of Standard**

#### **§1547. National Standard**

A. The Liquefied Petroleum Gas Commission hereby adopts the American National Standards Institute, Safety Requirements for the Storage and Handling of Anhydrous Ammonia, CGA-G-2.1, ANSI K61.1 of 1989 except for Section 8 regarding systems mounted on railcar structures.

B. Any subsequent changes made to the abovementioned national standard shall become effective the date the standard is published.

C. Any published rules and regulations shall take precedence over the standard referenced in Subsection A.

**AUTHORITY NOTE:** Promulgated in accordance with R. S. 3:1354.

**HISTORICAL NOTE:** Adopted by the Department of Agriculture, Anhydrous Ammonia Commission (January 1967), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 19:

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

## **DECLARATION OF EMERGENCY**

### **Department of Public Safety and Corrections Office of Alcoholic Beverage Control**

#### **Caterer Permit (LAC 55:VII.325)**

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, and R.S. 26:793 which authorizes the commissioner to establish special designations on the regular Class A permits for persons who wish to service special events as caterers and serve at locations other than their licensed premises, the commissioner hereby finds that an imminent peril to the public welfare exists, due to the loss of revenue, and accordingly adopts an emergency rule.

The Department of Public Safety and Corrections, Office of Alcoholic Beverage Control finds that unregulated caterers' activities constitutes an imminent peril to the public welfare because of the irrevocable loss of income and commerce to the state. Promulgation of this rule allows expedient enforcement of statutory enforcement and regulatory provisions of Title 26 of the Louisiana Revised Statutes.

The effective date of this emergency rule is March 10, 1993, and shall remain in effect for 120 days or until it takes effect through the normal promulgation process, whichever is shortest.

## **Title 55**

### **PUBLIC SAFETY**

#### **Part VII. Alcoholic Beverage Control**

#### **Chapter 3. General Regulations**

#### **§325. Caterer Permit**

A. The Office of Alcoholic Beverage Control issue special caterer permits to the holders of Class A liquor and beer retail permits to allow licensed dealers to sell and serve alcoholic beverages, on a temporary basis, limited to three days in duration, at events other than upon the premises for which the holder's regular permit is issued; but only in an area where the sale of beverages has been authorized by local option election and with written permission from the local governing authority.

1. In order to qualify for a caterer permit, an applicant must derive 60 percent of its gross annual revenue from the sale of food or food related products. The permit is limited in application to off premise events of limited duration and only when providing food service amounting to at least 25 percent of the gross revenue to the caterer for the event. All alcoholic beverages must be dispensed by the caterer or his employee, agent or servant.

2. The caterer permit may be issued in conjunction with either a Class A beer or liquor permit, or both, and shall expire at the same time as the regular Class A permit. If the regular Class A permit ceases to be valid for cause, the caterer permit ceases to be valid. Cost of the caterer permit is \$200 per year or portion thereof; costs shall not be prorated.

3. An application for a caterer permit shall be made on forms prescribed by the commissioner. Special designation on the duplicate Class A permits of applicants for caterer permit shall be "caterer."

B. A caterer must display the caterer permit on the premises of the event being catered.

C. Holders of a caterer permit must specifically comply with provisions of R.S. 26:90, 26:91, 26:286, and 26:287, in addition to other provisions not exempted; however, exceptions are: when the holder of a caterer permit calls upon an industry member to service an event, at events other than upon the premises for which the holder's regular permit is issued, the industry member must charge the holder of the caterer permit for all equipment used and services rendered in an amount at least equal to that listed as follows.

1. Labor. At a rate equal to that required as a minimum wage under the Federal Wage and Hour Act.

2. Self contained electric units in which the beer container is refrigerated with the unit — \$15 per day.

3. Electric unit in which the beer container sits outside the cooling unit — \$15 per day.
4. Picnic pumps — \$1 per day.
5. Tubs — \$1 per day.
6. Cold plates — \$2 per day.
7. Trucks designed to handle packaged beer without refrigeration— \$20 per day.
8. Refrigerated trucks designed to handle packaged or draught beer— \$30 per day.
9. Mobile refrigerated draught units such as trailers or other vehicles — \$30 per day.
10. Cups, ice, additional CO2 gas and similar supplies and equipment — cost to the industry member.

D. Any violation of rules or causes enumerated in Title 26 of the Louisiana Revised Statutes shall subject the retailer to revocation, suspension or withholding of his alcoholic beverage permits.

Raymond Holloway  
Commissioner

### DECLARATION OF EMERGENCY

Department of Public Safety and Corrections  
Office of State Police  
Charitable Gaming Division

#### Pull Tabs

On this twenty-sixth day of February, 1993, the Division of Charitable Gaming Control within the Office of State Police, Department of Public Safety and Corrections finds that adoption of these emergency rules regarding counting of pull tabs by distributors be adopted upon shorter notice than provided in R.S. 49:953(A) and that there otherwise exists an imminent threat to the public welfare, specifically that counting of pull tabs by distributors will increase the security of pull tab deals, increase competition and maintain lower prices for gaming supplies to licensed charitable organizations.

1. Any licensed distributor including his authorized agents or employees may open, count, and repackage pull tab deals procured from licensed manufacturers for distribution to licensed charitable organizations. No person employed by a licensed distributor to open, count, or repackage pull tabs may purchase pull tabs.

2. Any distributor which opens a box of pull tabs shall take necessary precautions to prevent loss, theft, damage, opening or otherwise impairing the integrity of the pull tabs.

3. Any distributor which counts pull tabs shall take necessary precautions to insure accurate counts. Open deals of pull tabs shall be maintained in a separate secure location accessible only by authorized and bonded employees.

4. No deal of pull tabs shall be distributed if its actual count varies from its manufacturer's declared count by one half of one percent or more. Any distributor which sells a deal of pull tabs containing an actual count different from the manufacturer's declared count shall advise the purchaser of

such discrepancy at the time of the sale. The distributor shall maintain for three years a log containing the following information relative to every deal sold containing any count discrepancy:

- a. manufacturer;
- b. form number;
- c. serial number;
- d. manufacturer's declared count;
- e. actual count;
- f. purchaser's name and license number.

5. No deal of pull tabs shall be distributed if one or more winning pull tabs from that deal have been destroyed, substantially damaged, or opened. No opened pull tab shall be resealed by the distributor.

6. All points of entry on any box of pull tabs opened by a distributor shall be resealed with an adhesive sticker bearing the distributor's name.

7. Any distributor which counts pull tabs shall do such counting only at the principal address listed on the distributor's license application filed with the division or at a location approved in advance by the division in writing. No distributor shall count pull tabs on premises where charitable gaming is conducted.

8. Every deal of pull tabs opened and counted by a distributor shall be repackaged in the original packaging and shall include the original manufacturer's packing slip and a packing slip from the distributor containing the following information:

- a. the name of the distributor;
- b. the date the box was repackaged;
- c. the name or identification of the person or persons repackaging the box;
- d. the actual total number of pull tabs in the box; and
- e. the number of pull tabs in each banded or separated group, including those pull tabs not equalling the number contained in each such group.

9. Any distributor which opens a box of pull tabs that must be returned to the manufacturer or cannot be sold due to a defect or damage caused by the manufacturer, distributor or shipping company shall maintain for three years a log containing the following information:

- a. manufacturer;
- b. form number;
- c. serial number;
- d. description of defect or damage including identity of the responsible person or persons; and
- e. disposition of the deal.

Colonel Paul W. Fontenot  
Deputy Secretary

**DECLARATION OF EMERGENCY**

**Department of Public Safety and Corrections  
Office of State Police  
Video Gaming Division**

Filing and Payment of Taxes (LAC 55:I.2405)

The Department of Public Safety and Corrections, Office of State Police is exercising the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and R.S. 33:4862.8 of the Video Draw Poker Devices Control Law, and hereby amends LAC 55:I:2405(B)(6) which pertains to the eligibility requirements related to the payment of taxes by those individuals seeking a license from the Video Gaming Division.

Emergency adoption is necessary in order that the Office of State Police may protect the public interest of this state and the effective regulation of video draw poker.

Effective date of this emergency rule is March 10, 1993. Section 2405 is hereby amended to read as follows.

**Title 55**

**PUBLIC SAFETY**

**Part I. State Police**

**Chapter 24. Video Draw Poker**

**§2405. Licenses**

\* \* \*

**B. Requirements for Licensing**

\* \* \*

6. The applicant or licensee must be current in filing all applicable tax returns and in payment of all taxes, interest and penalties owed to the state of Louisiana, local governmental units, and the Internal Revenue Service, excluding items under formal appeal pursuant to applicable statutes or payment agreement.

\* \* \*

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 33:4862.8.

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:196 (February 1992) amended LR 19:

Paul W. Fontenot, Colonel  
Superintendent

**DECLARATION OF EMERGENCY**

**Department of Social Services  
Office of Family Support**

Food Stamps (LAC 67:III.1983)

The Department of Social Services, Office of Family Support, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to adopt the following rule effective March 1, 1993, in the Food Stamp Program.

Emergency rulemaking is necessary to affect a change in policy which will reduce benefits to some food stamp households.

The Family Support Act of 1988 directed that child care payments to participants in the Job Opportunities and Basic Skills (JOBS) Program, known as Project Independence in Louisiana, and the Transitional Child Care Assistance Program (TCC) be excluded as food stamp income.

Pursuant to amendment by the Hunger Prevention Act of 1988, 7 USC 2014(d) provides that JOBS and TCC Title IV-A payments or reimbursements for child care expenses made under an employment, education or training program initiated after September 19, 1988, are reimbursements.

7 USC 2014(e) provides for a dependent deduction, except for payments made on behalf of the household by a third party.

Food Stamp Policy Memorandum 3-90-26, interpreting the impact of the Family Support Act of 1988, directed that a food stamp household could receive a deduction for dependent care costs even though part or all of the cost was reimbursed by JOBS and TCC payments.

Pursuant to *Federal Register*, Volume 57, Number 244, pages 60074-60083, this policy has been clarified and 7 CFR 273.10 amended with a state implementation date of March 1, 1993. The federal regulation now provides that a dependent care deduction is not available for the amount of child care expenses reimbursed or paid for by JOBS or TCC.

The Department of Social Services, Office of Family Support, proposes to amend the Louisiana Administrative Code, Title 67, Part III, Subpart 3, Food Stamps.

**Title 67**

**SOCIAL SERVICES**

**Part III. Office of Family Support**

**Subpart 3. Food Stamps**

**Chapter 19. Certification of Eligible Households**

**Subchapter I. Income and Deductions**

**§1983. Income Deductions and Resource Limits**

\* \* \*

B. A child care expense that is paid for or reimbursed by the Job Opportunities and Basic Skills Training Program or the Transitional Child Care Program shall not be deductible, except for that expense which exceeds the payment or reimbursement.

\* \* \*

**AUTHORITY NOTE:** Promulgated in accordance with F.R. 51:11009 et seq. and 51:11086 et seq., P.L. 99-500, 7 CFR 273.9 and 273.10 (d)(1)(i).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 12:285 (May 1986), amended LR 12:423 (July 1986), LR 12:824 (December 1986), LR 13:181 (March 1987), LR 14:684 (October 1988), LR 15:14 (January 1989). Amended by the Department of Social Services, Office of Family Support, LR 19:

Gloria Bryant-Banks  
Secretary

## DECLARATION OF EMERGENCY

### Department of Social Services Office of Family Support

#### Refugee Cash Assistance Program (LAC 67:III.3903)

The Department of Social Services, Office of Family Support, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to adopt the following rule effective April 1, 1993, in the Refugee Cash Assistance Program.

Pursuant to the Office of Refugee Resettlement (ORR) State Letter 93-03 of February 26, 1993, the ORR intends to publish an emergency rule on March 1, 1993, reducing the current eligibility period from eight months to five months effective April 1, 1993, based on a recent assessment of available funds for fiscal year 1993. Therefore, an emergency rule is necessary to effect this change at the state level.

The Department of Social Services, Office of Family Support, proposes to amend the Louisiana Administrative Code, Title 67, Part III, Subpart 7, Refugee Cash Assistance Program.

#### Title 67

#### SOCIAL SERVICES

#### Part III. Office of Family Support

#### Subpart 7. Refugee Cash Assistance

#### Chapter 39. Application, Eligibility, and Furnishing Assistance

#### §3903. Eligibility Periods

A. 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 Resources.

B. Effective April 1, 1993, assistance will be available for the first five months following the refugee's arrival in the United States.

**AUTHORITY NOTE:** Promulgated in accordance with 45 CFR 400.202.

**HISTORICAL NOTE:** Promulgated by the Department of Social Services, Office of Family Support, LR 17:953 (October 1991), amended LR 18:22 (January 1992), LR 19:

Gloria Bryant-Banks  
Secretary

## DECLARATION OF EMERGENCY

### Department of Social Services Rehabilitation Services

#### Sign Language Interpreter (LAC 67:VII.1301)

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

Services, Louisiana Rehabilitation Services, Commission for the Deaf is adopting revisions to the rules affecting the certification of sign language interpreters.

The purpose of this declaration of emergency, effective March 31, 1993 for 120 days, is to provide revisions to the rules governing the procedures/standards used in the evaluation and certification of sign language interpreters and list the qualifications of individuals who are eligible for certification at various skill levels.

This emergency rule supersedes all rules previously promulgated related to State Sign Language Interpreter Certification Standards.

#### Title 67

#### SOCIAL SERVICES

#### Part VII. Rehabilitation Services

#### Chapter 13. State Sign Language Interpreter Certification Standards

#### § 1301. Certification Standards

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

1. Recognition of situational specialties will require action of the appropriate subcommittees of the Interpreter Certification Board.

##### a. Qualifications for Certification

- i. be at least 18 years of age; and
- ii. possess a high school diploma/GED; and
- iii. submit completed application forms and required documentation; and
- iv. pass appropriate examination(s); and
- v. abide by state laws, rules and regulations; and
- vi. abide by the Registry of Interpreters for the Deaf, Inc. (RID) Code of Ethics; and

##### b. in addition, applicants shall agree to:

- i. sign a release of information form allowing LCD to gain examination results from examining agency(ies); and
- ii. pay membership and related application fees to contracted examining agency(ies).

c. Application. An individual interested in certification must contact the Louisiana Commission for the Deaf (LCD).

B. Examinations. The State Certification Program includes the following:

1. Screening. To begin the certification process, the candidate must rate an intermediate level or higher of Sign Language skills, as measured by the Sign Language Proficiency Interview or Sign Communication Proficiency Interview.

2. Written/Verbal/Performance Components. Upon successful completion of screening, the candidate will be eligible for the written examination(s), which will assess knowledge of the general field of deafness including deaf culture; the profession of Sign Language interpreting and application of the RID Code of Ethics.

a. Upon successful completion of the written examination(s), the candidate will be eligible for the verbal and/or performance examination(s).

b. The verbal examination(s) may include but not be limited to assessing knowledge of the general field of deafness including deaf culture, the profession of Sign Language

interpreting and application of the RID Code of Ethics.

c. The performance examination will assess the candidate's ability to render the following:

i. American Sign Language into spoken English and spoken English into American Sign Language; and

ii. Sign English into spoken English and spoken English into Sign English.

d. Factors examined include, but are not limited to, clarity of signs and fingerspelling; appropriateness of English structure and register; inflection of signs and voice to depict affect and conceptual accuracy.

3. Examination Instrument. The Interpreter Certification Board will determine the examination(s) to be administered as approved by the Louisiana Commission for the Deaf.

4. Examination Dates. Administration of examination(s) will be scheduled by the Interpreter Certification Board.

5. Notification of Examination(s) Results. Individual candidates will be notified of results. Results of any part of the examination(s) will be maintained in confidential files, however, successful completion will be a matter of public record.

6. Re-application. Persons who do not successfully pass any section(s) of the examination may apply for re-examination of said section(s) after a waiting period as outlined in the procedures manual of the Interpreter Certification Board.

7. No Shows. Failure to appear at an examination site at the appropriate time, for other than just cause as determined by ICB, will result in being placed at the bottom of the waiting list for the next available date.

#### C. Certificates

1. Certificate Criteria. The candidate:

a. must successfully complete the written examination(s); and

b. must successfully complete the verbal and/or performance examination(s);

c. must successfully complete a standardized minimum score/rating as determined by the provider of the examination instrument(s).

d. will be awarded:

Level V

Level IV

Level III

Level II

Level I

e. A Level V certificate indicates the candidate possesses master level skill in both interpreting and transliterating.

2. Certificate Duration/Maintenance. Certificates shall be continuous as long as the individual interpreter meets certificate maintenance requirements as outlined in the procedures manual of the Interpreter Certification Board. Certificate maintenance requirements shall include but not be limited to professional growth and development, and field work.

a. Certificates shall be terminated when maintenance requirements are not met, but may be restored as outlined in the procedure manual of the Interpreter Certification Board.

3. Reciprocity. Reciprocity of Sign Language

interpreting certificates is outlined in the procedure manual of the Interpreter Certification Board.

4. Appeals. Individuals who disagree with the examination procedure and/or decisions of the Interpreter Certification Board have the right of appeal as outlined in the procedure manual of the Interpreter Certification Board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2351-2354 and 46:2361-2374.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, Commission for the Deaf, LR 17:389 (April 1991), amended LR 18:968 (September 1992), LR 19 (March 1993).

Gloria Bryant-Banks  
Secretary

## DECLARATION OF EMERGENCY

### Department of Social Services Rehabilitation Services

#### Sign Language Interpreters' Grandfather Provision (LAC 67:VII.1303)

In accordance with the provisions of R.S. 49:953(B) of the Administrative Procedure Act, the Department of Social Services, Louisiana Rehabilitation Services, Commission for the Deaf, is amending the rules affecting the certification of sign language interpreters.

The purpose of this declaration of emergency, effective March 31, 1993, for 120 days, is to provide revisions to the rules governing the procedures/standards used in the evaluation and certification of sign language interpreters and list the qualifications of individuals who are eligible for certification at various skill levels.

This emergency rule supersedes all rules previously promulgated related to State Sign Language Interpreter Certification Standards.

#### Title 67

#### SOCIAL SERVICES

#### Part VII. Rehabilitation Services

#### Chapter 13. State Sign Language Interpreter Certification Standards

#### §1303. Grandfathering

A. Upon this rule becoming effective, for a period of three months candidates may receive a certificate according to the following:

1. Level V. Individuals must provide documentation and proof of Louisiana Commission for the Deaf Interim Certificate A or B, or current or past Registry of Interpreters for the Deaf certification of:

a. Specialist Certificate: Legal SC:L (formerly LSC),

or

b. Specialist Certificate: Performing Arts (SC:PA), or

c. Master Comprehensive Skills Certificate (MCSC),

or

d. Comprehensive Skills Certificate (CSC), or  
Reverse Skills Certificate (RSC), or

e. Certificate of Interpretation (CI) and Certificate of Transliteration (CT).

2. Level IV. Individuals must provide documentation and proof of Louisiana Commission for the Deaf Interim Certificate C, or current or past Registry of Interpreters for the Deaf certification of:

a. Certificate of Interpreting (CI), or Certificate of Transliterating (CT);

b. Expressive Interpreting Certificate (EIC); and

c. Expressive Translating Certificate (ETC); or

d. Interpreting Certificate (IC); and

e. Transliterating Certificate (TC).

3. Level III. Individuals must provide documentation of a Louisiana Commission for the Deaf Interim Certificate D or past Registry of Interpreters for the Deaf certification of:

a. Expressive Interpreting Certificate (EIC); or

b. Expressive Translating Certificate (ETC); or

c. Interpreting Certificate (IC); or

d. Transliterating Certificate (TC).

4. Level II. Individuals must provide documentation and proof of four or more Louisiana Registry of Interpreters for the Deaf Situational Specialties\* and an intermediate or higher rating as measured by the Sign Language Proficiency Interview, or a Louisiana Commission for the Deaf Interim Certificate E.

5. Level I. Individuals must provide documentation and proof of one to three Louisiana Registry of Interpreters for the Deaf Situational Specialties\* and an intermediate or higher rating as measured by the Sign Language Proficiency Interview.

\* Religious interpreting as a Situational Specialty will not be accepted.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 46:2351-2354 and R.S. 46:2361-2374.

**HISTORICAL NOTE:** Promulgated by the Department of Social Services, Rehabilitation Services, Commission for the Deaf, LR 17:389 (April 1991), amended LR 18:968 (September 1992), amended LR 19: (March 1993).

Gloria Bryant-Banks  
Secretary

## DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

### Calcasieu Oyster Season

The Department of Wildlife and Fisheries has determined that there is an above average supply of marketable oysters available on the Calcasieu Lake tonging area. In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and 967, and under the authority of R.S. 56:435.1, notice is hereby given that the Wildlife and Fisheries Commission finds that imminent peril to the public welfare exists and hereby adopts the following emergency rule.

The Calcasieu Lake oyster tonging area will be open for oyster tonging one-half hour before sunrise on March 8, 1993, and remain open until one-half hour after sunset on April 3, 1993.

The secretary of the Department of Wildlife and Fisheries is authorized to take emergency action, if necessary, to close areas if oyster mortalities are occurring or to delay the season or close areas where significant spat catch has occurred with good probability of survival.

The secretary is authorized to take emergency action to reopen areas previously closed if the threat to the resource subsides.

Bert H. Jones  
Chairman

## DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

### Pink Shrimp Season

In accordance with the emergency provisions of R.S. 49:967 which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all inside waters, the Wildlife and Fisheries Commission does hereby set a special pink shrimp season to open in that area of Breton and Chandeleur Sounds as described in the menhaden rules (Title 76, Part VII, Chapter 3, §307.D) at sunset on Monday, March 8, 1993, and extend through sunrise April 2, 1993, and shall be restricted to nighttime (sunset to sunrise) fishing only. The secretary of the Department of Wildlife and Fisheries is also hereby authorized to close the special pink shrimp season if biological and technical data indicate the need to do so, or enforcement problems develop. The secretary is also hereby authorized to close and reopen the shrimp season in the state's territorial sea and set any special inshore shrimp seasons to harvest overwintering white shrimp, as indicated by technical data secured through the Department of Wildlife and Fisheries' shrimp sampling program.

Bert H. Jones  
Chairman

## DECLARATION OF EMERGENCY

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Terrebonne Barrier Islands Refuge (LAC 76:III.321)

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, and under the authority of R.S. 56:6(18), 56:761 and 56:785 the Wildlife and Fisheries Commission hereby finds that an imminent peril to the public welfare exists and accordingly adopts the following emergency rule as of 4 March, 1993.

#### Title 76

#### WILDLIFE AND FISHERIES

#### Part III. State Game and Fish Preserves and Sanctuaries Chapter 3. Particular Game and Fish Preserves and Commissions

#### §321. Terrebonne Barrier Islands Refuge

The Department of Wildlife and Fisheries does hereby establish regulations for the management of the Terrebonne Barrier Islands Refuge. The refuge has the greatest number and species diversity of nesting waterbirds of any privately owned barrier island in the state and represents one of the three historical nesting sites presently utilized by the brown pelican. The administrative responsibility for this refuge shall rest with the department secretary; the assistant secretary, Office of Wildlife; and the Fur and Refuge Division.

##### A. Regulations for Raccoon and Wine Islands

1. Trespassing is strictly prohibited. Both islands are restricted to the public. The secretary shall have the authority to provide limited public access in the future if biologically justified and recommended by the Fur and Refuge Division.

2. Boat traffic is allowed in the surrounding waterways except for those waterways on the interior of the islands.

3. Disturbing, injuring, destroying, collecting or attempting to disturb, injure, destroy, or collect any plant or animal is prohibited.

4. Littering is prohibited.

5. The destruction, injury, defacement, disturbance or the unauthorized removal of any public property including natural objects is prohibited.

6. Surf fishing from boats is allowed. Trespassing beyond low tide zone (exposed land area) is prohibited.

7. Special permits to allow access to the refuge will be considered while providing for protection of colonial nesters.

8. Mineral activities will be considered on a case-by-case basis due to the dynamic nature of this refuge and the existing mineral provisions included in the surface lease between the department and Louisiana Land and Exploration Company. Coordination will occur with the landowner to assure compliance with all provisions of the surface lease.

##### B. Regulations for Whiskey Island

1. Bird nesting colonies are restricted areas. Such areas will be posted by the department and trespassing in these restricted areas is prohibited.

2. Disturbing, injuring, destroying, collecting or attempting to disturb, injure, destroy or collect any plant or animal is prohibited.

3. Littering is prohibited. All trash must be removed from the refuge upon departure.

4. Alcoholic beverages and controlled dangerous substances (drugs) are prohibited.

5. Carrying, possessing, or discharging firearms, fireworks, or explosives is prohibited.

6. Travel in or use of any motorized or other vehicle is prohibited.

7. The destruction, injury, defacement, disturbance, or the unauthorized removal of any public property including natural objects is prohibited.

8. Use of the refuge will be allowed from official sunrise to official sunset. Sightseeing, bird watching and fishing is allowed in non-restricted areas.

9. Overnight camping is prohibited.

10. Special permits to allow access to the refuge will be considered while providing for protection of colonial nesters.

11. Mineral activities will be considered on a case-by-case basis due to the dynamic nature of the refuge and the existing mineral provisions included in the surface lease between the department and Louisiana Land and Exploration Company. Coordination will occur with the landowner to assure compliance with all provisions of the surface lease.

C. Violation of the provisions of these regulations is a class 2 violation as described in Title 56:115 (D), 56:764 and 56:787.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(18), R.S. 56:761 and R.S. 56:785.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 19:

Bert H. Jones  
Chairman

## DECLARATION OF EMERGENCY

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

#### Trapping Season

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 the furbearer trapping season and the rules regulating it, and R.S. 56:260, the 1992-93 trapping season is hereby extended for 31 days in the southeastern part of Louisiana as follows.

The 31-day extension for the trapping of furbearers by licensed trappers shall be:

The area that will remain open is bordered on the west by the western boundary of Terrebonne Parish to U.S. Highway 90, then west along U.S. Highway 90 to the east guide levee of the Atchafalaya Basin, then north to Interstate 10. The northern boundary is Interstate 10 east to Baton Rouge, then east on Interstate 12 to Slidell, then east on Interstate 10 to the state line.

The extension of this trapping season in the affected area shall be from March 1, 1993, through March 31, 1993.

Bert H. Jones  
Chairman

# RULES

## RULE

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

#### General Provisions; Fees (LAC 25:IX.Chapters 1-7)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Office of State Parks has amended its rules, regulations and fees relative to LAC 25:IX.Chapters 1-7, effective April 1, 1993.

#### Title 25

#### CULTURAL RESOURCES

#### Part IX. Office of State Parks

#### Chapter 1. General Provisions

#### §101. Definitions

A.-1. ...

2. *Secretary*—secretary of the Department of Culture, Recreation and Tourism serves as the executive head and chief administrative officer of the department and is appointed by the Lt. Governor with consent of the Senate. This officer has responsibility for the policies of the department and for the administration, control and operation of the functions, programs and affairs of the department.

3. ...

4. *Assistant Secretary*—assistant secretary of the Office of State Parks is the executive head of the office and is appointed by the Lt. Governor with consent of the Senate. This officer is subject to the overall direction and control of the secretary of the DCRT while having direct responsibility for the policies of the OSP and for the administration, control and operation of the functions, programs and affairs of the office.

5.-7. ...

8. *State Commemorative Area (SCA)*—an official designation within the classification system of the OSP. State commemorative areas are historic sites with statewide significance. Through individual interpretive programs at these areas, visitors can learn about and experience the Civil War, colonial French and Spanish occupations, Cajun culture, Louisiana country music, ancient Indian cultures, old forts, and 19th century plantation living.

9.-B.-13. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 56:1801-1809.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 12:89 (February 1986), amended LR 19: (March 1993).

#### Chapter 3. Rules and Regulations

#### §303. Park Property and Environment

A.-D. ...

E. The assistant secretary shall, upon recommendation of the unit manager, approve a carrying capacity for each state park area. Once a carrying capacity has been reached, or when additional visitors would adversely impact the park, the unit manager is authorized to close the park site to incoming visitors.

F.-I. ...

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

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 16:1051 (December 1990), LR 19: (March 1993).

#### §309. Day Use

A. Day-use facilities such as barbecue pits, tables, etc., which do not require prior reservations shall not be reserved by placing personal articles at these facilities prior to their immediate use. This includes firewood, ice chests, or any other personal property. The use of all such facilities is on a first come, first served basis.

B. ...

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

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 19: (March 1993).

#### §311. Overnight Use

A.-V. ...

W. All overnight facilities have a check in time of 4 p.m. and a check out time of 2 p.m. except Sundays or holidays occurring on Monday, when the check out time is 4 p.m. and the check in time is 6 p.m. No overnight facility will be available to the user before the check in time, unless it has already been prepared for new occupancy.

X. ...

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

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 14:772 (November 1988), LR 16:1051 (December 1990), LR 19: (March 1993).

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

A.-E. ...

F. Anyone fishing on state parks' property must adhere to all state and federal laws and criteria regarding fresh and/or salt water fishing. The taking of fish by nets, traps or any means other than hook or line is prohibited on any state park area except for management purposes authorized by special permit. Taking of flounder by gigs is permitted. No person shall take or attempt to take fish by means of a yo yo or trigger device in Chicot Lake at Chicot State Park.

G. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 56:1681-1690, R.S. 56:320.1.

**HISTORICAL NOTE:** Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 14:772 (November 1988), LR 16:1051 (December 1990), LR 19: (March 1993).

### **§323. Amplified Sound Equipment**

A. ...

B. The operation or use of any public address systems, whether fixed, portable, or vehicle mounted, without prior approval of the assistant secretary is prohibited.

C. ...

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

**HISTORICAL NOTE:** Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 19: (March 1993).

### **§329. Fees, Fines, and Enforcement of the Rules and Regulations**

A.-E. ...

F. Park users may be required to furnish specific information upon registration, including but not limited to, vehicle license plate number, a driver's license number, state of residency, place of employment, date of birth, etc.

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

**HISTORICAL NOTE:** Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 19: (March 1993).

### **§331. Refunds**

A.-B-2. ...

3. When the user chooses to leave a park before utilizing facilities for the total reservation period, the unused reservation period amount will be refunded unless the refund amount includes all or part of a prepaid advance reservation payment. An exception would include weekends and holidays which require a minimum reservation period.

C.-F. ...

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

**HISTORICAL NOTE:** Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 12:828 (December 1986), LR 19: (March 1993).

## **Chapter 5. Procedures and Fees**

### **§501. Operating Schedule**

Unless otherwise noted, the following schedule applies to the operation of all state park areas.

#### **A. State Parks**

1. Summer schedule (1 April - 30 September): Parks open 7 a.m. - 8 p.m. daily (exceptions: Chicot State Park, South Landing, 5 a.m. - 8 p.m.; North Toledo Bend State Park, and Lake Bistineau State Park, 6 a.m. - 8 p.m.). A park attendant is on duty Fridays, Saturdays, and on days preceding holidays until 10 p.m. to register incoming campers and other overnight users only.

2. Winter schedule (1 October - 31 March): Parks open

8 a.m. - 7 p.m. daily (exceptions: South Landing of Chicot State Park, Lake Bistineau State Park, and North Toledo Bend State Park, 7 a.m. to 7 p.m.; the North Landing gate of Chicot State Park is open from 3 p.m. Friday to 7 p.m. Sunday.) Note: on Fridays, Saturdays, and on days preceding holidays, a park attendant is on duty to register incoming campers and other overnight users until 10 p.m.

3. Pools and enclosed beach areas are usually operated from Memorial Day through Labor Day, subject to an operating schedule per individual park. All pools are closed on Mondays, except holidays.

B. State Commemorative Areas: Year-round schedule-open 9 a.m. - 5 p.m.; closed Christmas Day, New Year's Day, Thanksgiving Day.

1.-2.b. Deleted

C.-D. ...

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

**HISTORICAL NOTE:** Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 14:772 (November 1988), LR 16:1051 (December 1990), LR 19: (March 1993).

### **§503. General Admission Fees**

#### **A. State Parks General Admission Day-Use Entrance Fees**

1. A day-use fee is charged at all state parks (except St. Bernard State Park). Non-commercial vehicles with up to four people are charged \$2 per day and each additional person is charged \$.50. Walk-in visitors are charged \$.50 per person for the day. Buses used as public conveyances are charged \$60 per day. For the purpose of this rule, buses, whether privately or commercially owned and operated, shall be considered any conveyance which is capable of transporting 20 or more individuals. Discounts are not applicable to bus groups unless prior approval has been granted in writing by the assistant secretary subsequent to verification that the entire group is composed of senior citizens, veterans, or other individuals entitled to a discount or fee waiver.

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

a. St. Bernard SP swimming pool fee is \$2 per person per day - no entrance fee.

b. Bayou Segnette SP wave pool - in addition to the entrance fee and all other user fees: adults (12 years and older) \$8 per day, children (under 12) \$6 per day. The price includes one flotation device per person. Discount coupons available when purchased in quantity lots.

3. ...

#### **B. State Commemorative Areas General Admission Fees**

1. An admission fee of \$2 per adult is charged for all state commemorative areas (exception: Locust Grove State Commemorative Area and Los Adaes State Commemorative Area, which have no admission charge). There is no admission charge for children age 12 and under. Admission entitles visitors to all facilities and regular programs which

may be offered at the commemorative area. Special programs and events may include special admission rates.

2. ...

3. Buses used as public conveyances are charged \$60 per day, entitling riders to all facilities and programs of the commemorative area. Discounts are not applicable to bus groups unless prior approval has been granted in writing by the assistant secretary subsequent to verification that the entire group is composed of senior citizens, veterans, or other individuals entitled to a discount or fee waiver.

C.-D.4. ...

E. Fishing Piers

A fishing pier extending into the Gulf of Mexico is located at Grand Isle East State Park. A fee is charged for day or night fishing on the pier in addition to the regular day-use or overnight-use fees. Fees are \$2 per person 12 years of age and older and \$1 for children under 12.

F. Group Rental Shelters

1. Group rental shelters are available at most state parks and state commemorative areas. The rental rate varies, depending upon the size and location.

2. Exclusive use of a group shelter can only be made by a rental permit and payment of a rental fee. These group shelters can be reserved in advance with a deposit to confirm the reservation. The advance deposit is equal to the daily rental rate.

3. Reserved shelters will be posted, indicating the name of the party and date of use. When such shelters are not so posted or reserved, they are available to the park user on a first come, first served basis as any other non-reserved park shelter. Type I and Type II rental shelters are not available for reservation on Memorial Day, July Fourth, or Labor Day.

4.-5. ...

6. Type I Shelter. These shelters, usually located in the day-use area, accommodate a family unit or small group. Reserve rental rate is \$40 per day.

Location	Number Available
Chemin-A-Haut SP	2
Fairview-Riverside SP	1
Bayou Segnette SP	5
Port Hudson SCA	2
Lake Bistineau SP	1
North Toledo Bend SP	2
Fort Jesup SCA	1
Cypremort Point SP	3
Longfellow-Evangeline SCA	2
Lake Fausse Pointe SP	2

Type II Shelter - These shelters, usually located in the day-use area, accommodate several family units or a large group. Reserve rental rate is \$60 per day.

Location	Number Available
Lake Claiborne SP	1
Chemin-A-Haut SP	1
Lake Bruin SP	1
Fontainebleau SP	1
St. Bernard SP	1
Audubon SCA	1

Fort Pike SCA	1
Lake Bistineau SP	3
Rebel SCA	1
Sam Houston Jones SP	1
Cypremort Point SP	2
Chicot SP	2
Longfellow-Evangeline SCA	1
Lake Fausse Pointe SP	1

Type III Shelter - These shelters are usually separated from the day-use area, affording more group privacy than the other shelter types. They may accommodate several family units or large groups. Reserve rental rate is \$100 per day.

Location	Number Available
Fontainebleau SP	1
Lake Bistineau SP	1
Sam Houston Jones SP	1

G. Conference Rooms

1. Conference rooms are available at North Toledo Bend, Chemin-A-Haut, Bayou Segnette, and Lake Fausse Pointe State Parks.

2. Conference rooms used to accommodate meetings and functions of private groups, clubs and other organizations are available at a rate of \$100 per day during normal park operating hours, except the conference rooms at Lake Fausse Pointe and Bayou Segnette State Parks which are available at a flat rate of \$150 per day during normal park operating hours. Kitchen facilities may be used, if available.

3. All use after regular closing hours requires prior approval from the park manager and is available at the flat rate plus \$25 per hour, (after hour use not to exceed three hours).

4. Groups reserving 50 percent or more of the cabins at North Toledo Bend State Park and Chemin-A-Haut State Park may use the conference room at those parks free of charge, subject to availability. Groups using at least 50 percent of the cabins at Lake Fausse Pointe and Bayou Segnette State Parks may reserve the conference room at 50 percent of the regular use rate. Groups using all of the cabins at the above two sites are entitled to free use of the conference rooms, subject to availability.

H. Exemptions

1.-3. ...

4. Golden Access Passport. Any citizen of the United States who possesses a Golden Access Passport issued by any agency of the United States, pursuant to 16 U.S.C. Section 460 L-65, upon presentation of the Golden Access Passport and proper identification to any state park authorities, shall be exempt from the day-use entrance fee to any Louisiana state park. On areas where individual day-use fees are charged, the exemption shall apply only to the passport holder; however, where vehicle permits are utilized, the exemption shall apply to the permit holder and each occupant accompanying the permit holder in the same private non-commercial vehicle.

5. Non-Profit Community Home Based Organization

a. Any child age 18 or under who is retained in the legal custody of the state through a bona fide contractual service agreement with a public, non-profit community home based organization or "provider" shall be exempt from paying

the general day-use entrance fees or any other day-use fee at any state park or state commemorative area. Such use must be in conjunction with an organized group outing or event sponsored and supervised by the public, non-profit organization or "provider."

b. Certification of the eligible organization or "provider" must be made in writing to the Office of State Parks, and the agency shall in turn recognize such certification prior to eligibility for this exemption.

This exemption shall not be applicable to day-use functions at any state park overnight facility such as group camps, cabins, campgrounds, etc.

**I. Annual Day-Use Permits**

1. Annual day-use permits are available at a cost of \$30 per year. This permit, in the form of a wallet I.D. card, allows the holder individually or as a passenger in a single, private non-commercial vehicle entry to all state parks and commemorative areas in lieu of the normal day-use fee. All people accompanying a permit holder as occupants in a single, private non-commercial vehicle in which the permit holder is a passenger or driver are also admitted without charge.

a. The wallet permit may be exchanged for a vehicle decal which shall be permanently affixed to a vehicle, if this is a more convenient permit arrangement.

b. the annual day-use permits are valid for a period of one year beginning January 1 and ending December 31 annually. Permits may be obtained at any state park or commemorative area or at the Office of State Parks.

2. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 56:1681-1693.

**HISTORICAL NOTE:** Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 14:772 (November 1988), LR 16:1051 (December 1990), LR 19: (March 1993).

**§505. Overnight and Day Use**

**A. Camping Fee**

1.-2. ...

3. Specific primitive areas accommodating organized groups (Boy Scouts, Girl Scouts, etc.) are located at the following state park areas: Chicot State Park, Fontainebleau

State Park, Lake Bistineau State Park, Lake Claiborne State Park, and Sam Houston Jones State Park. Reservations for these areas are made directly with the park manager. The group charge is \$10 per night, except the tepee area at Fontainebleau State Park where the charge is \$30 per night. Capacity level will be set by the park manager.

**B. Rally Camping Areas**

1. A \$50 advance deposit is required to confirm a reservation, which will be applied to the first night or day's use.

**2. Fees**

a. A fee of \$50 per night is assessed to the group for the exclusive use of the area, and each individual camper rig is also charged the improved campsite rate. Anyone entering a rally campground which has been reserved for overnight use will be charged the overnight rate. The minimum nightly group charge will be the \$50 flat fee plus an individual camper rig charge equal to 50 percent of the available site occupancy.

b. The day-use fee for a rally campground is \$50 per day for the group, and in addition the standard day-use entrance fee is charged per vehicle.

3. Carrying Capacity - A maximum carrying capacity for rally sites is established by individual parks, and information concerning these capacities is available through the individual park offices.

**C. Golden Age Permit**

1.-4. ... Deleted

Any citizen of the United States who possesses a Golden Age Passport issued by an agency of the United States, pursuant to 16 U.S.C. Section 460, and any person accompanying the holder of the passport in a camper rig as defined in Chapter 3, §311.H, of the rules and regulations of the Office of State Parks will be entitled to a 50 percent discount on any overnight campsite rentals. Proof of identification will be required.

D.-4.k. ...

**5. Backcountry Camping Permit Procedure**

a.-f. ...

**E. Cabins and Lodges**

**1. Cabins**

a.-2.a. ...

Cabin Classification and Park Location	Overnight Rate and Required Deposit	Bedding Accommodations	Maximum Capacity
Type I	\$65	6 persons-Deluxe	8
Lake Bistineau SP			
Bayou Segnette SP			
Lake Fausse Pointe SP			
North Toledo Bend SP			
Type II	\$60	6 persons-Standard	8
Lake Bistineau SP			
Chicot SP			
Sam Houston Jones SP			
Type III	\$50	4 persons-Deluxe	6
Chemin-A-Haut SP			
Type IV	\$45	4 persons-Standard	6
Chemin-A-Haut SP			
Chicot SP			

b. Both lodges are available at a rate of \$90 per night, and a one night advance deposit is required for each.

**F. Group Camps**

These are available at certain parks for organized group use. The capacity, type of facility, rate and location are as follows:

Park Location	Type of Facility	Capacity (No. Persons)	Overnight Use/ Minimum Rate and Deposit	Day-Use Rate
Bayou Segnette	3 Dormitories	120	\$240	\$200
Chemin-A-Haut	1 Dormitory	40	\$ 80	\$ 75
Chicot Area No. 1	1 Dormitory, 5 Cabins	160	\$320	\$200
Chicot Area No. 2	6 Cabins	48	\$100	\$ 75
Fontainebleau No. 1 (west end - large)	1 Dormitory	150	\$300	\$200
Fontainebleau No. 2 (west end - small)	1 Dormitory	30	\$ 60	\$ 75
Fontainebleau No. 3 (east end)	2 Dormitories	65	\$130	\$ 75
Lake Bistineau Area No. 1	20 Cabins	160	\$320	\$200
Lake Bistineau Area No. 2	6 Cabins	48	\$100	\$ 75
North Toledo Bend	5 Dormitories	150	\$300	\$200

1. Minimum overnight rate is based on 50 percent capacity of the facility. Rate is \$4 per person per night for each person over the 50 percent capacity. Visitors coming to the group camp for day use only will be charged the normal day use entrance fees.

2.-5.d. ...

e. An advance deposit equal to the appropriate one night fee is required to reserve overnight facilities (except rally campsites). This deposit will be applied to the first night's use. Rally campground use requires a \$50 flat rate advance registration fee only.

f. When one party reserves more than 50 percent of the available overnight cabins on any given area or reserves any group camp with a capacity of 100 or more people for more than six months in advance of the proposed use date, reservation cancellations for any of the cabins or the group camp must be made 60 days prior to the reservation date in order to receive the full refund deposit identified under the refund procedures.

**g. Reservations for Regular Campsites**

i. An advance deposit equal to one night's campsite(s) rental fee is required to make a reservation for a regular campsite. The normal campsite rate (with discount permit, if applicable) is charged for each site rented. Advance reservations are not made for regular individual campsite usage on holiday weekends.

ii. Regular campsite reservations are available at Bayou Segnette, Chemin-A-Haut, Chicot, Fontainebleau, Lake

Bistineau, Lake Fausse Pointe, North Toledo Bend, and Sam Houston Jones state parks. Campsites available for reservation are limited to 80 percent of the available campsites on any park. The location of the reservation campsites are determined by the park manager.

iii. Specific campsite locations cannot be reserved in advance. Individual campsite selection may be made by the user at the time of check in, depending upon availability.

iv. Advance reservations may be made by VISA or Mastercard, personal check, or paid by cash in person. If made by personal check, the reservation can only be confirmed if the check is received at least 14 days prior to the desired reservation date. If a check is returned for non-sufficient funds within the 14-day period, the reservation is automatically canceled. Advance reservations (one night's rental rate) are refundable under the regular refund procedures.

v. A camper may reserve up to five campsites for a specific period (consecutive dates). An advance deposit equivalent to one night's fee for each campsite reserved will be required under the normal advance registration procedures.

**h. Group Campsite Reservations**

i. ...

ii. An advance deposit equal to one night's campsite rental fee is required to make an advance reservation for group campsites. The normal improved campsite rate (with discount permit, if applicable) is charged for each site rented.

iii. ...

6.-d. ...

#### H. Special Facilities (Overnight) - Poverty Point SCA

##### Dormitory

1.-3.a. ...

b. Response to request by assistant secretary (in writing). If request approved, enclose Facility Use Agreement.

c. ...

##### 4. Facility Use Agreement

a.-b. ...

c. Each original Facility Use Agreement will be kept on file by the Office of State Parks' central office and copies will be sent to the user and the commemorative area manager of Poverty Point State Commemorative Area.

##### 5. Fees

a. ...

b. The user must deposit \$100 with the commemorative area manager within 10 days after receiving written approval to use the dormitory. The deposit will be retained by the commemorative area manager and deducted from the total rental fee.

c. ...

d. A minimum overnight rate of \$100 is based on 50 percent capacity of the facility (28 people). An additional fee of \$4 per person per night will be charged for each person over the 50 percent capacity.

##### 6. Occupancy Requirements

a. Registration with the commemorative area manager is required of all boarders before occupying the dormitory. This information will include name, organization, address, and home or business phone numbers.

b.-9.b. ...

c. Any problems with the building or equipment should be reported to the commemorative area manager immediately.

10.-13. ...

14. The commemorative area manager has the administrative responsibility for all matters relating to the daily operation of the dormitory building and site facilities.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 56:1681-1693.

**HISTORICAL NOTE:** Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 14:772 (November 1988), LR 16:1051 (December 1990), LR 19:

#### §507. Special Uses and Restrictions

A. Special Use. Any function requiring special or restricted use of any facility or area within a state park holding must be approved by the assistant secretary and the fee for such will be computed on a negotiated rate unless otherwise established. Written request for special use of a facility must be received at the Office of State Parks, P. O. Box 44426, Baton Rouge, LA 70804-4426 at least 30 days prior to the scheduled event. No telephone requests are accepted.

B.-C.2. ...

3. As important as the artifactual evidence existing on the areas is the atmosphere created around these objects which make their study by the public more conducive. In order that the greater interest and primary function of the area be served,

it is necessary to restrict certain incompatible activities from the sites. Any sport or recreational activity that does not contribute to a greater understanding of the historical, cultural, or memorial theme of the area is prohibited within all historical zones of any state commemorative area. These types of activity will be restricted to areas of the grounds set aside for use of this nature, if available. No organized league activities will be allowed on the grounds of any state commemorative area.

4.-5. ...

##### D. Passenger Bus Restrictions

1. In an effort to facilitate control of the day-use carrying capacity for state parks (excluding state commemorative areas), no buses nor occupants thereof shall be admitted to state parks except by special permit for any day-use activities on weekends or holidays during the period Memorial Day through Labor Day.

2. Special Bus Use Permits. Any access to state parks by bus transportation on weekends or holidays during the period between Memorial Day and Labor Day will require a special bus use permit. The application for the permit must be submitted to the assistant secretary at least 30 days prior to the proposed use date. St. Bernard State Park permit fee also includes the bus entrance fee plus special use fee.

The permit, if approved, will require a special use fee in addition to the regular day-use entrance fee for buses (\$60 or any other special day-use charges (rental pavilions, etc.)). The rate shall be computed for each individual bus as follows: \$10 per hour - park opening until 3 p.m.; \$15 per hour - 3 p.m. until park closing.

E. Dump Station Use. Users with recreation vehicles who desire to utilize only the dump station facilities on any state park shall be charged the day-use entrance fee. Discounts are not applicable to this use.

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

**HISTORICAL NOTE:** Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), amended LR 14:772 (November 1988), LR 19: (March 1993).

#### Chapter 7. Facilities

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

A. Audubon State Commemorative is located in West Feliciana Parish, near St. Francisville on LA 965. The 100-acre woodland setting is the site of Oakley Plantation House, built in 1799, where artist-naturalist John James Audubon created many of his famous bird paintings. Oakley has been restored as a museum containing Audubon memorabilia. Formal gardens accent the exterior of the house. The house is included on the National Register of Historic Places.

B. Bayou Segnette State Park is located in Westwego off U.S. 90 near its intersection with Drake Avenue, across the Mississippi River from New Orleans. The 580 acre park includes a large boat launch, 20 vacation cabins, a camping area, group camp, and picnic area.

C. Centenary State Commemorative Area is located at East College and Pine Streets in the town of Jackson in East Feliciana Parish. The site includes the West Wing Dormitory

and Professor's Residence of the state's original Centenary College, as well as the history of education in Louisiana.

D. Chemin-A-Haut State Park is located east of U.S. 425, 10 miles north of Bastrop. The 503 acre park, lying at the intersection of Bayous Chemin-A-Haut and Bartholomew is a portion of the high road to the south used by Indians in their seasonal migrations. A beautiful lake in the park is stocked with freshwater fishes. Cabins and a camping area offer overnight accommodations. A swimming pool and a playground are also available.

E. Chicot State Park is located in North Evangeline Parish, six miles north of Ville Platte on LA 3042. This 6,162 acre park features large rolling hills, surrounding a 2000 acre artificial lake, well stocked with fishes such as bream, bass and crappie. Two camping areas, fully equipped cabins and two group camps are available to overnight visitors. Day-use facilities include picnic sites, a hiking trail and a swimming pool.

F. Cypremort Point State Park is located 24 miles south of Jeanerette off LA 319 in Iberia and St. Mary Parishes. The 185 acre site offers access to the Gulf of Mexico. Its man-made beach, located in the heart of a natural marsh, offers fresh and salt water fishing and most seashore recreation opportunities. Picnic sites are also available. The park is a favorite for sailboaters and it hosts several annual regattas.

G. Fairview-Riverside State Park is located two miles east of Madisonville in St. Tammany Parish on LA 22. The park consists of 99 acres of picturesque, moss-draped oaks and woodlands near the banks of the Tchefuncte River. Boat dock, fishing pier and canoe trail offer many opportunities for fishermen and other water sportsmen. Campsites and picnic facilities are available.

H. Fontainebleau State Park is located southeast of Mandeville in St. Tammany Parish on U.S. 190. The park embraces over 2,809 acres on the north shore of Lake Pontchartrain. The ruins of a plantation brickyard and sugar mill and an alley of live oaks lining the entrance road are popular assets of the park. The park offers swimming, fishing, camping and picnicking. A nature trail is very popular.

I. Fort Jesup State Commemorative Area is located just off LA 6, formerly the original El Camino Real. This site features an original kitchen/mess building and a museum. The site was selected by Zachary Taylor in 1822 and the fort existed for 26 years as one of the strongest garrisons in Louisiana. Fort Jesup is a National Historic Landmark.

J. Fort Pike State Commemorative Area is located adjacent to the Old Spanish Trail (U.S. 90) in eastern New Orleans. The fort, set on a 94 acre site, was constructed shortly after the War of 1812 to defend navigational channels leading into the city of New Orleans. Visitors can stroll through authentic brick archways and stand overlooking the Rigolets, as sentries once did. A museum exhibits numerous artifacts related to the fort. The facility is included on the National Register of Historic Places.

K. Fort St. Jean Baptiste State Commemorative Area is located in downtown Natchitoches, oldest town in the Louisiana Purchase. The reconstructed facility is an exact replica of the fort as it existed in 1732. It includes a long

barracks building, small warehouse, chapel, mess hall and several Indian huts. The fort was a strategic outpost for the French to prevent the Spanish from advancing further into Louisiana. Park personnel wear period dress as part of the interpretive program.

L. Grand Isle East State Park is located on the east end of Grand Isle on LA 1 in Jefferson Parish. This 120 acre site offers access to the Gulf of Mexico and its beach and fishing jetties afford seashore recreation opportunities. A 400 foot fishing pier built out over the water offers day/night fishing. Picnicking and camping are also available.

M. Lake Bistineau State Park is located east of LA 163 in Webster Parish, near Doyline. This beautiful 750 acre park is set in the heart of a pine forest and takes its name from the large lake which borders the site. Cabins, two group camps, 67 campsites, 150 picnic sites and two swimming pools are available for visitors.

N. Lake Bruin State Park is located east of U.S. 65 near St. Joseph in Tensas Parish. The park takes its name from the adjacent natural oxbow lake and features a magnificent cypress growth along the shore. Waterskiing and boating are prime pleasures of the park. A special area for swimmers, picnic sites and campsites are also available.

O. Lake Claiborne State Park is located in Claiborne Parish on LA 146, just seven miles southeast of Homer. The park consists of some 620 acres of woodland touching the shores around a 6400 acre lake. Rental boats and several boat landings are available to fishermen and water sportsmen. Designated swimming area in the lake, picnic sites and campsites facilitate the park.

P. Lake Fausse Pointe State Park is located on the West Atchafalaya Protection Levee Road about 12 miles east of St. Martinville. At the edge of Louisiana's largest watery wilderness, the Atchafalaya Basin, the park offers camping, vacation cabins, hiking, boating, picnicking, a camp store and fishing.

Q. Locust Grove State Commemorative Area is located northeast of St. Francisville in West Feliciana Parish off U.S. 61. In this one acre cemetery are buried Sarah Knox Taylor, wife of Jefferson Davis, and General Eleazor W. Ripley, who was noted for his distinction at the Battle of Lundy's Lane during the War of 1812.

R. Longfellow-Evangeline State Commemorative Area is located in St. Martinville along the banks of Bayou Teche. Developments center around an Acadian house of mid-19th century and its kitchen-garden. Also of note is the Acadian craft shop. The 157 acre park and its structures interpret the history of the early French settlers of Louisiana. The house is a National Historic Landmark.

S. Los Adaes State Commemorative Area is located on LA 6, east of Robeline in Natchitoches Parish. Originally built in 1721, the fort protected Spanish territory from the French. Despite official friction, the Spanish of Los Adaes and the French of Fort St. Jean Baptiste maintained friendly relations. An important archaeological site, Los Adaes is a National Historic Landmark.

T. Louisiana State Arboretum State Preservation Area is located on LA 3042, approximately eight miles north of Ville Platte and a mile and a half from the main entrance to Chicot

State Park in Evangeline Parish. The 301 acre facility features several miles of nature trails which lead beside more than 100 species of plant life native to Louisiana. The plants are labeled. Herbarium on site contains preserved specimens of the native plant life. Tours are offered.

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

V. Marksville State Commemorative Area is located adjacent to the town of Marksville, east of LA 1 and LA 452. The park area is of great archaeological significance due to the discovery of buried evidence of an Indian culture which flourished some 2000 years ago. Visitors can enjoy prehistoric Indian mounds located on a bluff overlooking Old River. Interpretive program and museum adds to visitor enjoyment. The facility is a National Historic Landmark.

W. North Toledo Bend State Park is located off LA 3229 about six miles west of Zwolle in Sabine Parish. Situated in the rolling pine forests bordering Toledo Bend Reservoir, one of the country's prime fishing lakes, the park features camping, fishing, hiking, picnicking, vacation cabins, a group camp, swimming pool and camp store.

X. Port Hudson State Commemorative Area is located on U.S. Highway 61, 14 miles north of Baton Rouge. The 643 acre site includes original Civil War earthworks which were the site of the 1863 siege of Port Hudson, a struggle for control of the Mississippi River. The commemorative area features a museum, outdoor displays, viewing towers, a picnic area, and over six miles of walking trails. Port Hudson is a National Historic Landmark.

Y. Poverty Point State Commemorative Area is located on LA 577, north of Epps. Poverty Point is the site of the earliest culture yet discovered in the Mississippi Valley. Dated between 1700 and 700 B.C., this 400 acre site is said to be among the most significant archaeological finds in the country. Interpretive museum and guided tours are park's highlights. The facility is a National Historic Landmark.

Z. Rebel State Commemorative Area is located in Natchitoches Parish, three miles north of Marthaville off LA 1221. The site features the Louisiana Country Music Museum, which explores the development of country music in Louisiana. Also on site are an amphitheatre where performances are held periodically, and a picnic area.

AA. St. Bernard State Park is located 18 miles southeast of New Orleans on LA 39 in St. Bernard Parish. This is a 358 acre park. The park is a convenient stop-off point for Chalmette National Historic Park and the city of New Orleans. Camping and picnic facilities are available.

AB. Sam Houston Jones State Park is located 12 miles north of Lake Charles on LA 378 in Calcasieu Parish. The 1,087 acre tract features camping areas, vacation cabins, boating, fishing, picnic areas and nature trails. Originally named for the Texas folk hero who traveled extensively in the

western reaches of Louisiana, Sam Houston Jones was given its current name in honor of the state's thirty-seventh governor, who was instrumental in setting this tract of land aside for public use. Nature interpretive program during the summer.

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

**HISTORICAL NOTE:** Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 14:772 (November 1988), LR 16:1051 (December 1990), LR 19: (March 1993).

Jim Ball  
Assistant Secretary

## RULE

### Board of Elementary and Secondary Education

#### Bulletin 741, Homeless Children and Youth

In accordance with the R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education has adopted the following policy on homeless children and youth as an amendment to Bulletin 741, Louisiana Handbook for School Administrators:

#### Homeless Children and Youth

1.012.00 Each LEA will assure that each homeless child or youth residing within its jurisdiction has access to the same free, appropriate public education—on the same basis as children and youth with established residences. Refer to R.S. 17:222.1 and Public Law 101-645

1.012.01 Each school system shall continue the child's or youth's education in the school of origin for the remainder of the academic year or for the following academic year if the family becomes homeless between academic years; or enroll the child or youth in any school that non-homeless students who live in the attendance area in which the child or youth is actually living are eligible to attend; whichever is in the child's or youth's best interest.

1.012.02 Each school system shall keep and have immediately available any record ordinarily kept by the school, including immunization records, academic records, birth certificates, guardianship records, and evaluations for special services or programs of each homeless child or youth.

1.012.03 Each school system shall make placement choices regardless of whether the child or youth is living with the homeless parents or has been temporarily placed elsewhere by the parents.

1.012.04 Each school system shall provide services comparable to services offered to other students in the school selected, including transportation services, educational services for which the child or youth meets the eligibility criteria (Chapter 1, special education, limited English proficiency), programs in vocational education, programs for the gifted and talented and school meals programs.

1.012.05 Each school system shall designate a central

office official who will serve as a homeless advocate to coordinate services and ensure that there are no barriers to the enrollment, transportation, attendance, and success in school for homeless children and youth. Additionally, the homeless advocate will promptly solve disputes regarding educational placement.

1.012.06 Each school system shall ensure the prompt resolution (within five school days) of disputes regarding the educational placement of homeless children and youth following the procedures in the Louisiana EHCY Plan.

1.012.07 Each school system that receives a homeless direct grant award from the SEA Office of Education for Homeless Children and Youth (EHCY) must coordinate the services provided and designate a homelessness liaison to carry out certain mandates.

1.012.08 Each school system shall review and revise any policies that may act as barriers to the enrollment of homeless children and youth. Further, LEAS must adopt policies and practices to ensure that homeless children and youth are not isolated or stigmatized.

1.012.09 Each school system shall submit EHCY Assurance Form #9-91 to the EHCY office in the Department of Education and keep a copy of this form on file for compliance monitoring.

#### Homeless Children and Youth

2.012.00 Each school will assure that each homeless child or youth residing within its jurisdiction has access to the same free, appropriate public education—on the same basis as children and youth with established residences. Refer to R.S. 17:222.1 and Public Law 101-645

2.012.01 Each school shall continue the child's or youth's education in the school of origin for the remainder of the academic year or for the following academic year if the family becomes homeless between academic years; or enroll the child or youth in any school that non—homeless students who live in the attendance area in which the child or youth is actually living are eligible to attend; whichever is in the child's or youth's best interest.

2.012.02 Each school shall keep and have immediately available any record ordinarily kept by the school, including immunization records, academic records, birth certificates, guardianship records, and evaluations for special services or programs of each homeless child or youth.

2.012.03 Each school shall make placement choices regardless of whether the child or youth is living with the homeless parents or has been temporarily placed elsewhere by the parents.

2.012.04 Each school shall provide services comparable to services offered to other students in the school selected, including transportation services, educational services for which the child or youth meets the eligibility criteria (Chapter 1, special education, limited English proficiency), programs in vocational education, programs for the gifted and talented and school meals programs.

2.012.06 Each school shall ensure the prompt resolution (within five school days) of disputes regarding the educational placement of homeless children and youth following the procedures in the Louisiana State Plan for Educating Homeless Children and Youth.

2.012.08 Each school shall review and revise any policies that may act as barriers to the enrollment of homeless children and youth. Further, LEAS must adopt policies and practices to ensure that homeless children and youth are not isolated or stigmatized.

AUTHORITY NOTE: P. L. 101-645 and R. S. 17:222.1

HISTORICAL NOTE: Amended by the Board of Elementary and Secondary Education LR 19: (March 1993).

Carole Wallin  
Executive Director

## RULE

### Board of Elementary and Secondary Education

#### Bulletin 1868, BESE Personnel Manual

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 has adopted an amendment to Bulletin 1868, BESE Personnel Manual.

#### Bulletin 1868, BESE Personnel Manual

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#### Chapter G: Employee Grievances

##### 181. Grievance Procedure.

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##### E. Processing the Grievance

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##### 3. Second Step

In the event the decision in the first step does not satisfy the grievant or if a decision is not rendered within the prescribed time limit for the First Step, he/she may present to the superintendent of the board Special School or Special School District One or the regional director in the vocational-technical system his/her grievance in writing within seven calendar days of the written decision or expiration of the time limit for a response dictated by the "First Step" procedures. If the immediate supervisor is the superintendent/regional director, the grievant would initiate the formal grievance at the Second Step. The superintendent/regional director shall arrange to meet with the grievant within 14 calendar days from receipt of the grievance. The grievant shall be afforded an opportunity to present his/her viewpoints and there shall be an effort to resolve the grievance by both parties. In the attempt to resolve the grievance the superintendent/regional director may require involved parties to participate in the proceedings. A written report containing any decision reached shall be rendered by the superintendent/regional director within seven calendar days of the meeting. The grievant shall be entitled to submit a written statement to supplement the report. The report, grievance and any supplement thereto shall be maintained on file by said supervisory official.

##### 4. Third Step

a. In the event that the decision of the superintendent/regional director does not satisfy the grievant,

he/she may present his/her grievance by certified mail to the state superintendent of education. Such statement shall include any written response to the superintendent/regional director's decision concerning the grievance. The letter shall be mailed within seven calendar days after the report of the superintendent/regional director was given to the grievant. The state superintendent or his designee shall direct the superintendent/regional director involved to submit a copy of the report and any supplemental written statement about the grievance.

b. Upon receipt of the superintendent/regional director's report, the state superintendent or his designee shall conduct a hearing within 30 calendar days of the receipt of an appeal of the Step Two decisions. Any additional documents to be considered in the hearing must be presented to the state superintendent by the parties at least five calendar days prior to the hearing. Anytime further information is sought or obtained regarding the grievance, the parties involved shall be given an opportunity to respond to any information received before any decision is reached. Parties to the hearing shall be afforded the opportunity to be present and respond to testimony.

c. Within 15 working days after the conclusion of the hearing, a decision will be mailed by certified mail to the appellant and the opposing party(s).

#### 5. Fourth Step

a. In the event that the decision of the state superintendent does not satisfy the grievant, he/she may present an appeal to the decision by sending the appeal by certified mail to the executive director of the State Board of Elementary and Secondary Education, such appeal must be made within seven calendar days after receipt of the state superintendent's decision.

b. The board in its discretion may:

(1) affirm, reverse or modify the superintendent's decision; or

(2) grant a limited hearing with argument of the issues by written brief.

c. All parties to the grievance shall be notified of the board's decision.

#### 6. Miscellaneous

a. It is understood that a grievance will be kept confidential except to the extent necessary to investigate and resolve the grievance unless the confidentiality is waived by the grievant.

b. A grievance may be withdrawn at any level without prejudice or record.

c. The employee must indicate with his filing at each level beyond the informal step as to who will accompany or represent him/her in any meetings or hearings that might be conducted.

d. No reprisals of any kind shall be taken by either party as a result of the use of this procedure, by the board or by any member of the administrative staff against any grievant by reason of such participation.

e. All decisions rendered at all levels beyond the Informal Step of the grievance procedure shall be in writing setting forth the decision and the reasons therefore and shall

be transmitted to appropriate parties. Decisions rendered at any administrative level shall be binding until and unless an appeal is made and the decision is reversed at an appeal level.

f. For good cause shown, extensions of time shall be granted to either party for the hearing and decisions.

g. The date on a certified mail return receipt shall be sufficient evidence that a decision or communication was mailed or received by the parties.

AUTHORITY NOTE: R.S. 17:4, 6(10), 7(5), R.S. 17:100.4; 17:1951, R.S. 17:1993, 1995.

HISTORICAL NOTE: Amended by the Board of Elementary and Secondary Education LR 19: (March 1993).

Carole Wallin  
Executive Director

## RULE

### Department of Environmental Quality Air Quality and Radiation Protection

#### Waste Gas Disposal (LAC 33:III.2115.H)

Under the authority of the Louisiana Environmental Quality Act, particularly R.S. 30:2054 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Office of Air Quality and Radiation Protection regulations, LAC 33:III.2115.H, Log AQ68.

This rule seeks to exempt certain waste gas streams that are small, contain less than 408 ppm by volume of volatile organic compounds and are not part of the emissions of certain facilities. These emissions shall not be greater than or equal to 50 TPY for facilities located in the parishes of Ascension, East Baton Rouge, Iberville, Livingston, Pointe Coupee and West Baton Rouge. These emissions shall not be greater than or equal to 100 TPY for facilities located in any other parish.

#### Title 33

### ENVIRONMENTAL QUALITY

#### Part III. Air

### Chapter 21. Control of Emission of Organic Compounds

#### Subchapter A. General

#### §2115. Waste Gas Disposal

Any waste gas disposal stream containing volatile organic compounds (VOC) from any emission source including those emissions from process unit upsets, start-ups and shutdowns shall be controlled by one of the following methods:

\* \* \*

#### H. Exemptions

1. All waste gas disposal streams containing VOC, except those subject to Subsections C, D and E of this Section, are exempt from the requirements of this Section if any of the following conditions are met:

a. it can be demonstrated that the waste gas stream is not a part of a facility with total VOC emissions greater than or equal to 50 TPY in the parishes of Ascension, East Baton Rouge, Iberville, Livingston, Pointe Coupee and West Baton Rouge, or 100 TPY in any other parish; or

b. it is a vent gas stream from a low-density polyethylene plant and no more than 1.1 pounds of ethylene per 1,000 pounds (1.1 kg/1000 kg) of product are emitted from all the vent gas streams associated with the formation, handling and storage of solidified product; or

c. it is a vent gas stream having a combined weight of VOC equal to or less than 100 pounds (45.4 kg) in any continuous 24-hour period; or

d. it is a vent gas stream with a concentration of VOC less than 0.44 psia true partial pressure (30,000 ppm) except for the parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee, St. James and West Baton Rouge in which the concentration of VOC in the vent gas stream must be less than 0.044 psia true partial pressure (3,000 ppm).

2. Except for waste gas disposal streams subject to Subsections C, D and E of this Section, the administrative authority\* may waive the requirements of this Section if one of the following conditions is met:

a. it will not support combustion without economically impractical amounts of auxiliary fuel; or

b. its disposal cannot be practically or safely accomplished by the means described herein or other equivalent means without causing undue economic hardship.

3. Waste gas disposal streams subject to Subsections C, D and E of this Section are exempt from the requirements of this Section if it can be demonstrated that the waste gas disposal stream has a concentration of VOC no greater than 408 ppm by volume.

\* \* \*

L. LAC 33:III.2115 does not apply to safety relief and vapor blowdown systems where control cannot be accomplished because of safety or economic considerations. However, the emissions from these systems shall be reported to the department as required under LAC 33:III.917. Emergency occurrences shall be reported under LAC 33:III.927.

**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, Air Quality Division, LR 16:959 (November 1990), LR 17:654 (July 1991), LR 18:1122 (October 1992), LR 19: (March 1993).

James B. Thompson, III  
Assistant Secretary

## RULE

### Office of the Governor Division of Administration Office of State Uniform Payroll

#### Payroll Deduction (LAC 4:III. Chapter 1)

In accordance with R.S. 49:950 et seq., the Office of the Governor, Division of Administration, Office of State Uniform Payroll has adopted the following rule amending the regulations governing payroll deductions. The purpose of the amendment is to establish requirements which will provide information necessary for the administration of Section 125 (Cafeteria) Plan. This information is necessary for accurate calculation and timely reporting of employee wages and tax information.

#### Title 4

#### ADMINISTRATION

#### Part III. Payroll

#### Chapter 1. Payroll Deductions

#### §101. Definitions

*Administrative Contract*—a contractual agreement entered into by the state with a company or corporation which meets or exceeds the requirements to manage a cafeteria plan.

*Annual Listing*—list maintained by the Office of State Uniform Payroll of Letters of Interest from which payroll deduction applicants may be selected.

*Applicant*—any company, corporation, or organization selected from the Annual Listing to make application to be approved as a vendor for state payroll deduction.

*Authorized Cafeteria Plan*—one which has been entered into by the state with companies and/or corporations that meet or exceed the requirements of R.S. 42:455.

*Authorized Code*—a unique four letter identification assigned to each vendor product which has been approved in the application process.

*Control Number*—the three digit identifier in UPS which serves as a key for processing and reporting. It may represent a single agency or a group of agencies.

*Coordinator*—a vendor representative who provides a single contact for communication between the vendor and the Office of State Uniform Payroll, payroll systems independent of UPS and any Administrative Contract(or).

*Deduction*—any voluntary reduction of net pay under written authority of an employee, which is not required by federal or state statute.

*Department/Agency*—one of the 20 major departments of state government or any subdivision thereof or any state university.

*General Insurance Vendors*—insurance companies which market, through payroll deduction, non-tax qualified life and health insurance or annuity products.

*Governing Board*—any one or all of: Board of Regents; Board of Supervisors of Louisiana State University Agricultural and Mechanical College; Board of Supervisors of Southern University; and the Board of Trustees for State Colleges and Universities.

*Letter of Interest*—written notification (Form SED-1 9/92) from a company, corporation, or organization requesting an opportunity to become an applicant for payroll deduction authorization.

*Menu Item Provider*—any vendor that provides a product or service which is included in the current plan year cafeteria plan menu.

*Non-Insurance Vendor*—any vendor that offers a product or service that is not provided under definition of a general insurance vendor.

*Office of State Uniform Payroll*—the section within the Division of Administration primarily responsible for the Uniform Payroll System and administration of the rules governing state employee payroll deductions.

*Organization*—any charitable group qualified under Federal Code 501 (c) (3), state agency credit unions, labor union councils, or other deduction "permitted" by state statute.

*Participation Code*—a single character (a-l or m-z) designation shown as the last fourth character of the vendor deduction code. It is used to identify the employee election/selection (or the ineligibility of non menu items) for the product or service.

*Payroll Reporting Number (PRN)*—the eight digit number currently used in UPS to identify a payroll group, usually an agency; PRN replaced the six digit budget unit number. Permitted deductions are allowed by state statute rather than mandated.

*Provider*—the individual or organization which renders service, provides goods, or guarantees delivery.

*Reconciliation*—the resolution of differences resulting from a monthly match or comparison of vendor accounts receivable/invoice records to the state deduction/remittance records.

*Section 125 Status*—the eligibility, under Section 125 of the IRS Code, of the product to be included in a Cafeteria Plan menu.

*Third Party*—defined as any agent for or representative of a provider.

*University*—any one of the state higher education facilities which falls under the jurisdiction of appropriate "governing board".

*UPS*—the state Uniform Payroll System.

*Vendor*—any company, corporation, or organization having met the requirements of this rule and participating in payroll deduction.

*Voluntary Deduction*—any deduction which the employee is free to accept or decline.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 42:455.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 12:763 (November 1986), amended LR 16:402 (May 1990), LR 19: (March 1993).

### §103. Application Process

A. Application shall be made by the company, corporation, or organization which is the provider of coverage, product, service, or recipient of monies and shall be signed by two officers of the applicant company, corporation or organization.

B. Applications for the purpose of providing deductions for IRA'S are not permitted.

C. Any applicant requesting authority to implement a payroll deduction shall submit a completed application form to the Office of State Uniform Payroll. Companies requesting application for any state university shall submit the application to the governing board for that university. The application shall:

1. be submitted on a currently approved application (Form SED-2);

2. include certification (Form SED-3) from the secretary or undersecretary of the requesting department or university chancellor that said applicant has provided evidence that the vendor does meet the requirement of R.S. 42:455 that said deduction will not represent a duplication of product or service of comparable value already provided by payroll deduction; that there is a recognized need for same; and that a reasonable evaluation of the product/service was made by the department which substantiates the request; and that the applicant has been advised of the statute and the rule governing payroll deductions;

3. indicate whether the request is for participation within a specific agency, or campus by choice (ability to service or applicability), or for statewide authority limited to certain payroll system(s);

4. include Letter of Interest (Form SED-1, 9/92) requesting to be placed on the Annual Listing for consideration for statewide authority (if current authority is limited) for next available deduction authorization;

5. designate a "coordinator" to represent the vendor as primary contact for: obtaining solicitation authorization for the vendor; dissemination of information and requirements among representatives presenting the product or service(s) to state employees; resolution of invoicing, refund, and reconciliation problems; and resolving claims problems for employees;

6. respond to all applicable items (designated in instructions) on the form (SED-2) for new and annual renewal applications.

D. IntraAgency deductions for meals, housing, etc., will be permitted, provided the respective department head(s) certify that collection of funds from employees is required by and is a benefit to the agency/department.

E. All vendors shall file annual renewal applications with the Office of State Uniform Payroll or governing board as scheduled by that office.

F. Annual Listing shall be maintained by the Office of State Uniform Payroll as follows:

1. Each year, as of July, all entries to the Annual Listing resulting from Letters of Interest dated prior to April of the current year shall be stricken from the list.

2. A new list for the ensuing year shall be compiled from any Letters of Interest (Form SED-1 9/92) dated and received after April.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 42:455.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 12:763 (November 1986), amended LR 16:402 (May 1990), LR 19: (March 1993).

## **§105. Applicant and Vendor Requirements**

A. Any applicant for payroll deduction which is not regulated by the Department of Insurance or federal or state Office of Financial Institutions and not permitted by state statute, except charitable organizations, shall:

1. possess appropriate license or other required certification for providing the particular product or service for a fee;

2. have been doing business in this state for not less than five years providing the product and/or services anticipated to be offered state employees;

3. be in compliance with all requirements of any regulatory and/or supervisory office or board charged with such responsibility by state statute or federal regulations;

4. provide a fidelity bond of \$100,000, an irrevocable pledge of a Letter of Credit in the amount of \$100,000, or an irrevocable pledge of a Certificate of Deposit in the amount of \$100,000 to protect the state and any officer or employee from loss arising out of participation in the program or plan offered by the vendor. The company providing the bond shall be rated "A" or above by A. M. Best.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 12:763 (November 1986), amended LR 16:402 (May 1990), LR 19: (March 1993).

## **§107. Notification, Implementation, and Transition**

A.1. The Office of State Uniform Payroll or governing board shall notify applicants whether application, initial or renewal, has been approved.

2. The Office of State Uniform Payroll shall notify all UPS agencies and other departments and university governing boards that the application for specific products has been approved; governing boards shall notify universities.

3. Payroll systems independent of UPS will advise vendors whether the deduction will be established.

B. The vendor shall enroll employees for semi-monthly deduction amounts only. Optional modes may be authorized by the Office of State Uniform Payroll or governing board prior to implementation of the deduction. Vendors granted deduction authority on UPS after September 1, 1986, will be permitted to use only semi-monthly deduction amounts. Payroll systems independent of UPS which permit monthly deductions may continue same.

C. Any vendor receiving payment through voluntary state employee payroll deductions on the effective date of this rule shall continue to be approved as a vendor under the following conditions:

1. has a currently approved application on file, provided:

a. general insurance vendors have met the rating requirements set forth in R.S. 42:455(B);

b. non-insurance vendors shall have met the requirements set forth in this rule as required in R.S. 42:455(B);

c. participation shall exceed 250;

d. proper monthly reconciliation is being accomplished;

e. policy information and detail employee/client

participation has been provided in response to requests for same from OSUP.

2. All other permitted deduction vendors have filed application for informational purposes.

D. Vendors currently participating in payroll deduction which do not meet the minimum requirements set forth in R.S. 42:455(A) or are not in compliance with the requirements of this rule within six months of the effective date of this rule will be denied deduction privileges.

E. Vendors will be allowed 18 months after initial approval to meet the minimum participation requirements. Vendors currently participating in payroll with less than 250 participants must meet this requirement within six months or deduction authority will be revoked.

F. Companies, corporations, or organizations which have been placed on the Annual Listing or any waiting list for consideration of payroll deduction participation shall not be exempted from compliance with any part of this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 12:763 (November 1986), amended LR 16:402 (May 1990), LR 19: (March 1993).

## **§109. Deduction Authorization**

A. Vendors not exempted in §109.F of this rule shall provide and use the standard deduction authorization format (Form SED-4, 9/92) authorized by the Division of Administration.

1. The form provided by the vendor shall be no less than eight and one half inches in width nor 11 inches in length with a top margin (top of page to top of blocked area) of 1 and 1/8 inches.

2. Within a blocked area as illustrated herein the form shall include:

a. the employee name and social security number;

b. the employer (agency) name and PRN or other appropriate I.D. (identification);

c. vendor name and authorized payroll deduction codes;

d. product or service name, Section 125 eligibility, monthly premium amount, and semi-monthly premium amounts;

e. amount of deduction, frequency, and beginning date;

f. employee signature and date of signature.

3. The form may include additional information provided that such information shall not represent a disclaimer or escape clause(s) in favor of the vendor. The authorization shall not stipulate any "contract" or "term of participation" requirements. However, employees may designate a "cap" or annual maximum for a charitable organization deduction.

4. Vendors that are currently using the form as published in the May 20, 1990, *Louisiana Register* may continue using that form until February 28, 1993. As of March 1, 1993, these forms must be replaced with the currently authorized (Form SED-4 9/92).

5. Vendors that are not currently participating as Menu Item providers may continue using the form (SED-4 02/90) as

published in the May 20, 1990, *Louisiana Register* until December 31, 1992.

B. The authorization must specify product or service name, Section 125 status, monthly premium or fee, the amount of deduction to be taken and the frequency of deduction as semi-monthly (24 annually). All "MS \_ \_" deductions in UPS must be semi-monthly only. Payroll systems independent of UPS which currently provide a monthly deduction cycle may continue same.

C. An employee shall have only one deduction (which may cover more than one benefit) authorization for a single vendor effective at any one time. Total current deduction amount and each component amount that make up that total must be reflected on any successive form(s). The form shall indicate:

1. a total monthly premium or fee amount and the appropriate semi-monthly amount;
2. the pay period in which the deduction was calculated to begin.

D. Vendor shall be responsible for completing authorization forms prior to obtaining employee signature and for submitting forms to the appropriate payroll office designated by each employing department/agency.

E. Deduction forms must contain appropriate employer identification (PRN or other code/number for non UPS payrolls) to support monthly reconciliation process.

F. State Employee Group Benefits, Louisiana Deferred Compensation, United Way, U.S. "EE" Savings Bond, and Cafeteria Plan deduction authorization forms may be used in lieu of standard deduction (Form SED-4 9/92).

G. An employee may discontinue any voluntary payroll deduction amount that is not committed for participation in a current Cafeteria Plan Year by providing written notification of that intent to his or her payroll office.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 42:455.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 12:763 (November 1986), amended LR 16:402 (May 1990), LR 19: (March 1993).

### **§111. Solicitation of State Employees**

A. Employees may be solicited for payroll deduction only:

1. after notification to the vendor and state department/agencies from the Office of State Uniform Payroll, or notification from the governing board for universities, that the application has been approved; and
2. upon written authorization from employer department head and agency administrator.

B. Solicitation of employees shall be conducted within the guidelines established by the employer/department.

C. The coordinator shall be responsible for obtaining solicitation authorization department policy from the department secretary or his designee.

D. Vendors may be barred by a department/agency from solicitation within that department/agency. Vendors may be barred from solicitation statewide by the Office of State Uniform Payroll.

E. Any vendor representative who has been barred from state participation by a vendor shall not be allowed to represent any vendor for payroll deduction for two years.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 42:455.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 12:763 (November 1986), amended LR 16:402 (May 1990), LR 19: (March 1993).

### **§113. Vendor Responsibility**

A. Vendor coordinator shall be responsible for dissemination of information such as the requirements of this rule and department/agency policy and procedures to vendor representatives.

B. Vendor coordinator shall act as liaison for the vendor with any Administrative Contract(or) and the state relative to Cafeteria Plan participation. The coordinator shall also be responsible for dissemination of information to vendor representatives.

C. Vendor shall use invoice/billing identification structure that is compatible with payroll agency control groups to facilitate the monthly reconciliation.

D. Vendors shall be responsible for preparing a reconciliation of monthly payroll deduction/remittances to vendor invoices.

E. Monthly reconciliation shall include total monthly invoice amount, total remittance amount, and a listing of all exceptions between the invoice and deduction/remittance by employee within billing/payroll reporting groups.

F. Monthly reconciliation exception listing shall identify the employee by social security number and payroll reporting number (PRN) and shall be grouped within payroll control numbers for UPS agencies and similarly for payroll systems independent of UPS as designated by that system.

G. Vendors shall furnish evidence of reconciliation to the Office of State Uniform Payroll as requested by that office. Like verification may be required by other payroll systems independent of UPS.

H. Monthly certification of reconciliation will not be required of vendors that provide participants/members with monthly or quarterly statements of activity and/or balances.

I. Vendors failing to provide accurate and timely reconciliation verification will be barred from active solicitation until satisfactory certification is submitted to the Office of State Uniform Payroll.

J. Vendors shall not be authorized to submit any deduction form which was obtained from an employee for the purpose of transmitting any part of that deduction to a third party.

K. Vendors must designate/identify specific products or basic services provided on the application form. Vendors must indicate whether the request (for each product or service) is for continuation/renewal or new/not previously approved for payroll deduction. Vendors shall not submit deduction forms for products or services which have not been assigned an authorized code through the application/renewal process.

L. Vendors shall follow procedures established by the Office of State Uniform Payroll or Governing Board when refunding payroll deducted and remitted premiums to employees.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 42:455.

**HISTORICAL NOTE:** Promulgated by the Office of the

Governor, Division of Administration, Office of State Uniform Payroll, LR 12:763 (November 1986), amended LR 16:402 (May 1990), LR 19: (March 1993).

### **§115. Department/Agency Responsibility**

A. Department secretary/undersecretary or his designee shall:

1. approve or reject requests for solicitation authorization presented only by designated coordinators of approved vendors;
2. provide vendor coordinators a copy of department policy relative to receipt, processing, and cancellation of payroll deduction forms, as well as guidelines prior to permitting access to employees;
3. certify the use of any IntraAgency deduction to collect funds from employees for meals, housing, etc., is required by and is a benefit to the agency/department;
4. insure that IntraOffice deductions such as flower, gift, and coffee funds will not be authorized.

B. Departments/agencies shall provide the Office of State Uniform Payroll a written report of acts of noncompliance by any vendor to this rule or to the published guidelines of that department/agency.

C. Payroll personnel of UPS agencies may process refunds for amounts previously deducted from any vendors which receive consolidated remittance ONLY as directed in the Office of State Uniform Payroll Standard Accounting Procedures Manual. Payroll systems independent of UPS shall establish written policy for remittance and refund of deductions taken.

D. Agency payroll/personnel shall:

1. accept only authorization forms which conform to the standard deduction format (Form SED-4 9/92) from vendor representatives;
2. verify that the vendor name and the payroll code on any deduction form submitted are in agreement with the current approved list;
3. accept forms for employee deductions which contain no obvious alterations without employee's written acknowledgment of such change;
4. be responsible for verifying that the deduction amount is in agreement with the monthly amount shown on the authorization.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 12:763 (November 1986), amended LR 16:402 (May 1990), LR 19: (March 1993).

### **§117. Reporting**

A. Vendors shall promptly report within 10 days of final approval any change in the name, address, company status, principal officers, and designated coordinator to the Office of State Uniform Payroll.

B. Vendors shall provide as required by OSUP data disks, mailers, labels, postage, or other supplies necessary to avoid cost to the state in providing deduction information. Like assistance shall be provided to other payroll systems as determined appropriate to control state cost of providing payroll deduction.

C. Annual renewal applications shall list specific products/service provided. No new products or services shall be added without prior approval through the annual renewal process.

D. Departments/agencies shall be responsible for reporting any infractions of this rule and/or department policy committed by any vendor or vendor representative to the Office of State Uniform Payroll and/or appropriate governing board or boards.

E. Vendors shall be required to report the dismissal of any representative participating in state payroll deduction to the Office of State Uniform Payroll and/or appropriate governing board or boards.

F. Vendors with deductions "permitted" by statute shall provide annual renewal applications (Form SED-2).

G. Each governing board shall provide the Office of State Uniform Payroll an annual report relative to vendors currently approved for deductions within each system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 12:763 (November 1986), amended LR 16:402 (May 1990), LR 19: (March 1993).

### **§119. Fees**

A. Data, information, reports, or any other services provided to any vendor or any other party by the Uniform Payroll System or other state payroll system shall be subject to payment of a fee for the cost of providing said data, information, reports, and/or services in accordance with the Uniform Fee Schedule.

B. Fees assessed shall be satisfied in advance of receipt of the requested data.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 12:763 (November 1986), amended LR 16:402 (May 1990), LR 19: (March 1993).

### **§121. Termination of Payroll Deduction**

A. Unethical conduct or practices of the vendor will result in the termination of payroll deduction authority for that vendor.

B. Unethical or unprofessional conduct of any vendor representative shall result in that individual being barred from participation in state payroll deduction for any vendor.

C. Payroll deduction authority shall be revoked for any vendor that fails to maintain compliance with provisions of R.S. 42:455.

D. Payroll deduction authority may be revoked for any vendor that fails to comply with requirements of this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 12:763 (November 1986), amended LR 16:402 (May 1990), LR 19: (March 1993).

### **§123. General**

A. Payroll deduction authorization shall not be transferred.

B. Approval of an applicant in no way constitutes endorsement or certification of the applicant/vendor.

C. Group Benefits HMO pass-through deductions and credit union reciprocal agreement payments to other state agency credit unions for transferred employees shall be the only exception to §113.E.

D. Administrative responsibilities of this rule shall preclude the Division of Administration from sponsoring applicants for vendor deduction authorization.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 12:763 (November 1986), amended LR 16:402 (May 1990), LR 19: (March 1993).

#### **§125. Appeal Process**

A. Any vendor participating in payroll deduction debarred from participating for any reason by a department/agency or university shall have the right to have that action reviewed by filing a written request for review with the secretary of the department/agency, or the chairman of the respective

governing board. This request for review shall be filed within 10 days from the notice of debarment.

B. A written decision shall be rendered on any request for review within 14 days of receipt.

C. Any vendor who is not satisfied with this decision has the right to appeal to the commissioner of Administration. Any such appeal must be in writing and received by the commissioner within 10 days of receipt by the vendor. The commissioner shall issue a written decision on the matter within 14 days of receipt of the written appeal.

D. The decision of the commissioner shall be the final administrative review.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 12:763 (November 1986), amended LR 16:402 (May 1990), LR 19: (March 1993).



DEPARTMENT REQUEST  
FOR  
PAYROLL DEDUCTION VENDOR

In accordance with the rule governing payroll deductions Title 4, ( Chapter 1, §103, C, 2), I, \_\_\_\_\_, \_\_\_\_\_, on behalf of the employees of \_\_\_\_\_, hereby request favorable consideration of a payroll deduction application submitted by:

A. (APPLICANT)

\_\_\_\_\_  
VENDOR NAME  
\_\_\_\_\_  
ADDRESS  
\_\_\_\_\_  
CITY/STATE/ZIP  
\_\_\_\_\_  
AGENT/REPRESENTATIVE  
\_\_\_\_\_  
PHONE (Area/Number/Extension)

To offer:

Section 125 Eligibility

B. (Product(s)  
or Service(s))

YES  NO

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I further certify: that this request does not represent a duplication of deductions currently available in the payroll system; that a review and/or survey conducted by this department has indicated a need for this particular deduction; that the above named company applicant has provided evidence of having met and/or exceeded all requirements of R. S. 42:455; and has knowledge of the requirements of the rule governing payroll deductions.

Department \_\_\_\_\_

Signature \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

{ VENDOR NAME HERE }

State of Louisiana Employee Payroll Deduction Authorization

EMPLOYEE NAME	SOC. SEC. NO.	PAYROLL REPORTING NO.
---------------	---------------	-----------------------

NAME DEPARTMENT/AGENCY/Section	CONTROL NO.	AUTHORIZED CODES MSX a-1 MSX m-z
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I hereby authorize my employer to deduct a total of \$ \_\_\_\_\_ each month from my salary until further notice and remit same to { VENDOR NAME HERE } ( Old Code XXXX )

A TOTAL Semi-Monthly Deduction of \$ \_\_\_\_\_ represents one half of the total monthly premium required for the coverage(s) detailed below. I, hereby waive on behalf of myself, my heirs, successors, agents, and assigns any and all rights of action against the State of Louisiana, its agents, and assigns, arising out of the deduction, failure to deduct, or any other handling of this request for payroll withholding.

DEDUCTION DETAIL (Product Codes, Premium Amts., 125 Elig.) MENU ELECTIONS

PRODUCT NAME	PART. CODE Yes No a m	125 ELIG	MO. PREM.	PAYROLL CODE	INELIG.& NON CAFE	CAFE PREMIUMS
					Semi-Mo. \$ .	Semi-Mo. \$ .
Product one		Y	\$ 00.00	MSX ?	\$ .	\$ .
Product two	b n	Y	\$ 00.00	MSX ?	\$ .	\$ .
Product three	c p	Y	\$ 00.00	MSX ?	\$ .	\$ .
Product four	r	N	\$ 00.00	MSX r	\$ 00.00	
Product five	s	N	\$ 00.00	MSX s	\$ 00.00	
Product six	t	N	\$ 00.00	MSX t	\$ 00.00	

Total Mo. Prem \$ 00.00  
Total Semi-mo. Non-Participating \$ 00.00

Begin/Change Date

Total Semi-Mo. Participating \$ 00.00

Date Authorized

TOTAL SEMI-MONTHLY MSX (XXXX) \$ 00.00

BY: \_\_\_\_\_  
Employee Signature

(THIS FORM SUPERCEDES AND REPLACES ALL OTHER AUTHORITY FOR THIS DEDUCTION.)

Presentation and deduction authorization processed by: \_\_\_\_\_  
MSX Agent Phone  
Address

Whit J. Kling, Jr.  
Assistant Commissioner

## RULE

### Office of the Governor Office of Elderly Affairs

#### Adult Protective Services (LAC 4:VII.1239)

Pursuant to the provisions of R.S. 14:403.2, and the Administrative Procedure Act, the Governor's Office of Elderly Affairs (GOEA) has adopted LAC 4:VII.1239, effective March 20, 1993. The purpose of this rule is to enable the Office of Elderly Affairs to implement the Adult Protective Services Program for individuals 60 years of age and older in need of such services.

#### Title 4

#### ADMINISTRATION

#### Part VII. Governor's Office

#### Chapter 11. Elderly Affairs

#### §1239. Adult Protective Services for the Elderly

##### A. Overview of Adult Protective Services

1. Purpose. The purpose of Adult Protective Services (APS) is to protect adults who cannot physically or mentally protect themselves and who are harmed or threatened with harm through action or inaction by themselves or by the individuals responsible for their care or by other persons.

##### 2. Goal and Objectives

a. The goal of Adult Protective Services is to assure that adults in need of protection are able to maintain the highest quality of life in the least restrictive environment appropriate to their individual capabilities and life style.

b. The objectives of Adult Protective Services are:

- i. to prevent, remedy, halt or hinder abuse and neglect;
- ii. to maintain a careful balance between protecting an adult from abuse and/or neglect and preserving his/her personal freedom and dignity;
- iii. to assure the maximum possible degree of self-determination for the adult;
- iv. to maintain the adult in the least restrictive living environment appropriate for his/her needs;
- v. to secure referral or admission to appropriate alternative living arrangements if all efforts to maintain the adult in his/her own home fail.

##### 3. Philosophy

a. The following principles are basic to the delivery of Adult Protective Services:

- i. adult abuse, neglect and exploitation are primarily social problems and their resolution should be sought initially through the provision of social services;
- ii. services which support and strengthen the informal support system (family and caretakers) are vital to the protection of adults who are at risk of abuse, neglect and exploitation;
- iii. an adult has the right to make decisions on his/her own behalf unless it is clearly evident that he/she is unable to do so, or until the court grants that responsibility to another individual;
- iv. proper protection of an adult may require an APS worker to advocate for the right of the adult to make his/her

own choice even where there is a community or family request for the agency to intervene.

##### 4. Client Rights

a. The adult protective services client, if mentally able, has the right to:

- i. receive voluntary protective services if he/she requests or consents to these services;
- ii. participate in all decisions regarding his/her welfare;
- iii. choose the least restrictive alternative that meets his/her needs;
- iv. refuse medical treatment if it conflicts with his/her ethical values, and/or religious beliefs and practices;
- v. withdraw from or refuse consent for protective services.

##### 5. Framework for Adult Protective Services

a. The principles of family based services provide the framework for adult protective services. Family based services are designed to provide the maximum services to a family at the time of crisis to prevent the breakup of the family unit. This approach to the delivery of social services focuses on families rather than individuals. Services in this context are intended to strengthen and maintain families and prevent family dissolution and out of home placement of the adult.

b. Adult protective services assist families in regaining or maintaining family autonomy while at the same time assuring the protection of individuals.

c. It is recognized that while adults who live alone may not have families, significant others may, when appropriate, be considered as part of the family unit within the context of family based services.

##### 6. Definitions

*Adult*—any individual eighteen years of age or older or an emancipated minor who because of mental or physical dysfunction: is unable to manage his/her own resources, carry out the activities of daily living, or protect himself from neglect, hazardous or abusive situations without assistance from others; and has no available, willing and responsibly able person to assist him.

*Adult Protection Agency*—the Office of Elderly Affairs in the Office of the Governor (GOEA) for any individual sixty years of age or older in need of adult protective services as provided in this Section. The Department of Health and Hospitals is the Adult Protection Agency for any individual between the ages of eighteen and fifty-nine years of age in need of adult protective services as provided in this Section.

*Caregiver*—any person or persons, either temporarily or permanently responsible for the care of an elderly person or a physically or mentally disabled adult.

*Caregiver Neglect*—the inability or unwillingness of the caregiver to provide for basic needs (food, clothing, medicine, etc.) of a mentally and/or physically disabled adult.

*Collateral*—an individual other than a family member, caretaker or subject of the investigation who may have information about the case. Collaterals may include family members, neighbors, witnesses, physicians and other medical personnel, law enforcement officials, and others.

**Curator (Guardian)**—an individual appointed by the court to manage the affairs and/or person of the interdict.

**Elderly**—a term used to refer to an individual 60 years of age or older.

**Exploitation**—the illegal or improper use or management of an elderly person's or disabled adult's funds, assets, or property, or the use of an elderly person's or disabled adult's power of attorney or guardianship for one's own profit or advantage.

**Extortion**—the acquisition of a thing of value from an unwilling or reluctant adult by physical force, intimidation, or abuse of legal or official authority.

**Incompetency**—a judicial finding, based on satisfactory evidence, of a person's inability to manage his/her affairs and/or person.

**Interdict (Ward)**—an individual for whom a curator has been appointed.

**Interdiction (Guardianship)**—a judicial proceeding which authorizes a court, upon petition, to appoint a curator (guardian) for a person found to be incapable of managing his/her person or property because of mental deficiency, deviation or physical infirmity.

**Neglect**—the failure by a caregiver responsible for the adult's care or by other parties to provide the proper or necessary support or medical, surgical, or any other care necessary for his/her well-being.

**Physical Abuse**—the injury, unreasonable confinement, intimidation or cruel punishment of an adult with resulting physical harm or pain.

**Self-Neglect**—the failure, either by the adult's action or inaction, to provide the proper or necessary, support or medical, surgical or any other care necessary for his/her own well-being. No adult who is being provided treatment in accordance with a recognized religious method of healing in lieu of medical treatment shall for that reason alone be considered to be self-neglected.

**Sexual Abuse**—the involvement of an adult who is determined to be an unwilling participant or is in a state of diminished physical and/or mental capacity in any sexual act or situation.

## 7. Legal Basis

a. R.S. 14:403.2 provides the statutory authority for adult protective services. The intent of the law is to authorize the least possible restriction on the exercise of personal and civil rights consistent with the adult's need for services and to require that due process be followed in imposing such restrictions.

b. The major areas covered by R.S.14:403.2 include:  
i. Responsibilities of the Adult Protection Agency. GOEA is responsible for the provision of adult protective services to persons age 60 or older. These services shall include a prompt investigation and assessment.

ii. Reporting. Any person having cause to believe that an adult's physical or mental health or welfare has been or may be further adversely affected by abuse, neglect or exploitation shall report to the adult protection agency or to any local or state law enforcement agency.

iii. Immunity. No cause of action shall exist against:

(a). any person who in good faith makes a report, cooperates in an investigation by an agency, or participates in judicial proceedings authorized under the provisions of the law; or

(b). any caseworker who in good faith conducts an investigation or makes an investigative judgment or disposition.

iv. Consent to Service. Protective services may not be provided in cases of self neglect to any adult who does not consent to such service or who, having consented, withdraws such consent.

## B. Confidentiality

1. For purposes of adult protective services, *confidentiality* is defined as the protection of social and other information concerning an adult, his/her family and his/her situation which is disclosed to the APS program/worker by the adult, the reporter and/or collaterals. The intent of confidentiality is to prevent information and/or records concerning an adult from being released to persons who have no legitimate need for or right to such information and/or records.

2. When making a determination regarding release of adult case information, the following criteria shall be considered:

a. has the adult, or his/her legally authorized representative consented to the release of the information;

b. if the answer to Subparagraph a of this Paragraph is no, is the release required by law (such as referral to a district attorney in a case of physical abuse);

c. if the adult lacks the capacity to consent and has no legally authorized representative, will the release of the information directly benefit the adult, facilitate treatment, or prevent or ameliorate the abuse/neglect/exploitation problem?

3. If the answer to any of the questions in Paragraph 2 of this Subsection is yes, the information may be released. If there are any questions regarding whether information should be released, the information shall not be released without supervisory and/or legal consultation.

4. To obtain confidential information (written medical or psychiatric reports, etc.), from sources outside GOEA, a release form signed by the adult or his/her representative is necessary. The signed release form is also necessary before any written case information may be sent to any agency/organization outside GOEA.

## C. Intake

1. Intake. The intake process includes those activities whereby reports concerning the abuse, neglect and/or exploitation of adults are received, evaluated for appropriateness, and either accepted or not accepted for investigation. All intake information shall be documented on Form APS-1.

2. Eligibility for Adult Protective Services for the Elderly. To be eligible to receive protective services through GOEA the adult must be:

a. age 60 or older; and

b. alleged to be abused/neglected/financially exploited by a caregiver or others; or

c. unable to provide for his/her own well being which

results in danger to his/her own health and/or safety; and  
d. unable to protect him/herself from abuse/neglect/financial exploitation.

### 3. Types of Abuse/Neglect Accepted for Investigation

- a. physical or mental abuse;
- b. caregiver neglect;
- c. exploitation;
- d. extortion;
- e. self neglect;
- f. sexual abuse.

4. Determining whether a Report is Accepted for Investigation. In order for a report to be accepted for investigation, the adult must meet eligibility criteria described in Paragraph 2 of this Subsection and must be an alleged victim of at least one of the types of abuse/neglect/exploitation listed in Paragraph 3 of this Subsection.

5. Case Name. The case name shall be the name of the adult who is the subject of the report. If more than one adult in the same family are subjects, the case name shall be the name of the older adult.

### 6. Categories of Protective Services Reports

a. Initial. The first report of abuse/neglect of an adult. This report initiates the investigation.

b. Subsequent. A report of another incident of abuse/neglect involving the same adult while the case is open which alleges a type of abuse/neglect different from the initial report. The APS worker responsible for the case shall investigate all subsequent reports as if they were initial reports.

c. Additional Information. A report which provides information regarding an open case which does not involve a different type of abuse/neglect.

d. Nonaccepted. A report which does not meet the criteria for acceptance of a case.

### 7. Nonacceptance of a Report

a. When a report is not accepted for investigation, the APS worker shall advise the reporter of the reason for nonacceptance and will provide the following, as appropriate:

- i. consultation and direct referrals for other services;
- ii. referral to a law enforcement agency or to the district attorney;
- iii. referral to the appropriate agency for investigation if the client is not within the jurisdiction of the APS program.

b. If a report is not accepted for investigation, the action taken on the report must be documented on Form APS-1.

### D. Investigation Procedures

1. Priorities for Investigation of Cases. Cases accepted for investigation shall be prioritized as high, medium and low according to the severity of factors of abuse/neglect based on information provided by the reporter and other sources. The priority level of the case determines the time frame and agency commitment of staff and resources for the investigation. Investigation of low and medium priority cases may be limited if all APS workers in a regional office have 35 active cases in any one month period.

### 2. Definitions of Priority Levels

a. High Priority. Allegations of abuse/neglect/exploitation which include any one or more of the following

examples of conditions will constitute a high priority case. The examples are not all inclusive. These cases will be served first. The alleged victim:

- i. has severe and functionally limiting physical disability;
- ii. has severe and functionally limiting mental illness or mental confusion;
- iii. is totally dependent on others for income/financial resources which are being misused;
- iv. lives in a structurally unsound home with severe health and/or safety violations;
- v. requires immediate medical attention for abuse/neglect;
- vi. is the victim of sexual abuse;
- vii. is subject to unrestricted access by an alleged perpetrator;
- viii. is totally dependent on others for basic necessities of life which are not being provided.

b. Medium Priority. Any one or more of the following factors will constitute a medium priority case. The alleged victim:

- i. has moderate physical disability/requires prosthesis or hands-on assistance to be ambulatory;
- ii. has periodic confusion and impaired reasoning abilities;
- iii. is partially dependent on others for financial resources and/or management;
- iv. lives in a home with some structural or safety problems which pose moderate risk;
- v. lacks adequate supervision of basic needs, which, if left unchecked, will endanger health and well being;
- vi. has minor injury or injuries;
- vii. has psychological symptoms due to neglect and/or abuse;
- viii. is in a situation, which, while not critical, is very likely to get worse without intervention;
- ix. is partially dependent on others for basic necessities of life.

c. Low Priority. Any one or more of the following factors will constitute a low priority case. These cases will be served if all higher priority cases have been investigated and if staff and resources are available. The alleged victim:

- i. is ambulatory;
- ii. has minimal physical disability;
- iii. has minimal mental disability/mild retardation - occasional mild confusion;
- iv. is financially independent;
- v. lives in a home which meets minimal standards;
- vi. is able to care for his/her basic needs;
- vii. has minor injury or injuries, or minor signs of neglect.

### 3. Time Frames for Investigation

#### a. High Priority Cases

i. Life-Threatening Situation. A life-threatening situation is one in which the adult is in immediate danger of death or serious bodily harm. Investigation shall be initiated, or appropriate crisis-intervention measures begun, immediately upon receipt of the report.

ii. **Non Life-Threatening Situation.** Investigation shall be initiated within eight work-day hours of receipt of the report.

b. **Medium Priority Cases.** Investigation shall be initiated within three working days of receipt, as long as investigation of high priority cases is not delayed.

c. **Low Priority Cases.** Investigation of cases which are considered low priority shall be initiated after investigations for all high and medium priority reports have been initiated.

4. **Determination of Appropriate APS Regional Office to Investigate the Report**

a. The APS Regional Office responsible for the investigation shall be the one which serves the parish in which the adult normally resides.

b. If the adult's residence changes to another region before completion of the investigation, the original APS worker will be responsible for the case unless it is determined that distances between offices are too great.

5. **Purpose of the Investigation**

a. The purpose of the investigation is to determine whether the adult alleged to be abused, neglected, exploited or unable to care for himself is in need of protective services, and if so, to identify what services are needed to provide the protection.

b. The determination of need for protective services may be based upon problems identified in the report, or it may be based upon problems the APS worker identifies during the investigation, or both.

6. **Preparing for the Investigation.** Prior to the initial contact with the adult the APS worker should:

a. conduct a computer or manual search and review any existing agency records;

b. determine the need to request access to any records, reports, or other information;

c. consider whether involvement of law enforcement and other state/local officials will be needed; and

d. determine the need to include other persons as participants in the investigation.

7. **The Initial Contact with the Adult**

a. After the case is accepted for investigation and a priority for investigation is determined, the APS worker shall either:

i. contact the adult by telephone to arrange for a home visit; or

ii. when the situation warrants, make an unannounced visit to the home.

b. If the adult is unable to make decisions for him/herself, the person responsible for the adult's care shall be contacted, if possible.

8. **Visit to the Home**

a. The APS worker shall make every effort to ascertain in advance from the reporter or others whether the visit to the home will create a problem for the adult and whether the reception will be positive or negative for the APS worker. Any questions regarding the impact of the home visit shall be discussed with the supervisor in advance of the visit.

b. If the APS worker is denied access to the home, or if the adult is alone and appears to be mentally incapacitated,

the APS worker may request assistance from local law enforcement.

c. If the adult and/or caregiver reside in the home but are not at the premises at the time of the visit, the APS worker shall contact neighbors and others in an effort to locate them.

9. **Conducting the Interview**

a. The adult should be interviewed in person and alone. The caregiver(s) shall not participate in the interview with the adult unless it is assured that they are not also the perpetrators of the abuse/neglect.

b. In certain cases an interview with the alleged perpetrator may not be in the best interest of the adult. If there is any doubt as to whether information shared with the perpetrator would place the adult in danger, the APS worker shall discuss the situation with the supervisor prior to initiation of contact. The adult should be made aware if the alleged perpetrator is to be interviewed.

c. Interviews with the adult, the caregiver(s), the alleged perpetrator(s), and collaterals shall be conducted by the APS worker as appropriate according to the guidelines in Subparagraphs d through f of this Paragraph.

d. When interviewing the adult, the APS worker shall:

i. interview in private, if at all possible;

ii. state purpose of interview;

iii. share contents of report and explain responsibility to investigate;

iv. allow the adult to respond to allegations;

v. encourage the adult to give a complete account of the situation;

vi. determine whether the adult is able to make decisions affecting his/her situation;

vii. determine relationship to and attitude toward the alleged perpetrator;

viii. determine if this is a one time incident or part of a pattern of abuse, neglect and/or exploitation;

ix. observe non-verbal communication;

x. note physical indicators of abuse or neglect;

xi. if the situation is a crisis, initiate appropriate intervention immediately;

xii. determine what the adult wishes to do about the situation and offer alternatives as appropriate;

xiii. ascertain whether there are other service needs not stated in the report; and

xiv. when appropriate, share findings and observations with the adult and state intentions or recommendations.

e. If appropriate, the interview with the alleged perpetrator should be centered around what can be done to remedy the abuse, neglect or exploitation. Names of reporters shall not be shared with the alleged perpetrator. When interviewing the alleged perpetrator, the APS worker shall:

i. interview in private, if possible;

ii. state purpose of interview;

iii. share nature of allegation and explain responsibility to investigate;

iv. allow the alleged perpetrator to respond to the allegations;

v. note non-verbal communication;

vi. determine relationship to and attitude toward the adult; and

vii. when appropriate, share findings and observations with the alleged perpetrator and state intentions/recommendations.

f. When interviewing the caregiver and/or collateral(s) the APS worker shall:

- i. state the purpose of the interview in accordance with confidentiality guidelines;
- ii. obtain relevant information;
- iii. determine relationship to and attitude toward the adult and the alleged perpetrator.

#### 10. Risk Assessment

a. The investigation of abuse, neglect and/or exploitation of the adult includes a risk assessment. Accurate assessment of risk of harm to the adult is necessary so that appropriate decisions to protect the adult can be made.

b. Some of the questions to be answered during the risk assessment include:

- i. what is the adult's chance of injury, damage or loss in the absence of protective services;
- ii. what does the adult want;
- iii. does the adult have the capacity to make responsible decisions?

c. The risk assessment should involve an examination of all available information in the following areas:

- i. physical health;
- ii. mental health, including capacity for decision making; and
- iii. the environmental situation, including self-endangering behavior and familial and community support.

#### 11. Determining the Validity of the Allegation(s)

a. When making a determination regarding the validity of an allegation of abuse/neglect/exploitation, the following decision standard shall be used:

The available facts when viewed in light of the surrounding circumstances would cause a reasonable person to believe that an adult's physical or mental health or welfare has been or may be further adversely affected by abuse, neglect, or exploitation.

b. As appropriate, when determining the validity of the allegation(s), the APS worker should:

- i. review the adult's account of the situation;
- ii. review the alleged perpetrator's account (if any);
- iii. review the information supplied by collateral contacts;
- iv. review records and documents;
- v. review the assessment information;
- vi. evaluate the consistency of all accounts and documents;
- vii. consider the mental status of all persons interviewed;
- viii. consider credibility of persons interviewed and documents examined;
- ix. consider possible motives for fabrication; and
- x. review previous reports involving the adult and/or alleged perpetrator.

12. Case Reviews/Staffings. Case reviews/staffings may be held with other professionals such as medical personnel, law enforcement, psychologists, attorneys, etc., in order to assist in identifying the problem and formulating an

appropriate course of action. These reviews shall be documented on Form APS-6.

13. Law Enforcement. Some actions or inactions which result in abuse/neglect/exploitation of an adult are criminal offenses. In these cases, it will be necessary to closely coordinate investigations with local law enforcement agencies.

14. Time Frame. The investigation shall be completed and a decision made regarding disposition of the case within 45 calendar days of the date the initial report was received. If this time frame cannot be met, the reasons must be documented in the case record.

15. The Investigation Decision. Based on the investigative findings and assessment, a decision shall be made as follows:

a. Valid/Needs Protective Services. A review of the facts shows that adult abuse, neglect and/or exploitation has occurred or is occurring and/or there is reason to suspect that the adult is at risk and needs protective services to reduce or eliminate that risk. If the decision is made that the adult needs protective services, one of three courses of action shall be followed:

- i. if the adult has the capacity to make an informed decision and agrees to accept services, a service plan will be developed, and service delivery initiated;

- ii. if the adult lacks the capacity to consent to receive these services, and either: there is no caregiver available to assume responsibility for the adult or the caregiver refuses protective services for the adult, protective services may be ordered by a court through an emergency order, or a conservator may be appointed; or

- iii. if the adult is mentally competent but refuses to accept the services, the case will be reviewed carefully see what alternatives exist which could be utilized by the adult, and what alternatives would be acceptable to him/her. If there are no alternatives acceptable to the adult, the case will be closed.

b. Valid/Need for Protective Services No Longer Exists. A review of the facts shows that the adult does not need protective services because the risk of abuse, neglect and/or exploitation which existed at the time of the report no longer exists. If the disposition is that the adult's need for protective services no longer exists, the person who made the report should be notified that the report has been investigated and protective services are not needed at this time.

c. Invalid. A review of the facts shows no reason to suspect that any abuse, neglect and/or exploitation occurred or that the adult is at risk. If the disposition is that the report of abuse/neglect/exploitation is invalid, services are not offered. The case will be closed. However, if the case is not accepted for protective services, the person who made the report shall be contacted and given an explanation regarding the reason for the agency's decision.

d. Unable to Locate. The adult could not be located at the address or location provided by the reporter, or the actual resident at the reported address had no resemblance to the subject of the report; and the reporter could not be contacted or could not provide an adequate address; and the GOEA data file and the local office master file data checks failed to provide an adequate address; and neither one neighbor, nor

one relative, nor directory assistance were able to provide information about the adult's whereabouts; and supervisory approval to discontinue efforts to locate have been secured.

e. Deceased. Client died prior to completion of the investigation.

16. Initial Investigation Report. An initial investigation report (Form APS-2) shall be completed on all cases accepted for investigation. This information provides documentation for case disposition.

17. Report to the District Attorney. A report shall be sent to the district attorney on all cases where it appears after investigation that an adult has been abused and neglected by a third party or parties and that the problem cannot be remedied by APS through extrajudicial means. A list of services which are available to ameliorate the abuse and neglect situation shall be provided in the report. Such reports shall be reviewed and approved by the APS Program Manager or his/her designee prior to referral.

18. Case Disposition.

a. Upon completion of the investigation, the case shall be continued for services for the following reasons:

- i. valid, adult consents to services; or
- ii. valid, adult lacks decision making ability.

b. The case shall be closed at the completion of the investigation for the following reasons:

- i. valid, need no longer exists;
- ii. valid, adult refused services;
- iii. invalid;
- iv. unable to locate (document efforts to locate); or
- v. deceased.

19. The APS Investigation Case Record

a. A case record shall be set up for all APS case investigations and shall contain the following documents:

- i. Form APS-1, Intake;
- ii. Form APS-2, Investigation Report; and
- iii. Form APS-5, Risk Assessment.

b. Depending on circumstances of the case, Form APS-6, Case Review Form, may also be placed in the record.

20. Supervisory Review of the Investigation. The supervisor is responsible for reviewing the investigation decision within two weeks of the date of completion of the investigation and assuring that all policies have been followed and all relevant forms have been completed.

21. Exceptions to APS Investigation Procedures

a. Not accepted for investigation:

i. Spouse Abuse. Allegations of spouse abuse will not be accepted for investigation unless the adult meets the criteria for eligibility as described in Paragraph 2 of Subsection C of this Section. Reporters who allege spouse abuse for adults not eligible for adult protective services shall be referred to local law enforcement agencies or to battered women's shelters, if appropriate.

ii. Licensed and Certified Nursing Facilities (includes all Title XIX Facilities). Allegations of abuse/neglect of an adult who resides in a nursing facility shall not be accepted for investigation except as provided below. Reporters will be referred to the Department of Health and Hospitals, Bureau of Health Standards, Baton Rouge, LA and/or to the State Long

Term Care Ombudsman Program. The exception to this rule is in cases where a resident of a nursing facility is alleged to be abused or exploited by someone outside the facility or while visiting outside the facility.

iii. Mental Health and Mental Retardation Facilities. Allegations of abuse/neglect of an adult who resides in a facility, group home or hospital operated by the Division of Mental Health or Mental Retardation/Developmental Disabilities shall not be accepted for investigation. Reporters shall be referred to the appropriate regional level offices.

b. Accepted for investigation:

i. Board and Care Homes. Allegations of abuse/neglect of an adult who resides in a board and care home may be accepted for investigation. Such reports should also be reported to the Department of Social Services, Division of Licensing, and the state Long-Term Care Ombudsman Program.

E. Services

1. Service Assessment

a. When a decision has been made that a case is valid and the adult consents to services or lacks the ability to make a competent decision, a service assessment shall be conducted and a plan developed.

b. Specific service needs are identified by use of Form APS-3, Adult Services Assessment. The assessment is a systematic review of the adult's current living situation, physical and mental abilities and resources. Information from the assessment and the investigative findings are used to develop a service plan.

2. Service Plan

a. Development. The service plan is the basis for the activities that the APS worker and service providers will undertake. The focus of the service plan is time limited and it is expected that involvement of the APS worker in the case will not exceed three months. Therefore, time frames for service delivery which require APS worker participation should take this limitation into consideration.

b. Documentation. The service plan is documented on Form APS-4 and shall be completed within two weeks of the date of the investigation decision that the client needs and accepts ongoing services, or that the client is unable to make an informed decision.

c. Participation of the Adult. All aspects of the service plan shall be developed with the ongoing participation and involvement of the mentally competent adult.

For other adults, the following situations may apply:

i. when the adult has a legally appointed curator (guardian), that person is the spokesperson for the adult;

ii. when the adult has an informal (non-legal) representative, usually a family member (not an alleged perpetrator), this person should participate in the development of the service plan;

iii. when the adult appears to be mentally incapacitated but does not have either a legal or non legal representative, the APS worker should obtain as much participation as is feasible and practical, dependent upon the adult's current situation.

d. APS Worker Role in Development of the Plan. The primary role of the APS worker in the development of the

service plan is to identify services which will ameliorate or eliminate the problem(s) of abuse/neglect and/or financial exploitation or other problems which may have been found during the investigation.

e. **APS Worker Responsibilities in Implementation of the Plan.** The primary responsibility of the APS worker in implementation of the service plan is to act as a case manager, i.e., a facilitator who communicates and coordinates delivery of services by other agencies/providers. As a case manager, the APS worker will perform the following duties:

- i. to continue regular contact with the adult to clarify any issues involving service delivery, such as effectiveness, need, etc.;
- ii. to monitor the progress made toward meeting the objectives and time frames set forth in the service plan; and
- iii. to reassess and revise the service plan as appropriate.

f. **Service Case Progress.** The APS worker is responsible for documenting the progress of the service case on Form APS-7, Monthly Progress Summary Form, as appropriate.

g. **Crisis Intervention.** In some cases, a crisis situation may necessitate the use of a temporary or emergency plan prior to completion of a full assessment and service plan. In such cases this crisis plan shall be documented on Form APS-4 and signed by the client or other legally responsible person and witnessed by the caregiver, if appropriate.

h. **Transportation of Client.** If the service plan requires that the APS program/worker transport the client, a transportation release shall be obtained.

**3. Supervisory Review**

a. The purposes of supervisory reviews are to assure that an appropriate service plan is developed; that progress is being made toward resolution of the adult's problem in a systematic way; and that the case is closed within the appropriate time frame.

b. Supervisory reviews of services shall be conducted as follows:

PURPOSE	TIME FRAME
Initial review of completed plan	Within two weeks of completion of investigation
Progress review	Every 30 days after date of service plan
Closure Review	Three months after date of service plan

4. **Service Case Record.** The service case record shall contain the following:

- a. All documentation required for the investigation case;
- b. Form APS-3, Service Assessment;
- c. Form APS-4, Service Plan;
- d. Form APS-5, Client Risk Assessment;
- e. Form APS-7, Monthly Progress Summary Form;

and

f. Form APS-8, Service Summary Form.

**5. Service Case Closure**

a. **Reasons for Closure:**

- i. the goals and objectives in the service plan have been reached;
- ii. the adult is no longer at risk;
- iii. the adult's service needs can be best met by other agencies/programs and APS involvement is no longer necessary;
- iv. the adult makes the decision to terminate services, the adult is mentally competent, and court action is not warranted;
- v. the adult moves out of the service area and cannot be located; and/or
- vi. the goals and objectives in the service plan have not been reached; however, the three months time limit for service provision has been met. Exceptions may be granted by APS Program manager or his/her designee.

b. **Procedures for Closure.** When the decision to close the case has been made, the APS worker shall:

- i. review the progress made with the adult and/or his/her caregiver/legal representative to ensure that the likelihood of reoccurrence of abuse/neglect/exploitation is minimal or nonexistent and that the adult will be able to maintain his/her current level of functioning without agency assistance;
- ii. inform other agencies and individuals who are or have been involved in the provision of services or support to the adult; and
- iii. complete all necessary case documentation and forms.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 14:403.2.

**HISTORICAL NOTE:** Adopted by the Office of the Governor, Office of Elderly Affairs, LR 19: (March, 1993).

James R. Fontenot  
Director

**RULE**

**Department of Health and Hospitals  
Board of Dentistry**

**Dental Lasers (LAC 46:XXXIII.Chapter 13)**

In accordance with the provisions of the Administrative Procedure Act, R.S.49:950 et seq., and the Dental Practice Act, R.S.37:751 et seq., and R.S.37:760 (8), notice is hereby given that the Board of Dentistry has adopted the following rule.

**Title 46**  
**PROFESSIONAL AND OCCUPATIONAL**  
**STANDARDS**

**Part XXXIII. Dental Health Professions**

**Chapter 13. Dental Laser Use**

**§1301. Requirements**

A laser may be employed in the treatment of a dental patient only by a licensed dentist. A dentist may not delegate to dental auxiliaries any laser procedure or treatment.

**AUTHORITY NOTE:** Promulgated in accordance with R.S.37:760(8).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 19: (March 1993).

**§1302. Procedures**

A. Patients, dental assistants, dental hygienists, dentists, and all other office personnel in the vicinity of the laser operatory must wear protective glasses appropriate to filter out the working and/or aiming beam wavelengths. Each patient must be adequately protected for the specific wavelength(s) being used.

B. Laser operators shall have a sign placed just outside the door indicating that a laser device is in use. This sign must detail the potential danger of walking into a laser operatory without proper eye protection.

**AUTHORITY NOTE:** Promulgated in accordance with R.S.37:760(8).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 19: (March 1993).

**§1303. Approval of Training**

Prior to commencing use of a laser for dental purposes, a dentist must provide proof to the board for each laser type to be used that at least eight hours of training in the use of each type has been completed. Training shall be performed by a person(s) qualified to do so on the particular type of laser to be used.

**AUTHORITY NOTE:** Promulgated in accordance with R.S.37:760(8).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 19: (March 1993).

C. Barry Ogden  
Executive Director

**RULE**

**Department of Health and Hospitals**  
**Board of Medical Examiners**

**Acupuncturists and Acupuncturists' Assistants**  
**(LAC 46:XLV.Chapters 21 and 51)**

The Board of Medical Examiners, pursuant to the authority vested in the board by R.S. 37:1360 and 37:1270(B)(6), and in accordance with applicable provisions of the Administrative Procedure Act, has adopted rules governing the certification and practice of acupuncturists and acupuncturists' assistants.

**Title 46**  
**PROFESSIONAL AND OCCUPATIONAL**  
**STANDARDS**

**Part XLV. Medical Profession**

**Subpart 2. Licensing and Certification**

**Chapter 21. Acupuncturists and Acupuncturists'**  
**Assistants**

**Subchapter A. General Provisions**

**§2101. Scope of Chapter**

The rules of this Chapter govern the certification of acupuncturists and acupuncturists' assistants to perform and practice traditional Chinese acupuncture in the state of Louisiana.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1360 and R.S. 37:1270(B)(6).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19: (March 1993).

**§2103. Definitions**

A. As used in this Chapter, the following terms shall have the meanings specified:

*Applicant*—a person who has applied to the board for certification as an acupuncturist or acupuncturist's assistant in the state of Louisiana.

*Application*—a written request directed to and received by the board, upon forms supplied by the board, for certification to perform or practice acupuncture in the state of Louisiana, together with all information, certificates, documents and other materials required by the board to be submitted with such forms.

*Board*—the Louisiana State Board of Medical Examiners.

*Good moral character*—as applied to an applicant, means that:

1. the applicant, if a physician, has not, prior to or during the pendency of an application to the board, been guilty of any act, omission, condition or circumstance which would provide legal cause under R.S. 37:1285 for the denial, suspension or revocation of medical licensure;

2. the applicant has not, prior to or during the pendency of an application to the board, been culpable of any act, omission, condition or circumstance which would provide cause under §5113 of these rules for the suspension or revocation of certification as an acupuncturist or acupuncturist's assistant;

3. the applicant has not, prior to or in connection with his application, made any representation to the board, knowingly or unknowingly, which is in fact false or misleading as to a material fact or omits to state any fact or matter that is material to the application; and

4. the applicant has not made any representation or failed to make a representation or engaged in any act or omission which is false, deceptive, fraudulent or misleading in achieving or obtaining any of the qualifications for certification required by this Chapter.

*Physician*—a person possessing a doctor of medicine or an equivalent degree duly awarded by a medical educational institution approved by the board pursuant to §§ 333 to 345 of Chapter 3 of these rules.

*Proposed Supervising Physician*—a physician who has submitted to the board an application for approval as a

supervising physician.

*Supervising Physician*—a person approved by the board under this Chapter to employ and supervise an acupuncturist's assistant.

B. Masculine terms wheresoever used in this Chapter shall also be deemed to include the feminine.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1360 and R.S. 37:1270(B)(6).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19: (March 1993).

### **Subchapter B. Acupuncturist Certification**

#### **§2105. Scope of Subchapter**

The rules of this Subchapter prescribe the qualifications and procedures requisite to certification as an acupuncturist in the state of Louisiana.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1360 and R.S. 37:1270(B)(6).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19: (March 1993).

#### **§2107. Qualifications for Certification as Acupuncturist**

A. To be eligible for certification as an acupuncturist, an applicant shall:

1. be a physician possessing a current, unrestricted license to practice medicine in the state of Louisiana duly issued by the board;

2. be of good moral character as defined by §2103(A); and

3. have successfully completed not less than six months of training in traditional Chinese acupuncture in a school or clinic approved by the board pursuant to §§2117–2123 of this Chapter.

B. The burden of satisfying the board as to the qualifications and eligibility of the applicant for certification shall be upon the applicant. An applicant shall not be deemed to possess such qualifications unless the applicant demonstrates and evidences such qualifications in the manner prescribed by, and to the satisfaction of, the board.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1360 and R.S. 37:1270(B)(6).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19: (March 1993).

#### **§2109. Application Procedure**

A. Application for certification shall be made upon forms supplied by the board. Application forms and instructions pertaining thereto may be obtained upon written request directed to the office of the board, Suite 100, 830 Union Street, New Orleans, Louisiana, 70112.

B. An application for certification under this Chapter shall include:

1. proof, documented in a form satisfactory to the board, that the applicant possesses the qualifications set forth in this Chapter;

2. three recent photographs of the applicant; and

3. such other information and documentation as the board may require to evidence qualification for licensing.

C. All documents required to be submitted to the board must be the original thereof. All documentation submitted in a language other than English shall be accompanied by a translation into English certified by a translator other than the applicant who shall attest to the accuracy of such translation

under penalty of perjury.

D. The board may refuse to consider any application which is not complete in every detail, including submission of every document required by the application form. The board may, in its discretion, require a more detailed or complete response to any request for information set forth in the application form as a condition to consideration of an application.

E. Each application submitted to the board shall be accompanied by the applicable fee, as provided in Chapter 1 of these rules.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1360 and R.S. 37:1270(B)(6).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19: (March 1993).

### **Subchapter C. Acupuncturist's Assistant Certification**

#### **§2111. Scope of Subchapter**

The rules of this Subchapter prescribe the qualifications and procedures requisite to certification as an acupuncturist's assistant in the state of Louisiana.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1360 and R.S. 37:1270(B)(6).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19: (March 1993).

#### **§2113. Qualifications for Certification as an**

#### **Acupuncturist's Assistant; Approval as Supervising Physician**

A. To be eligible for certification as an acupuncturist's assistant, an applicant:

1. shall be at least 21 years of age;

2. shall be of good moral character as defined by §2103(A);

3. shall have successfully completed a four-year course of instruction in a high school or its equivalent;

4. shall be a citizen of the United States or possess valid and current legal authority to reside and work in the United States duly issued by the Commissioner of the Immigration and Naturalization Service of the United States under and pursuant to the Immigration and Nationality Act (66 Stat. 163) and the Commissioner's regulations thereunder (8 C.F.R.)

5. shall have either:

a. successfully completed not less than 36 months of training in traditional Chinese acupuncture in a school or clinic approved by the board pursuant to §§2117–2123 of this Chapter; or

b. have been formally appointed or employed to perform acupuncture exclusively for research purposes by and at: (i) an accredited licensed hospital located in the state of Louisiana, or (ii) an accredited school or college of medicine located in the state of Louisiana.

B. To be eligible for approval under this Chapter, a proposed supervising physician shall, as of the date of the application:

1. possess a current, unrestricted license to practice medicine in the state of Louisiana; and

2. have been in the active practice of medicine for at least five years following the completion of postgraduate residency training, if any.

C. The burden of satisfying the board as to the qualifications and eligibility of the applicant and proposed

supervising physician for certification and approval shall be upon the applicant and proposed supervising physician, who shall demonstrate and evidence such qualifications in the manner prescribed by, and to the satisfaction of, the board.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1360 and R.S. 37:1270(B)(6).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19: (March 1993).

#### **§2115. Application Procedure**

A. Application for certification as an acupuncturist's assistant shall be made upon forms supplied by the board and must be submitted by the proposed supervising physician. Application forms and instructions pertaining thereto may be obtained upon written request directed to the office of the board, Suite 100, 830 Union Street, New Orleans, Louisiana, 70112.

B. Application for certification and approval under this Subchapter shall include:

1. proof, documented in a form satisfactory to the board that the applicant possesses the qualifications set forth in §2113 of this Chapter;

2. a detailed description of the proposed supervising physician's professional background and specialty, if any; the nature and scope of his medical practice; the geographic and demographic characteristics of his medical practice; the address or location of the office where the applicant is to be employed;

3. a description of the proposed supervising physician's knowledge of and prior training or experience, if any, in traditional Chinese acupuncture;

4. a description of the specific activities to be performed by the applicant, the way in which the applicant will be utilized as an acupuncturist's assistant, and the methods to be used by the proposed supervising physician to insure responsible direction and control of the activities of the applicant as an acupuncturist's assistant;

5. affidavits, notarized and properly executed by the applicant and proposed supervising physician, certifying the truthfulness and authenticity of all information, representations and documents contained in or submitted with the completed application; and

6. such other information and documentation as the board may require.

C. All documents required to be submitted to the board must be the original or certified copy thereof. All documentation submitted in a language other than English shall be accompanied by a translation into English certified by a translator other than the applicant who shall attest to the accuracy of such translation under penalty of perjury.

D. The board may reject or refuse to consider any application which is not complete in every detail, including submission of every document required by the application form. The board may in its discretion require a more detailed or complete response to any request for information set forth in the application form as a condition to consideration of an application.

E. Each application submitted to the board shall be accompanied by the applicable fee, as provided in Chapter 1 of these rules.

F. Upon submission of a completed application form, together with the documents required thereby, and the payment of the application fee, the applicant and proposed supervising physician shall make a personal appearance before a member of the board, or its designee, to be interviewed regarding their qualifications for certification and approval under this Subchapter and their understanding of the authority, limitations, obligations and responsibilities imposed on acupuncturists' assistants and supervising physicians by laws and regulations applicable thereto.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1360 and R.S. 37:1270(B)(6).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19: (March 1993).

#### **Subchapter D. Board Approval of Acupuncture Schools and Clinics**

##### **§2117. Scope of Subchapter**

The rules of this Subchapter provide the method and procedures by which acupuncture schools and clinics are approved by the board.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1360 and R.S. 37:1270(B)(6).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19: (March 1993).

##### **§2119. Applicability of Approval**

Successful completion of formal training in traditional Chinese acupuncture from a school or clinic approved by the board is among the qualifications requisite to certification as an acupuncturist, as provided by §2107(A)(3), and is an alternative qualification requisite to certification as an acupuncturist's assistant as provided by §2113(A)(4)(a). This qualification will be deemed to be satisfied if the school or clinic in which the applicant received training in traditional Chinese acupuncture was approved by the board as of the date on which the applicant completed such training.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1360 and R.S. 37:1270(B)(6).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19: (March 1993).

##### **§2121. Approval of Acupuncture Schools**

A. A school providing training in traditional Chinese acupuncture which is currently accredited by the National Accreditation Commission for Schools and Colleges of Acupuncture and Oriental Medicine (NACSCAOM) shall concurrently be deemed approved by the board.

B. A school providing training in traditional Chinese acupuncture which has been accorded candidacy status by NACSCAOM shall concurrently be deemed conditionally approved by the board, provided that board approval shall be automatically withdrawn if accreditation is not awarded by NACSCAOM within three years of the date on which candidacy status was recognized.

C. The board may approve additional schools or programs providing training in traditional Chinese acupuncture upon the request of an applicant or application by any such school or program and upon the submission to the board of documentation that such school or program provides training in Chinese acupuncture under standards substantially equivalent to those prescribed by NACSCAOM for accreditation.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1360 and R.S. 37:1270(B)(6).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19: (March 1993).

### §2123. List of Approved Schools

A listing of approved schools and programs providing training in traditional Chinese acupuncture is set forth in an appendix to this Chapter and shall from time to time be amended and supplemented by the board consistently with the provisions of this Subchapter.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1360 and R.S. 37:1270(B)(6).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19: (March 1993).

### Subchapter E. Certification Issuance, Termination, Renewal, Reinstatement

#### §2125. Issuance of Certification

A. If the qualifications, requirements and procedures of §§2107 and 2109 are met to the satisfaction of the board, the board shall certify the applicant as an acupuncturist.

B. If the qualifications, requirements and procedures of §§2113 and 2115 are met to the satisfaction of the board, the board shall certify the applicant as an acupuncturist's assistant, subject to the terms, restrictions and limitations set forth in the approved application. Issuance of certification to an applicant under this Chapter shall constitute approval of the proposed supervising physician.

C. Each acupuncturist's assistant's certificate issued under this Chapter shall be endorsed as Class A or Class B as follows:

1. An acupuncturist's assistant Class A certificate shall be issued to an applicant who qualifies for certification pursuant to §2113(A)(5)(a) of this Chapter.

2. An acupuncturist's assistant Class B certificate shall be issued to an applicant who qualifies for certification pursuant to §2113(A)(5)(b) of this Chapter. Such certificate shall be further endorsed with the name and location of the hospital, medical school or clinic at which the applicant is to be employed to perform acupuncture exclusively for research purposes.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1360 and R.S. 37:1270(B)(6).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19: (March 1993).

#### §2127. Expiration and Termination of Certification

A. Every certification and approval issued by the board under this Chapter, the expiration date of which is not stated thereon, shall expire, and become null, void and to no effect on the last day of the year in which such certification was issued.

B. The timely submission of an application for renewal of certification, as provided by §2129 of this Chapter, shall operate to continue the expiring certification in full force and effect pending issuance or denial of renewal certification.

C. Certification as an acupuncturist's assistant, whether an initial certificate or renewal thereof, shall terminate on and as of any day that:

1. the supervising physician no longer possesses a current, unrestricted license to practice medicine in the state of Louisiana;

2. the supervising physician, whether voluntarily or involuntarily, ceases the active practice of medicine; or

3. the employment relationship between the acupuncturist's assistant and the supervising physician is terminated.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1360 and R.S. 37:1270(B)(6).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19: (March 1993).

#### §2129. Renewal of Certification

A. Every certificate issued by the board under this Chapter shall be renewed annually on or before its date of expiration by submitting to the board a properly completed application for renewal, upon forms supplied by the board, together with the renewal fee prescribed in Chapter 1 of these rules.

B. An application for renewal of certification form shall be mailed by the board to each person holding certification issued under this Chapter on or before the first day of December of each year. Such form shall be mailed to the most recent address of each certificate holder as reflected in the official records of the board.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1360 and R.S. 37:1270(B)(6).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19: (March 1993).

### Subpart 3. Practice

#### Chapter 51. Acupuncturists and Acupuncturists' Assistants

##### §5101. Scope of Chapter

The rules of this Chapter govern the practice of traditional Chinese acupuncture by acupuncturists and acupuncturists' assistants in the state of Louisiana.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1360 and R.S. 37:1270(B)(6).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19: (March 1993).

##### §5103. Definitions

A. As used in this Chapter, the following terms shall have the meanings specified:

*Acupuncture*—treatment by means of mechanical, thermal or electrical stimulation effected by the insertion of needles at a point or combination of points on the surface of the body predetermined on the basis of the theory of the physiological interrelationship of body organs with an associated point or combination of points, or the application of heat or electrical stimulation to such point or points, for the purpose of inducing anesthesia, relieving pain, or healing diseases, disorders and dysfunctions of the body, or achieving a therapeutic or prophylactic effect with respect thereto.

*Acupuncture Practice Act or Act*—R.S. 37:1356-1360, as hereafter amended or supplemented.

*Board*—the Louisiana State Board of Medical Examiners.

*Independent Medical Judgment*—the implementation or effectuation of any medical determination where such medical determination is made without the informed concurrence of a licensed physician responsible to the patient for such determination.

*Licensed Physician*—a person possessing a current license to practice medicine in the state of Louisiana.

**Supervising Physician**—a licensed physician approved by the board under Chapter 21 of these rules to supervise a certified acupuncturist's assistant.

B. Masculine terms wheresoever used in this Chapter shall also be deemed to include the feminine.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1360 and R.S. 37:1270(B)(6).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19: (March 1993).

#### **§5105. Necessity of Certification**

A. No person may act as or undertake to perform or practice acupuncture as an acupuncturist's assistant unless he holds current certification by the board as an acupuncturist's assistant.

B. Any person, other than a licensed physician, who acts as or undertakes to perform or practice acupuncture without a current acupuncturist's assistant's certificate issued under this Chapter shall be deemed to be engaging in the unlawful practice of medicine; provided, however, that none of the provisions of this Chapter shall apply to any person employed by, and acting under the supervision and direction of, any commissioned physician of any the United States Armed Services or Public Health Service, practicing in the discharge of his official duties.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1360 and R.S. 37:1270(B)(6).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19: (March 1993).

#### **§5107. Authority and Limitations of Acupuncturist's Assistant**

A. An acupuncturist's assistant shall not:

1. exercise independent medical judgment, as defined by §5103(A), except in life-threatening emergencies;

2. issue prescriptions for or dispense any medication and/or complete and issue prescription blanks previously signed by any physician;

3. order for administration or administer a any medication to any patient except pursuant to the specific order or direction of his supervising physician;

4. perform or provide any acupuncture procedure, service or function other than at his place of employment as specified in his certificate unless such procedures, services or functions are performed in the physical presence of the supervising physician;

5. perform or provide any acupuncture procedure, service or function when the supervising physician is absent or off duty, unless the personal presence of the supervising physician may be secured within 30 minutes; or

6. identify himself, or permit any other person to identify him, as "Doctor" or render any service to a patient unless the acupuncturist's assistant has clearly identified himself as an acupuncturist's assistant by any method reasonably calculated to advise the patient that the acupuncturist's assistant is not a licensed physician.

B. A acupuncturist's assistant holding Class B certification shall not perform or provide, or attempt to perform or provide, any acupuncture procedure, service or function other than in the course of *bona fide* scientific research conducted at the direction and under the auspices of his employing hospital,

medical school or clinic.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1360 and R.S. 37:1270(B)(6).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19: (March 1993).

#### **§5109. Authority and Limitations of Supervising Physician**

A. The supervising physician is responsible for the responsible supervision, control and direction of the acupuncturist's assistant and retains responsibility to the patient for the competence and performance of the acupuncturist's assistant.

B. A supervising physician shall not concurrently supervise, or be approved to supervise, more than two acupuncturist's assistants.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1360 and R.S. 37:1270(B)(6).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19: (March 1993).

#### **§5111. Mutual Obligations and Responsibilities**

A. The acupuncturist's assistant and supervising physician shall:

1. immediately notify the board, in writing, of:

a. the termination of the acupuncturist's employment;

b. the retirement or withdrawal from active practice by

the supervising physician; and

c. any other change in the employment, functions, activities or services of the acupuncturist's assistant or the manner or location of their performance;

2. comply with reasonable requests by the board for personal appearances and/ or information relative to the functions, activities and performance of the acupuncturist's assistant and supervising physician;

3. insure that each individual to whom the acupuncturist's assistant provides patient services is expressly advised and understands that the acupuncturist's assistant is not a licensed physician;

4. insure that, with respect to each patient, all activities, functions, services and treatment measures of the acupuncturist's assistant are immediately and properly documented in written form by the acupuncturist's assistant. Each and every such written entry, such as on histories, physical examination findings, charts, records and other memoranda, shall be reviewed and countersigned by the supervising physician within 24 hours of the making of such entry.

B. The acupuncturist's assistant and the supervising physician shall bear equal and reciprocal obligations to insure strict compliance with the obligations, responsibilities provisions set forth in the rules of this Chapter.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1360 and R.S. 37:1270(B)(6).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19: (March 1993).

#### **§5113. Causes for Action; Suspension, Revocation, Imposition of Restrictions; Fines; Reinstatement**

A. The board may suspend, revoke or impose probationary conditions and restrictions on the certification of any acupuncturist or acupuncturist's assistant upon a finding, following hearing, that the acupuncturist or acupuncturist's assistant is culpable of:

1. conviction of a crime or entry of a plea of guilty or *nolo contendere* to a criminal charge constituting a felony under the laws of the Louisiana, of the United States or of the state in which such conviction or plea was entered;

2. conviction of a crime or entry of a plea of guilty or *nolo contendere* to any criminal charge arising out of or in connection with the practice of acupuncture;

3. perjury, fraud, deceit, misrepresentation or concealment of material facts in obtaining a certificate to practice acupuncture;

4. providing false testimony before the board or providing false sworn information to the board;

5. habitual or recurring abuse of drugs, including alcohol, which affect the central nervous system and which are capable of inducing physiological or psychological dependence;

6. solicitation of patients or self-promotion through advertising or communication, public or private, which is fraudulent, false, deceptive or misleading;

7. making or submitting false, deceptive or unfounded claims, reports or opinions to any patient, insurance company or indemnity association, company, individual, or governmental authority for the purpose of obtaining anything of economic value;

8. cognitive or clinical incompetency;

9. continuing or recurring practice which fails to satisfy the prevailing and usually accepted standards of acupuncture practice in this state;

10. knowingly performing any act which in any way assists an uncertified person to practice acupuncture, or having professional connection with or lending one's name to an illegal practitioner;

11. paying or giving anything of economic value to another person, firm or corporation to induce the referral of patients to the acupuncturist or acupuncturist's assistant;

12. interdiction by due process of law;

13. inability to practice acupuncture with reasonable competence, skill or safety to patients because of mental or physical illness, condition or deficiency, including but not limited to deterioration through the aging process and excessive use or abuse of drugs, including alcohol;

14. refusal to submit to examination and inquiry by an examining committee of physicians appointed by the board to inquire into the certificate holder's physical and/or mental fitness and ability to practice acupuncture with reasonable skill or safety to patients;

15. practicing or otherwise engaging in any conduct or functions beyond the scope of acupuncture as defined by the Acupuncture Practice Act or these rules;

16. the refusal of the licensing authority of another state to issue or renew a license, permit or certificate to practice acupuncture in that state, or the revocation, suspension or other restriction imposed on a license, permit, or certificate issued by such licensing authority which prevents, restricts or conditions practice in that state, or the surrender of a license, permit or certificate issued by another state when criminal or administrative charges are pending or threatened against the holder of such license, permit or certificate;

17. violation of any rules and regulations of the board, or any provisions of the Act, as amended, R.S. 37:1356-1360.

B. The board may, as a probationary condition, or as a condition of the reinstatement of any certificate suspended or revoked hereunder, require the acupuncturist or acupuncturist's assistant to pay all costs of the board proceedings, including investigators' stenographers' and attorneys' fees, and to pay a fine not to exceed the sum of \$ 5000.

C. Any certificate suspended, revoked or otherwise restricted by the board may be reinstated by the board, provided, however, that no application may be made to the board for reinstatement of a revoked certificate until not less than one year has elapsed from the date of the revocation. The board shall have discretion to accept or reject any application for reinstatement.

## APPENDIX

### Acupuncture Training Schools Approved by the Louisiana State Board of Medical Examiners as of December 1, 1992

Academy of Chinese Culture and Health Sciences  
Oakland, California

American College of Traditional Chinese Medicine  
San Francisco, California

Bastyr College of Natural Health Sciences  
Seattle, Washington

Emperor's College of Oriental Medicine  
Santa Monica, California

Five Branches Institute, College of Traditional Chinese Medicine  
Santa Cruz, California

International Institute of Chinese Medicine  
Santa Fe, New Mexico

Midwest Center for the Study of Oriental Medicine  
Racine, Wisconsin

New England School of Acupuncture  
Watertown, Massachusetts

Northwest Institute of Acupuncture and Oriental Medicine  
Seattle, Washington

Oregon College of Oriental Medicine  
Portland, Oregon

Oriental Medical Institute of Hawaii  
Honolulu, Hawaii

Pacific College of Oriental Medicine  
San Diego, California

Samra University of Oriental Medicine  
Los Angeles, California

Tai Hsuan Foundation  
Honolulu, Hawaii

Traditional Acupuncture Institute  
Columbia, Maryland

Tri-State Institute of Traditional Chinese Acupuncture  
Stamford, Connecticut

Yo San University of Traditional Chinese Medicine  
Santa Monica, California

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1360 and R.S. 37:1270(B)(6).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19: (March 1993).

Delmar Rorison  
Executive Director

## RULE

### Department of Health and Hospitals Board of Medical Examiners

#### Occupational Therapy; Permits; Home Health Setting Supervision (LAC 46:XLV.1942 and 4925)

The Board of Medical Examiners, pursuant to the authority vested in the board by R.S. 37:3001-3014, 37:1270(B)(6), and in accordance with applicable provisions of the Administrative Procedure Act, has adopted rules governing the licensure and practice of occupational therapists and occupational therapy assistants, to provide for a temporary permit pending an applicant's personal appearance before the board and to provide for the supervision of occupational therapy assistants to practice in home health settings.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part XLV. Medical Profession

#### Subpart 2. Licensure and Certification

### Chapter 19. Occupational Therapists and Occupational Therapy Assistants

#### Subchapter E. Temporary License

#### §1942. Permit Pending Appearance Before Board

The board may issue a temporary permit to an applicant for licensure as an occupational therapist or occupational therapy assistant who possesses and meets, and has evidenced satisfaction of, all of the qualifications and requirements for licensure provided by this Chapter save for having made a personal appearance before the board, or its designee, as provided by §1913 of this Chapter. A temporary permit issued under this Section shall be valid and effective for not longer than 60 days from the date on which it is issued and shall expire, and thereby become null, void and to no effect, on the date that the board takes formal action to grant or deny the applicant's application for permanent licensure.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:3001-3014 and R.S. 37:1270(B)(6).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19: (March 1993).

## Subpart 3. Practice

### Chapter 49. Occupational Therapists and Occupational Therapy Assistants

#### Subchapter B. Standards of Practice

#### §4925. Supervision of Occupational Therapy Assistant in Home Health Setting

A. An occupational therapy assistant may administer occupational therapy in the home health setting under the supervision of a licensed occupational therapist, without the necessity of the continuous physical presence of the supervising occupational therapist, provided that the following conditions and restrictions are strictly observed and complied with:

1. The occupational therapy assistant shall have had not less than two years experience in providing occupational therapy in a physical disability setting prior to assuming responsibility for the provision of occupational therapy in a home health environment.

2. Before the occupational therapy assistant undertakes to provide occupational therapy to or for a client in a home health setting, the licensed occupational therapist under whose supervision the occupational therapy assistant may provide services shall have conducted an assessment of the client and have established the goals and treatment plan for the client.

3. Each client in a home health setting to whom an occupational therapy assistant administers occupational therapy shall be visited jointly by the occupational therapy assistant and the supervising licensed occupational therapist not less frequently than once every two weeks or every fifth treatment session.

4. All therapy administered by an occupational therapy assistant in a home health setting shall be promptly, accurately and completely documented by the occupational therapy assistant and, within 72 hours of the completion of such documentation, countersigned by the supervising occupational therapist.

B. The administration of occupational therapy in a home health setting by an occupational therapy assistant other than in accordance with the provisions of this Section shall be deemed a violation of these rules, subjecting the occupational therapy assistant to suspension or revocation of licensure pursuant to §4921(A)(18).

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:3001-3014 and R.S. 37:1270(B)(6).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19: (March 1993).

Delmar Rorison  
Executive Director

## RULE

### Department of Health and Hospitals Board of Practical Nurse Examiners

#### HBV and HIV Prevention (LAC 46:XLVII.Chapter 3)

Notice is hereby given that the State Board of Practical Nurse Examiners, under the authority imposed in R.S. Title 37, Chapter 11, Nurses Subpart 1, Practical Nurses, Sections 961-979, in compliance with Act 1009, 1991, adopted the following administrative rules and minimum requirements relating to practical nursing education and licensure to practice in the state of Louisiana, at its meeting on January 29, 1993.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part XLVII. Nurses

#### Subpart 1. Practical Nurses

### Chapter 3. Preventing Transmission of Hepatitis B Virus (HBV) and Human Immunodeficiency Virus (HIV) to Patients During Exposure-Prone Invasive Procedures

#### §308. Definitions

A. As used in this Chapter, the following terms shall have the meaning specified:

**Board**—Louisiana State Board of Practical Nurse Examiners.

**Exposure-Prone Procedure**—an invasive procedure in which there is an increased risk of percutaneous injury to the practitioner by virtue of palpation of a needle tip or other sharp instrument in a body cavity or the simultaneous presence of the practitioner's fingers and a needle or other sharp instrument or object in a poorly visualized or highly confined anatomic site, or any other invasive procedure in which there is a significant risk of contact between the blood or body fluids of the practical nurse and the blood or body fluids of the patient.

**Function Ancillary to an Invasive Procedure**—the preparation, processing, handling of blood, fluids, tissue or instruments which may be introduced into or come into contact with any body cavity, internal organ, subcutaneous tissue, submucosal tissue, mucous membrane or percutaneous wound of the human body in connection with the performance of an invasive procedure.

**HBV**—the Hepatitis B Virus.

**HBV Seronegative**—a condition where one has been HBV seropositive but is no longer infectious under the criteria of the Federal Centers for Disease Control or the Association of State and Territorial Public Health Laboratory Directors.

**HBV Seropositive**—a condition where one has developed antigens sufficient to diagnose seropositivity to HBV evidencing infectability under the criteria of the Federal Centers for Disease Control or of the Association of State and Territorial Public Health Laboratory Directors.

**HIV**—the human immunodeficiency virus.

**HIV Seropositive**—a condition where one has developed antibodies sufficient to diagnose seropositivity to HIV under the criteria of the Federal Centers for Disease Control or of

the Association of State and Territorial Public Health Laboratory Directors.

**Invasive Procedure**—any surgical or other diagnostic or therapeutic procedure involving manual or instrumental contact with or entry into any blood, body fluids, cavity, internal organ, subcutaneous tissue, mucous membrane, or percutaneous wound of the human body.

**Practical Nurse**—a licensed practical nurse and/or a practical nursing student/graduate.

**Universal Precautions**—those generally accepted infection control practices, principles, procedures, techniques and programs as recommended by the Federal Centers for Disease Control to minimize the risk of transmission of HBV or HIV from a practical nurse to a patient, from a patient to a practical nurse, or a patient to a patient, as such recommendations may be amended or supplemented from time to time.

#### §310. Universal Precautions

All practical nurses must at all times comply with the universal precautions set forth below:

1. All practical nurses should routinely use appropriate barrier precautions to prevent skin and mucous-membrane exposure when contact with blood or other body fluids of any patient is anticipated. Gloves should be worn for touching blood and body fluids, mucous membranes, or non-intact skin of all patients, for handling items or surfaces soiled with blood or body fluids and for performing venipuncture and other vascular access procedures. Gloves should be changed after contact with each patient. Masks and protective eyewear or face shields should be worn during procedures that are likely to generate droplets of blood or other body fluids to prevent exposure of mucous membranes of the mouth, nose and eyes. Gowns or aprons should be worn during procedures that are likely to generate splashes of blood or other body fluids.

2. Hands and other skin surfaces should be washed immediately and thoroughly if contaminated with blood or other body fluids. Hands should be washed immediately after gloves are removed.

3. All practical nurses should take precautions to prevent injuries caused by needles, scalpels, and other sharp instruments or devices during procedures; when cleaning used instruments; during disposal of used needles; and when handling sharp instruments after procedures. To prevent needlestick injuries, needles should not be recapped, purposely bent or broken by hand, removed from disposable syringes, or otherwise manipulated by hand. After they are used, disposable syringes and needles, scalpel blades and other sharp items should be placed in puncture-resistant containers for disposal; the puncture resistant containers should be located as close as practical to the use area. Large bore reusable needles should be placed in a puncture container for transport to the reprocessing area.

4. To minimize the need for emergency mouth-to-mouth resuscitation, a practical nurse shall ensure that mouthpieces, resuscitation bags, or other ventilation devices are available for use in areas in which the need for resuscitation is predictable.

5. Implementation of universal blood and body-fluid precautions for all patients eliminates the need for use of the

isolation category of "Blood and Body Fluid Precautions" previously recommended by CDC (7) for patients known or suspected to be infected with blood-borne pathogens. Isolation precautions (e.g., enteric, "AFB" [7]) should be used as necessary if associated conditions, such as infectious diarrhea or tuberculosis, are diagnosed or suspected.

#### 6. Precautions for Dialysis

a. Patients with end-stage renal disease who are undergoing maintenance dialysis and who have HIV infection can be dialyzed in hospital-based or free-standing dialysis units using conventional infection-control precautions (21). Universal blood and body-fluid precautions should be used when dialyzing all patients.

b. Strategies for disinfecting the dialysis fluid pathways of the hemodialysis machine are targeted to control bacterial contamination and generally consist of using 500-750 parts per million (ppm) of sodium hypochlorite (household bleach) for 30-40 minutes or 1.5- 2.0 percent formaldehyde overnight. In addition, several chemical germicides formulated to disinfect dialysis machines are commercially available. None of these protocols or procedures need to be changed for dialyzing patients infected with HIV.

c. Patients infected with HIV can be dialyzed by either hemodialysis or peritoneal dialysis and do not need to be isolated from other patients.

d. The type of dialysis treatment (i.e., hemodialysis or peritoneal dialysis) should be based on the needs of the patient. The dialyzer may be discarded after each use. Alternatively, centers that reuse dialyzers, i.e., a specific single-user dialyzer is issued to a specific patient, removed, cleaned, disinfected, and reused several times on the same patient only, may include HIV-infected patients in the dialyzer use program. An individual dialyzer must never be used on more than one patient.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 (B) (4).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 19: (March 1993).

#### §312. Prohibitions and Restrictions

Except as may be permitted pursuant to LAC 46:XLVII.314.A. and B, a practical nurse who is seropositive for HIV or HBV, or who otherwise knows or should know that he or she carries and is capable of transmitting HBV or HIV, shall not thereafter perform or participate directly in an exposure-prone procedure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 (B) (4).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 19: (March 1993).

#### §314. Exceptions To Prohibitions Placed Upon Infected Practical Nurses

Notwithstanding the prohibition of LAC 46:XLVII.312, a practical nurse who has tested positive for the human immunodeficiency virus and the hepatitis B virus may engage in any exposure-prone procedures or participate in invasive procedures if:

1. the medical condition of the seropositive practical

nurse has been reviewed and the licensee has been approved for practice to include invasive and exposure prone procedures by the board; or the practical nurse has affirmatively advised the patient or the patient's lawfully authorized representative that the practical nurse has tested positive for the human immunodeficiency virus or the hepatitis B virus;

2. the patient or the patient's lawfully authorized representative has been advised of the risk of the practical nurse's transmission of the human immunodeficiency virus and/or the hepatitis B virus to the patient during the exposure prone procedure and such information is communicated personally to the patient or the patient's lawfully authorized representative by a licensed physician;

3. the patient or the patient's lawfully authorized representative has subscribed a written instrument setting forth:

a. the exposure prone procedure to be performed by the practical nurse with respect to the patient;

b. an acknowledgement that the advice required by Subparagraphs 1 and 2 of this Section have been given and understood by the patient's lawfully authorized representative; and

c. the consent of the patient or the patient's lawfully authorized representative to the performance of or participation in the designated procedure by the practical nurse; and

d. the practical nurse's positive testing for the human immunodeficiency virus and/or hepatitis B virus has been affirmatively disclosed to each practical nurse or other practical nurse personnel who may participate or assist in the exposure prone procedure.

4. Consent given pursuant to LAC 46:XLVII.316.B may be revoked by a patient or the patient's lawfully authorized representative at any time prior to the performance of the subject procedure by any verbal or written communication to the practical nurse expressing an intent to revoke, rescind or withdraw such consent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 (B) (4).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 19: (March 1993).

#### §316. Self-Reporting

A. Any practical nurse who in the course of practice may at any time undertake to perform or participate in an exposure prone procedure and who is or becomes aware that he or she is HBV seropositive and/or HIV seropositive shall be required to give notice of such seropositivity to the board by mailing such notice to the executive director of the board, marked "Personal and Confidential" by registered or certified mail.

B. Within 90 days of the effective date of this Chapter, practical nurse who has been previously diagnosed as HBV seropositive and/or HIV seropositive shall give notice of such diagnosis to the board by mailing such notice to the executive director of the board, marked "Personal and Confidential" by registered or certified mail.

C. Within 30 days from the date on which a diagnostic test was performed which produced results indicating that a practical nurse is HBV seropositive and/or HIV Seropositive, the practical nurse shall give notice of such diagnosis to the

board by mailing such notice to the executive director of the board, marked "Personal and Confidential" by registered or certified mail.

D. An applicant for licensure or certification as a practical nurse who has been previously diagnosed as HBV seropositive and/or HIV seropositive shall acknowledge such diagnosis marked in a separate written statement submitted directly to the executive director of the board marked "Personal and Confidential" by certified mail at the time of application.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:969 (B) (4).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 19: (March 1993).

### **§320. Retesting of Health Care Workers Whose Practices Are Modified Because of HBV Status.**

The Louisiana State Board of Practical Nurse Examiners recommends that those practical nurses who are precluded from performing or participating in exposure prone procedures because they are seropositive for HBV are urged to re-test on a periodic basis to determine whether their status has changed due to a resolution of the infection or as a result of treatment.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:969 (B) (4).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 19: (March 1993).

### **§322. Confidentiality**

Each report submitted to the Louisiana State Board of Practical Nurse Examiners pursuant to LAC 46:XLVII.316, as well as each record maintained relating thereto and each meeting of the Louisiana State Board of Practical Nurse Examiners held in the course of monitoring a licensee or applicant for compliance with said section is confidential and exempt from public records by virtue of R.S. 44:4(7), (9) and (11), except for the purpose of investigation or prosecution of alleged violations of R.S. 37:969, and this rule, by the Louisiana State Board of Practical Nurse Examiners.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:969 (B) (4).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 19: (March 1993).

Terry L. De Marcay  
Executive Director

## **RULE**

### **Department of Health and Hospitals Board of Veterinary Medicine**

#### **Licensure Procedures to Practice Veterinary Medicine (LAC 46:LXXXV.Chapter 3)**

In accordance with the provisions of R.S. 49:950 et seq., and 37:1518 and 37:1523 et seq., the Board of Veterinary Medicine has amended and adopted the following sections of Chapter 3.

## **Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS**

### **Part LXXXV. Veterinarians**

#### **Chapter 3. Licensure Procedures**

##### **§301. Applications for License**

A. - B.1. ...

2. a copy of the applicant's diploma from an accredited veterinary medical school;

3. a certificate by the applicant that the applicant has not been convicted, pled guilty, or pled nolo contendere to either a felony or misdemeanor other than minor traffic violations, and, in the event that the applicant is unable to so certify, the board may require the applicant to explain in full and/or provide further documentation;

B.4. - B.5. ...

6. The certified score on any previous national examinations or state examinations (whether Louisiana state examinations or state examinations from other states) previously taken by the applicant;

B.7. - E. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1518 and 37:1520.A.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 8:66 (February 1982), amended LR 10:464 (June 1984), LR 16:224 (March 1990), LR 19: (March 1993).

##### **§302. Renewals**

A. Pursuant to R.S. 37:1524 and 37:1525, all licenses must be renewed annually. Failure to renew a license shall be considered a violation of the rules of professional conduct. Licenses which are not renewed within 60 days of the deadline for renewal will be suspended or revoked by majority vote of the board at the next available board meeting.

B. Persons failing to renew their license by more than 60 days after the annual deadline will receive one notification via certified mail prior to a suspension of the license. Such notice will advise of actions to be taken by the board in conjunction with the failure to renew. These actions may include the imposition of a late fee and/or a fine for reinstatement of the license. The board may also elect to publish, in its own newsletter and/or publications of the LVMA, and distribute to other parties, the names of such persons holding suspended or revoked licenses. The distribution of this list may include, but is not limited to, the Office of State Narcotics, the Federal Drug Enforcement Agency and Food and Drug Administration, drug supply wholesalers, veterinary supply wholesalers, and the LVMA.

C. It is the duty of the licensee to maintain a current address with the office of the Louisiana Board of Veterinary Medicine and to notify the board's office if an annual reregistration form is not received.

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

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19: (March 1993).

##### **§303. Examinations**

A.1. The Louisiana Board of Veterinary Medicine hereby adopts the examinations prepared or adopted by the National Board of Veterinary Medical Examiners (NBVME). Said

examinations are hereafter referred to as the "national examination(s)." The board requires that all applicants for licensure to practice veterinary medicine in the state of Louisiana shall pass the national examinations in addition to any and all state examinations (herein defined as such written examination, oral interviews and/or practical demonstrations as the board may request or require).

2. Any applicant for licensure to practice veterinary medicine in the state of Louisiana who has been a licensed veterinarian in a full-time, private practice in another state, district, or territory of the United States for the five years immediately preceding his application, shall not be required to take or provide scores from the national examinations but shall be required to meet all other criteria for licensure.

3. Persons who have taken the national examinations and who have not been engaged in the full-time, private practice of veterinary medicine within the five years immediately preceding their application will be required to provide official copies of those scores to the board. Said scores must meet or exceed the passing point set for Louisiana for the corresponding examination date.

B. A passing score on the national examinations shall be determined by the NBVME or its agent, designee or firm charged with the formulation, administration and grading of the national examinations. The formulation, administration and grading by the agent of the NBVME shall be conclusive.

C. The administration of the national examination(s) shall be in accordance with rules, practices, policies, or procedures prescribed by the National Board of Veterinary Medical Examiners, or by the designees of the NBVME or by any person or persons with whom the National Board of Veterinary Medical Examiners may have contracted to administer said examinations.

D. In addition to the requirements of §303.A, B and C, an applicant must achieve passing scores on the state board examination as follows:

1. must obtain a passing score of at least 70 percent for the Rules of Professional Conduct section of the state examination; and

2. must obtain an average passing score of at least 70 percent for the remaining three sections of the state examination consisting of equine (25 percent of the exam,) food animal (25 percent of the exam,) and companion animal (50 percent of the exam.)

E. The state examination may be prepared, administered and graded by the members of the Louisiana Board of Veterinary Medicine or may be prepared, administered and/or graded, in whole or in part, by any person, firm, corporation or other entity selected, requested or designated to do so by the Louisiana Board of Veterinary Medicine.

F. The state examination shall be administered at least once annually in the spring of each year. Additional administration of the state examination may be given as deemed necessary or desirable by the Louisiana Board of Veterinary Medicine. Notice of the dates of the state examination shall be published at least 90 days in advance in the *Louisiana Register*. The national examinations shall be administered at such dates, times and places as shall be required by the National Board of

Veterinary Medical Examiners, or their agents, employees, or designees.

G. If an applicant passes two sections of the state examination—excluding the Rules of Professional Conduct—then the applicant will be said to have a "conditioned" score and may retake the failed section of the state examination on the next available date as announced by the board. If the applicant subsequently passes that section of the state examination such that the average score on all three sections reaches 70 percent, the applicant shall be deemed to have passed the state examination. If the applicants average score is less than 70 percent upon retaking the "conditioned" section of the examination, he shall be required to retake all three sections of the examination. Conditioned scores are only valid through the next available state examination date.

H. If the applicant fails two parts of the state examination—excluding the Rules of Professional Conduct—he must retake and pass all three parts of the state examination according to the criteria in §303.D.2 above.

I. If the applicant fails the Rules of Professional Conduct section of the state examination, he must retake this section and pass according to the criteria in §303.D.1 above.

J. A passing score on any examination shall be given effect for a period of two years. Should an applicant pass one or more of the required state or national examinations but fail to pass one or more of the other required examinations for a period of two years, such applicant will thereafter be required to retake and pass all examinations, notwithstanding such applicant's previous passing of one of the required examinations.

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

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 8:144 (March 1982), amended LR 19: (March 1993).

### **§305. Licenses Without Examination**

Repealed.

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

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 8:66 (February 1982), repealed LR 19: (March 1993).

Vikki Riggle  
Executive Director

### **RULE**

#### **Department of Health and Hospitals Board of Veterinary Medicine**

Public Hearings and Meetings (LAC 46:LXXXV.Chapter 1)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and the Louisiana Veterinary Practice Act, R.S. 37:1518 et seq., notice is hereby given that the Board of Veterinary Medicine has amended LAC 46:LXXXV.103 and 105 and adopted LAC 46:LXXXV.106 and 108 as follows:

**Title 46**  
**PROFESSIONAL AND OCCUPATIONAL**  
**STANDARDS**

**Part LXXXV. Veterinarians**

**Chapter 1. Board of Veterinary Medicine**

**§103. Meetings**

A. The annual meeting of the Louisiana Board of Veterinary Medicine shall be in May of each year, at a time and place to be announced by posting public notice of the time and place of said meeting 24 hours in advance of such meeting at the permanent office of the Louisiana Board of Veterinary Medicine in Baton Rouge, Louisiana.

\* \* \*

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

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 8:65 (February 1982), amended LR 16: 222 (March 1990), LR 19: (March 1993).

**§105. Appeals and Review**

A. Any applicant desiring to review his or her (hereinafter in this title, the masculine pronouns "he," "him," and "his" shall be deemed to include the feminine pronouns "she," "her," and hers") national examination and/or the master answer sheet and/or the examination questions shall make arrangements with the Professional Examination Service and/or any person, firm, corporation or entity charged with the preparation, grading and/or administration of the national examination by the Professional Examination Service for such review. The Louisiana Board of Veterinary Medicine shall not conduct reviews of the questions contained on the national examination, the answers to the questions contained on the national examination, or any applicant's score on the national examination.

\* \* \*

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

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 8:65 (February 1982), amended LR 19: (March 1993).

**§106. Public Hearings**

A. The board may call a disciplinary public hearing for the purpose of determining whether a licensee has violated any portion of the Veterinary Practice Act (R.S. 37:1511 et seq.) Notice of such hearing, and subpoenas issued by the board pursuant to such hearing, may be delivered by certified, return-receipt-requested mailing or by hand-delivery.

B. A licensee may waive his right to a public hearing and accept a letter of reprimand which may or may not include disciplinary measures and fines to be imposed by the board. The board will offer, via certified return-receipt-requested mailing, this option to a licensee against whom it has been determined that a valid complaint has been received and where, in the opinion of the board, a public hearing is not necessary to effectively and judiciously render a disciplinary action.

C. A licensee may appear before the board or the board's designated representative(s) at a regular or special meeting to discuss the charges and accept or decline disciplinary measures and fines to be imposed by the board. The board will offer,

via certified return-receipt-requested mailing, this option to a licensee against whom it has been determined that a valid complaint has been received and where, in the opinion of the board, a public hearing is not necessary to effectively and judiciously render a disciplinary action but where the board wishes to question the veterinarian and/or the complainant to receive testimony and other evidence prior to rendering a decision.

D. Except in situations in which the veterinarian has waived his right to a public hearing and/or to an appeal, the licensee has the right to appeal the decision of the board in accordance with §105.C above, whether such decision is rendered by judgment via a public hearing, by decision at an informal hearing, or via a letter of reprimand. In any of the aforementioned cases, the 30-day period for making an appeal will begin on the date recorded on the return-receipt card for the certified mailing of the judgment, decision from an informal hearing, or letter of reprimand. In the case of refusal to accept a certified letter, the 30-day appeal period will begin on the date of the mailing of that document.

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

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19: (March 1993).

**§108. Terms of Board Members**

A. Terms of the members of the board shall be of five years duration beginning on August 1 of the year appointed by the governor and ending on July 30 of the fifth year. When a member is not appointed or seated by August 1, the term itself will begin on August 1 although the member may not be seated until the date of the governor's commission order. The outgoing member must remain seated on the board until such time as the governor's commission order is signed.

B. One board member will be appointed each year. The board office will notify the LVMA in writing in December of each year of the need to advertise for nominations to be made at the next regular full membership meeting of the LVMA in accordance with R.S. 37:1515.

C. In the event that a member of the board cannot fulfill the appointed term, the LVMA will be notified by the board office that an emergency appointment is needed. Nominations will be made by the LVMA as per R.S. 37:1515. Upon the selection and signing of the appointment commission by the governor, the member so appointed will serve until the July 30 date of the unexpired term. A person so appointed may be nominated for a full five-year appointment to follow the expiration of the emergency appointment.

**AUTHORITY NOTE:** Promulgated in accordance with R. S. 37:1518 and 37:1515.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19: (March 1993).

Vikki L. Riggle  
Executive Director

## RULE

### Department of Health and Hospitals Office of Alcohol and Drug Abuse

#### Group Homes for Recovering Substance Abusers (LAC 48:VII.Chapter 7)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the Office of Alcohol and Drug Abuse is hereby giving notice of its intent to amend LAC 48:VII., Chapter 7 pertaining to the guidelines for administering the revolving fund account for establishing group homes for recovering substance abusers. Public Law 102-321, the Alcohol, Drug Abuse, and Mental Health Administration Reorganization Act of 1992, amended the guidelines and thereby necessitates this rulemaking.

#### TITLE 48

#### PUBLIC HEALTH

#### PART VIII. Alcohol and Drug Abuse Services

#### Chapter 7. Group Homes for Recovering Substance Abusers

#### §701. Introduction

The Anti-Drug Abuse Act of 1988, (Public Law 100-690) established a program entitled Group Homes for Recovering Substance Abusers. This program requires the state to create a revolving fund of at least \$100,000 to make loans of up to \$4,000 to non-profit private entities to provide housing for six or more individuals recovering from alcoholism or other drug abuse. This self-help group housing service is intended to enable recovering persons to sustain a chemical free lifestyle by accepting responsibility for operating a democratically run and self-supported alcohol and drug free recovery house.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 28:771 and R.S. 36:258(E)(3).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Office of Human Services, Division of Alcohol and Drug Abuse, LR 15:1081 (December 1989) amended by the Office of Alcohol and Drug Abuse, LR 19:

#### §703. Definitions

A. *Private Entity* — non-profit agencies or organizations or groups of six or more individuals. It may include a single individual, provided such individual provides evidence of recovering status from a treatment organization, and meets other requirements of these guidelines. This definition does not include public (governmental) agencies.

B. *Group Recovery Home* — a private residence, apartment complex or other type housing, with sleeping facilities for not less than six individuals in semi-private quarters, with bathing and kitchen facilities.

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G. *Organization Loan* — a loan to a chartered or unchartered non-profit entity (as described in §709.A.1 and 2 hereinafter) for the purpose of enabling a group of not less than six individuals to establish a group recovery home.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 28:771 and R.S. 36:258(F)(3).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Office of Human Services, Division of Alcohol and Drug Abuse, LR 15:1081 (December 1989), amended LR 17:603

(June 1991), amended by the Office of Alcohol and Drug Abuse LR 18:845 (August 1992), LR 19:

#### §707. Purpose of the Fund

The group homes for recovering substance abusers' program will make available start-up loans of up to \$4,000 per applicant group for the following type of expenses:

\*\*\*

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 28:771 and R.S. 36:258(E)(3).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Office of Human Services, Division of Alcohol and Drug Abuse, LR 15:1081 (December 1989), amended LR 17:603 (June, 1991), amended by the Office of Alcohol and Drug Abuse, LR

#### §709. Eligibility Requirements

##### A. Eligible entities include:

\*\*\*

2. non-chartered groups of six or more recovering persons;

\*\*\*

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 28:771 and R.S. 36:258(E)(3).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Office of Human Services, Division of Alcohol and Drug Abuse, LR 15:1081 (December 1989), amended LR 17:603 (June 1991), amended by the Office of Alcohol and Drug Abuse, LR 19:

#### §712. Organizational Loan

A. Organizational loans are those made to non-profit entities or groups of six or more individuals for the purpose of enabling recovering persons to establish a group recovery home.

##### B. Restrictions on Organizational Loans

1. must provide for housing for six or more residents in recovery.

\*\*\*

10. Chartered organizations applying on behalf of a group of six or more individuals must provide assurance of compliance with §703.C and §705 above, and may impose no other regulation on the group recovery home or its residents.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 28:771 and R.S. 36:258 (F)(3).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Division of Alcohol and Drug Abuse, LR 15:1081 (December 1989), amended LR 17:603 (June 1991), amended by the Office of Alcohol and Drug Abuse, LR 18:845 (August 1992), LR 19:

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J. Christopher Pilley  
Secretary

## RULE

### Department of Health and Hospitals Office of Management and Finance

#### Health Care Services Provider Fee

The Department of Health and Hospitals, Office of Management and Finance, hereby adopts the following rule. This rule is adopted to implement R.S. 46:2601 through 2605 which authorize the department to establish provider specific fees for the above listed services. Under this rule, the following fees are adopted effective for services provided on or after July 1, 1992.

#### RULE

Nursing Facility Bed Fee      \$10.00 per day, per bed in use  
ICF-MR Facility Bed Fee      \$30.00 per day, per bed in use  
Pharmacy Services

Prescription Fee              \$ .10 per prescription or refill

Under the provisions of R.S. 46:2601 through 2605, the Department of Health and Hospitals hereby adopts the following regulatory requirements for payment of provider specific fees for the following medical services: nursing facility services, ICF-MR facility services, pharmacy services, and transportation services.

#### I. Fees

##### A. Definition

*Quarter*—For purposes of this rule, quarters shall be constituted as follows:

First Quarter: December, January, February

Second Quarter: March, April, May

Third Quarter: June, July, August

Fourth Quarter: September, October, November

B. Nursing Facility Services. A bed fee shall be paid by each facility, licensed as a nursing home in accordance with R.S. 40:2009.3 et seq., for each bed utilized for the provision of care on a daily basis. The fee shall be \$10 per day, per bed utilized for provision of care. A bed shall be considered in use, regardless of physical occupancy, based on payment for nursing services available or provided to any individual or payer through formal or informal agreement. For example, a bed reserved and paid for during a temporary absence from a nursing facility shall be subject to the \$10 per day fee. Likewise, any bed or beds under contract to a hospice shall be subject to the fee for each day payment is made by the hospice. Contracts, agreements, or reservations whether formal or informal shall be subject to the \$10 per bed, per day fee only where payment is made for nursing services available or provided. Nursing homes subject to bed fees shall provide documentation quarterly of utilization for all licensed beds in conjunction with payment of fees. Reporting shall be broken down on a monthly basis on the utilization report provided by the department.

C. ICF-MR Facility Services. A bed fee shall be paid by each facility, licensed as an intermediate care facility for the mentally retarded in accordance with R.S. 28:421 et seq., for each bed utilized for the provision of care on a daily basis. The fee shall be \$30 per day, per bed utilized for provision of care. A bed shall be considered in use,

regardless of physical occupancy, based on payment for ICF-MR services available or provided to any individual or payer through formal or informal agreement. For example, a bed reserved and paid for during a temporary absence from a facility shall be subject to the \$30 per day fee. Likewise, any bed or beds under contract to a hospice shall be subject to the fee for each day payment is made by the hospice. Contracts, agreements, or reservations whether formal or informal shall be subject to the \$30 per bed, per day fee only where payment is made for nursing services available or provided. ICF-MR facilities subject to bed fees shall provide documentation quarterly of utilization for all licensed beds in conjunction with payment of fees. Reporting shall be broken down on a monthly basis on the utilization report provided by the department.

D. Pharmacy Services. A prescription fee shall be paid by each pharmacy and dispensing physician for each out-patient prescription dispensed. The fee shall be \$.10 per prescription dispensed by a pharmacist or dispensing physician. Where a prescription is filled outside of Louisiana and not shipped or delivered in any form or manner to a patient in the state, no fee shall be imposed. However, out-of-state pharmacies or dispensing physicians dispensing prescriptions which are shipped, mailed or delivered in any manner inside the state of Louisiana shall be subject to the \$.10 fee per prescription. The fee only applies to prescriptions which are dispensed and sold for human use. Pharmacies and dispensing physicians subject to prescription fees shall provide documentation quarterly of utilization for all medications dispensed in conjunction with payment of fees. Reporting shall be broken down on a monthly basis on the utilization report provided by the department.

E. Transportation Services. The fee for transportation services authorized under R.S. 46:2605(A)(1)(f) shall be set at \$0 (zero) pending federal designation of transportation services as a medical provider grouping under P.L. 102-234. Medical transportation providers shall not be required to provide utilization data under this rule.

#### II. Date Due for Submission of Reports and Payment of Fees

The department will mail to each licensed provider covered under the scope of this statute at the address given in the last report filed pursuant to the provisions of this act, or if no report was filed, to any address obtainable, a quarterly utilization report. Quarterly utilization reports and fees shall be submitted to the department and shall be due on the twentieth calendar day of the month following the close of the quarter and shall be deemed delinquent on the thirtieth calendar day of that month. Even if no fee is due submission of the report is still mandatory.

#### III. Violations

This Section describes the conditions under which interest and penalties will be assessed and the basis upon which amounts of any such interest or penalties will be determined.

A. Interest on Unpaid Provider Fees. When the provider fails to pay the fee due, or any portion thereof, on or before it becomes delinquent, interest at the rate of one and one-half per cent per month compounded daily shall be assessed on the unpaid balance until paid. In the case of interest on a penalty

assessed, such interest shall be computed beginning 15 days from the date of notification of assessment until paid.

**B. Failure to Report.** In the case a report has been determined delinquent, the specific penalty shall be five percent of the total fee due on the report for every 30 days or fraction thereof that the report is not filed, not to exceed 150 days. When a report is not received within 150 days from due date, the report shall be deemed not filed and there shall be cause for an audit, investigation or examination to be made by the department.

**C. Incorrect Reporting.** If a provider submits a report required by the provisions of this section and the report made and filed does not correctly compute the liability of the provider there shall be cause for an audit, investigation or examination to be made by the department.

**D. False or Fraudulent Report.** When a provider files a report that is false or fraudulent or grossly incorrect and the circumstances indicate that the provider had intent to defraud the state of Louisiana of any fee due under this act, there shall be imposed, in addition to any other penalties provided, a specific penalty of 50 percent of the fee due.

**E. Insufficient Funds Check in Payment of Fee.** A specific penalty of \$20 shall be imposed on all NSF checks and this shall be cause for an audit, investigation or examination to be made by the department, and the provider will be required to make payment thereafter by certified check or money order.

**F. Reimbursement of Audit, Hearing, and Witness Costs.** If actions by a provider have caused the department to examine books, records, or documents, or an audit thereof, and conducts a hearing, or subpoenas witnesses, then the provider shall be assessed an amount as itemized by the department to compensate for all costs incurred in making such examination or audit, or in holding such hearing, or in subpoenaing and compensating witnesses.

#### **IV. Appeals**

Any provider aggrieved pursuant to the provisions determined herein shall have the right to administrative appeal as specified in R.S. 46:107.

#### **V. Refund of Overpayment**

The department shall refund any overpayment to the provider.

#### **VI. Exceptions**

The secretary may exempt any assessment of penalty and interest described in this rule.

J. Christopher Pilley  
Secretary

## **RULE**

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

#### **Neurological Rehabilitation Treatment Program**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., to adopt the following rule in the Medical Assistance Program.

Currently in the Medicaid Program, nursing facility services for persons in need of a neurological rehabilitation treatment program are being provided out of state due to the lack of an established reimbursement mechanism for these patients. Under the current nursing facility reimbursement methodologies, there is no provision for the intensive services, specialized equipment and program of rehabilitative care required for these patients. In-state nursing facilities capable of providing such services to these patients are reluctant to accept them due to the adverse effect on their overall reimbursement. Therefore, in order to meet the needs of this patient group, Medicaid of Louisiana is implementing a new reimbursement methodology to be identified as NF-Neurological Rehabilitation Treatment Program. This specialized reimbursement will address the need to provide treatment and care to this patient population in Louisiana. Medicaid of Louisiana has developed the medical criteria for the classification and reimbursement of this patient group needing a program of neurological rehabilitation. Thus the imminent peril to the health and welfare of these individuals due to non-availability of these services will be avoided.

#### **RULE**

The Bureau of Health Services Financing shall implement a reimbursement methodology for a Nursing Facility-Neurological Rehabilitation Treatment Program. This program is developed to meet the needs of Louisiana citizens who are Medicaid eligible patients and require acute rehabilitation services for neurological injuries and/or conditions of recent onset. Rehabilitation services should be initiated within the acute care setting and should extend throughout the recovery process. For some persons with neurological insult the need for care, supervision and supportive services may be long term. The patients in this classification have a neurological condition while the NF-TDC patients have a respiratory condition which is life threatening.

The NF-Neurological Rehabilitation Treatment Program reimbursement shall be a prospective interim rate based on budgeted cost data without cost settlement. Subsequent rate adjustments may be made as warranted by on-site financial audits of the facility costs to establish future rates in accordance audit findings and the accuracy of the rate components utilized. The current components for nursing facility services will be utilized in this rate determination process. Annual audits will be required as well as the submittal of additional cost reporting documents as required by the department.

Medicaid of Louisiana has developed the medical criteria which must be met in order for a Title XIX patient to be classified for reimbursement under NF-Neurological Rehabilitation Treatment Program. This program incorporates two levels of patient care. These are the NF-Rehab Services for an injury or condition of recent onset and the NF-Complex Care for an injury or condition requiring transitional or long term care in a specialized setting capable of addressing cognitive, medical, technological and family needs. NF-Rehab Services provide intensive, comprehensive, and interdisciplinary services to persons with an injury or illness resulting in residual severe deficits and disability and/or need for aggressive medical support. SN-Rehab programs service needs are designed to reduce the client rehabilitation and medical while restoring the person to an optimal level of physical, cognitive, and behavioral function within the content of the person, family and community. NF-Complex Care services provide care for clients who present with a variety of medical/surgical concerns requiring a high skill level of nursing, medical, and/or rehabilitation interventions to maintain medical/functional stability. These clients are essentially too medically complex or demanding for a typical skilled nursing setting but are no longer in need of the acute hospital setting.

Patients in need of NF-Rehab services shall meet the following requirements:

1. the client shall have an injury or condition that occurred or its initial onset was within one year from the date of admission. Clients served shall have severe functional limitations of recent onset, regression/progression, or clients who have not had prior exposure to rehabilitation;

2. the client shall have been determined, by a physician, to be responsive and appropriate for rehabilitation to recover lost function or appropriate for assessment for determination of functional recovery potential;

3. the client shall require two to four hours of rehabilitation therapy services, per day, as tolerable and appropriate, and a minimum of 5.5 hours of nursing care per day. Rehabilitation therapy services will be available and provided, as tolerable and appropriate, at least five days per week. Examples of patients to be considered include, but are not limited to:

- a. traumatic brain injury;
- b. cerebral vascular accidents with severe neurologic and neurobehavioral sequelae;
- c. spinal cord injury (cervical through thoracic);
- d. orthopaedic injuries usually associated with neurotrauma (multiple extremity and pelvic fractures, as well as severe contractures);
- e. complex paraplegics.

4. The client shall have complete neurological/medical/psychosocial assessment completed prior to admission by the facility which identifies:

- a. history of current condition;
- b. presenting problems and current needs;
- c. preliminary plan of care including services to be rendered;
- d. initial goals and time frames for goal accomplishment.

5. the client shall have an assigned facility case manager to monitor and measure goal attainment and functional improvement. The facility case manager will be responsible for cost containment and appropriate utilization of services. The facility case manager will coordinate discharge planning activities with the department when it has been determined by the department that NF-Rehab services are no longer required or appropriate;

6. the client shall demonstrate progress toward the reduction of physical, cognitive, and/or behavioral deficits to maintain eligibility for NF-Rehabilitation funding.

Patients in need of NF-Complex Care services shall meet the following requirements:

1. the client shall have an injury or condition resulting in severe functional cognitive, physical and/or behavioral deficits and no longer requires nor can benefit from an active rehabilitation program;

2. the client shall require a minimum of 4.5 to 5.5 hours of nursing care per day. Clients shall receive the maximum amount of rehabilitation therapy services as appropriate and tolerable as determined by a physician. Examples of patients and/or conditions to be considered include, but are not limited to:

- a. Persistent Vegetative State (PVS) brain injury patients;
- b. parenteral antibiotic therapy;
- c. spinal cord injury (stable).

3. The client shall have complete neurological/medical/psychosocial assessment completed prior to admission by the facility which identifies:

- a. history of current condition;
- b. presenting problems and current needs;
- c. preliminary plan of care including services to be rendered.

4. the client shall have an assigned facility case manager to monitor and measure goal attainment and functional improvement. The facility case manager will be responsible for cost containment and appropriate utilization of services. The facility case manager will coordinate discharge planning activities with the department when it has been determined by the department that NF-Complex Care services are no longer required or appropriate.

The facility seeking to provide services under this Neurological Rehabilitation Treatment Program must meet the following requirements:

1. the facility shall be accredited by the Joint Commission on Accreditation on Healthcare Organizations (JCAHO) and by the Commission on Accreditation of Rehabilitation Facilities (CARF);

2. the facility shall have appropriate rehabilitation services to manage the functional and psychosocial needs of the clients services and appropriate medical services to evaluate and treat the pathophysiologic process. The staff shall have intensive specialized training and skills in rehabilitation;

3. the facility shall have formalized policies and procedures to govern the comprehensive skilled and rehabilitation nursing care, related medical and other services provided. An interdisciplinary team approach shall be utilized in patient care. This team shall include, but is not limited to:

a physician, a registered nurse (with special training/experience in rehabilitation and brain injury care/treatment), physical therapist, occupational therapist, speech/language therapist, respiratory therapist, psychologist, social worker, recreational therapist, and case manager;

4. the facility shall have formalized policies and procedures to insure that the interdisciplinary health and rehabilitation needs of every NF-Neurological Rehabilitation patient shall be under the supervision of a board certified primary care physician;

5. the facility shall have formalized policies and procedures to insure a licensed physician visits and assess each client's care frequently and no less than required by law, licensure, certifications and accreditations;

6. the facility shall have formalized policies and procedures to furnish necessary medical care in cases of emergency and provide 24 hour access to services in an acute care hospital;

7. the facility shall provide designated, continuous beds for persons requiring NF-Neurological Rehab an/or NF Complex Care services. The facility shall provide private rooms for clients demonstrating medical and/or behavioral needs. Dedicated treatment space shall be provided for all treating disciplines including the availability of distraction-free individual treatment rooms/areas;

8. the facility shall provide 24 hour nursing services to meet the medical and behavioral needs with registered nurse coverage 24 hours per day, seven days per week;

9. the facility shall provide appropriate methods and procedures for dispensing and administering medications and biologicals;

10. the facility shall have formalized policies and procedures for, and shall provide on a regular basis, ongoing staff education in rehabilitation, respiratory care, specialized medical services and other related clinical and non-clinical issues;

11. the facility shall provide dietary services to meet the comprehensive nutritional needs of the clients. These services shall be provided by a registered dietician for a minimum of two hours per month;

12. the facility shall provide client families and significant others the opportunity to participate in the coordination and facilitation of service delivery and personal treatment plan;

13. the facility shall provide non-medical transportation services and arrange for medical transportation services to meet the medical/social needs of the clients;

14. the facility shall provide initial and ongoing integrated, interdisciplinary assessments to develop treatment plans which should address medical/neurological issues sensorimotor, cognitive, perceptual, and communicative capacity, affect/mood, interpersonal, social skills, behaviors, ADL's, recreation/leisure skills, education/vocational capacities, sexuality, family, legal competency, adjustment to disability, post-discharge services environmental modifications, and all other areas deemed relevant for the person;

15. the facility shall provide a coordinated, interdisciplinary team which meets in team conference to update the treatment plan for each person at least every 14 days and as often as necessary to meet the changing needs of the client;

16. the facility shall provide appropriate consultation and services to meet the needs of the clients, including but not limited to audiology, driver education, orthotics, prosthetic, or any specialized services;

17. the facility shall establish protocol for ongoing contact with vocational rehabilitation education, mental health, developmental disabilities, social security, social welfare, head injury advocacy groups and any other relevant public/community agencies;

18. the facility shall establish protocol for close working relationship with other acute care hospitals capable of caring for persons with neurological trauma to provide for outpatient follow up, in service education and ongoing training of treatment protocols to meet the needs of the traumatic brain injury clients.

J. Christopher Pilley  
Secretary

## RULE

### Department of Labor Office of Workers' Compensation

#### Workers' Compensation Hearing Officer Procedures

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 23:1310.1, the Department of Labor, Office of Workers' Compensation has amended and adopted rules and regulations in regard to the hearing officers process. The rules and regulations provide and govern the procedures for the Office of Workers' Compensation administrative hearing officers process and the individuals appearing before the hearing officers and dispute resolution mediators.

A copy of the full text of this rule may be viewed at the Office of the State Register, 1051 North Third Street, Baton Rouge, LA 70804, telephone (504) 342-5015. (Please refer to Log 9303#002 when inquiring about this rule.) A copy may also be obtained from Alvin J. Walsh, Office of Workers' Compensation, Box 94040, Baton Rouge LA 70804-9040 or by calling 1-800-824-4592.

Alvin J. Walsh  
Director

**RULE**

**Department of Public Safety and Corrections  
Office of State Police  
Transportation and Environmental Safety Section**

**Motor Carrier Safety and Hazardous Materials  
Transportation (LAC 33:V.10303, 10311)**

The Department of Public Safety and Corrections has amended rules adopted pursuant to R.S. 32:1501 et seq., relating to the Motor Carrier Safety and Hazardous Materials Regulations for Carriage by Public Highway.

The department repealed the part of the rule that is in conflict with existing state law and rules. LAC 33:V.10311 Records of Violations that was in direct opposition to existing state rule LAC 55:III.123 and existing state law R.S. 32:414.

These rule changes are also to incorporate into LAC 33:V.10303 technical changes that have been amended since June, 1991, in the federal motor carrier safety regulations and hazardous materials transportation regulations as found in 49 CFR.

**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 by  
Public Highways**

**§10303. Adopted Regulations**

A. The following federal motor carrier safety regulations and hazardous materials regulations promulgated by the United States Department of Transportation, revised as of September 30, 1992, and contained in the following parts of 49 CFR as now in effect or as hereafter amended, are made a part of this Chapter.

**\* \* \***

**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 17:1115 (November 1991), amended LR 19: (March 1993).

**§10311. Records of Violations**

Repealed.

**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 17:1115 (November 1991), repealed LR 19: (March 1993).

**Col. Paul W. Fontenot  
Deputy Secretary**

**RULE**

**Department of Social Services  
Office of Family Support**

**AFDC Parenting Skills Program (LAC 67:III.1518)**

The Department of Social Services, Office of Family Support, has amended LAC 67:III.1518, in the Aid to Families with Dependent Children Program.

Pursuant to ACT 578 of the 1992 Regular Session of the Louisiana Legislature, the department will offer a voluntary training program to certain recipients.

**Title 67**

**SOCIAL SERVICES**

**Part III. Office of Family Support**

**Subpart 2. Aid to Families with Dependent Children  
(AFDC)**

**\* \* \***

**Chapter 15. General Program Administration  
Subchapter H. Parenting Skills Education Program  
§1518. Availability**

A. The Office of Family Security will provide a parenting skills educational program to any AFDC recipient between the ages of 14 and 18 who becomes pregnant for the first time.

B. The program will be publicized in each OFS office and the department will also identify eligible recipients from case files and offer the program to each by written notice.

C. Training will be administered by the Office of Family Support. OFS may enter into cooperative agreements with other agencies to perform this function in certain parishes.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 46:290.

**HISTORICAL NOTE:** Promulgated by the Department of Social Services, Office of Family Support, LR 19: (March 1993).

**Gloria Bryant-Banks  
Secretary**

**RULE**

**Department of Transportation and Development  
Office of General Counsel**

**Exemptions from Tolls on the Sunshine Bridge  
(LAC 70:I.505)**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana Department of Transportation and Development adopts the following rule which exempts certain firemen from the payment of tolls on the Sunshine Bridge, in accordance with the provisions of R. S. 33:1975.

**Title 70**

**DEPARTMENT OF TRANSPORTATION  
AND DEVELOPMENT**

**Part I. Office of General Counsel**

**Chapter 5. Tolls**

**§505. Sunshine Bridge Exemption**

A. All firemen shall have free and unhampered passage on and over the Sunshine Bridge.

**B. Procedure**

1. All firemen as defined in R.S. 33:1991(A) shall present for inspection by the toll collector, an identification card containing a photographic picture of the fireman. The identification card must be issued by the municipality, parish or district as referred to in R.S. 33:1991(A). If the departments do not have identification cards the fire chief will provide a current list of all firemen, as defined by R.S. 33:1991(A), currently assigned to the director of the Sunshine Bridge.

2. All firemen shall sign a register at the toll booth and provide the name of the agency, municipality, parish or district for which they are employed or engaged.

3. After compliance with Subsections A and B above, free and unhampered passage will be granted to the fireman.

**AUTHORITY NOTE:** Promulgated in accordance with R. S. 33:1975.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, LR 19: (March 1993).

Jude W.P. Patin  
Secretary

**RULE**

**Department of Transportation and Development  
Office of Highways**

**Installation of Specific Services (LOGO) Signing  
(LAC 70:III.Chapter 3)**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Transportation and Development adopts the following rule entitled Installation of Specific Services

(LOGO) Signing, in accordance with the provisions of R.S. 30:2415.

**Title 70**

**DEPARTMENT OF TRANSPORTATION  
AND DEVELOPMENT**

**Part III. Office of Highways**

**Chapter 3. Installation of Specific Services (LOGO)  
Signing**

**§301. Purpose**

A. The purpose of this directive is to establish policies for the installation of motorist services signs within state highway rights-of-way.

B. - I. Repealed

**AUTHORITY NOTE:** Promulgated in accordance with R.S.48:461.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, LR 19: (March 1993).

**§303. Definitions**

A. Except as defined in this Subsection, the terms used in this directive shall be defined in accordance with the definitions and usage of the Louisiana Manual on Uniform Traffic Control Devices (MUTCD).

1. *Business Sign*—a separately attached sign mounted on the rectangular sign panel to show the brand, symbol, trademark, or name, or combination of these, for a motorist service available on or near a crossroad or frontage road at or near an interchange.

2. *Specific Information Sign*—a rectangular sign panel with:

- a. the words, "GAS", "FOOD", "LODGING", or "CAMPING";
- b. directional information; and
- c. one or more business signs.

3. *Department*—the Louisiana Department of Transportation and Development.

**AUTHORITY NOTE:** Promulgated in accordance with R.S.48:461.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, LR 19: (March 1993).

**§305. Location**

A. Eligible Highways. Business signs will be allowed only on interstates and other fully controlled access facilities.

B. Intended for Rural Areas. Specific information signs are intended for use primarily in rural areas. Motorist information signs may be installed within urban areas where the roadside development does not appear to be urban.

C. Lateral Location. The specific information signs should be located so as to take advantage of natural terrain, to have the least impact on the scenic environment, and to avoid visual conflict with other signs within the highway right-of-way. Sign panel supports shall be of a breakaway or yielding design.

D. Relative Location. In the direction of traffic, successive specific information signs shall be those for "CAMPING", "LODGING", "FOOD", and "GAS" in that order.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 48:461.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, LR 19: (March 1993).

### §307. Criteria for Specific Information Permitted

A. Conformity with Laws. Each business identified on a specific information sign shall have given written assurance to the department of its conformity with all applicable laws concerning the provision of public accommodations without regard to race, religion, color sex, age, or national origin, and shall not be in breach of that assurance.

B. Distance to Services. The maximum distance that service facilities can be located from the terminal of the nearest off ramp to qualify for a business sign shall be 10 miles in either direction. Measurements shall be made from the beginning of the curves connecting the ramp to the crossroad or the nosepoint of a loop along normal edge of pavement of the crossroad as a vehicle must travel to reach a point opposite the main entrance to the business. See Figures 1 through 5 for graphic representation.

C. Types of Services Permitted. The types of services permitted shall be limited to "GAS", "FOOD", "LODGING", and "CAMPING". To qualify for display on a specific information sign the following criteria must be met.

1. Gas:

- a. appropriate licensing as required by law;
- b. vehicle services of fuel (unleaded or unleaded and diesel), oil and water for batteries and/or radiators;
- c. clean modern restroom facilities for each sex and drinking water suitable for public use;
- d. year-round operation at least 16 continuous hours per day, seven days a week;
- e. telephone available for use by the public;
- f. an on-premise attendant to collect monies, and/or make change.

2. Food:

- a. appropriate licensing and/or permitting as required by law or regulation;
- b. year-round operation at least 12 continuous hours per day;
- c. indoor seating for at least 16 persons;
- d. clean modern restroom facilities for each sex;
- e. telephone available for use by the public.

3. Lodging:

- a. appropriate licensing as required by law;
- b. adequate sleeping accommodations consisting of adequate a minimum of 20 units with private baths;
- c. off-street vehicle parking spaces for each lodging room for rent;
- d. year-round operation;
- e. telephone available for use by the public.

4. Camping:

- a. appropriate licensing as required by law;
- b. modern sanitary and bath facilities (for each sex) which are adequate for the number of campers that can be accommodated;
- c. at least 10 campsites with water and electrical outlets for all types of travel-trailers and camping vehicles;
- d. tent camping area;
- e. adequate parking accommodations;
- f. continuous operation, seven days a week, 12 months a year;

g. telephone available for use by the public.

D. Number of Signs Permitted. The number of specific information signs permitted shall be limited to one for each type of service along an approach to an interchange or intersection. The number of business signs permitted on a sign panel is specified in Subsection 309.D, E, and F.

E. Specific information signs with directional and distance information shall be erected along the ramp approaching the crossroad when the business(es) are not visible from those approaches.

F. Trailblazing needs will be determined by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S.48:461.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 19: (March 1993).

### §309. Composition

A. Sign Panels. The sign panels shall be a blue background with a white reflectorized border. The size of the sign panel shall not exceed the minimum size necessary to accommodate the maximum number of business signs permitted using the required legend height and the interline and edge spacing specified in the MUTCD.

B. Business Signs. Business signs should have a blue background with a white legend and border. The principal legend should be at least equal in height to the directional legend on the sign panel. Where business identification symbols or trademarks, are used alone for a business sign, the border may be omitted, the symbol or trademark shall be reproduced in the colors and general shape consistent with customary use, and any integral legend shall be in proportionate size. Symbols and trademarks which resemble any official traffic control device are prohibited. Business signs shall contain only the name and/or the trademark of the business. No products, goods or services or accessory activities shall be displayed. Also, no descriptive advertising words, phrases or slogans shall be allowed. The vertical and horizontal spacing between business signs on sign panels shall not exceed eight inches and 12 inches, respectively.

C. Legends. All directional arrows and all letters and numbers used in the name of the type of service and the directional legend shall be white and reflectorized.

D. Single-Exit Interchanges. The name of the type of service followed by the exit number shall be displayed in one line above the business signs. At unnumbered interchanges, the directional legend next right (left) shall be substituted for the exit number. All specific information signs ("GAS", "FOOD", "LODGING", and "CAMPING") shall be limited to six business signs.

E. Double-Exit Interchanges. The specific information signs shall consist of two sections, one for each exit. The top section shall display the business signs for the first exit and the lower section shall display the business signs for the second exit. The name of the type of service followed by the exit number shall be displayed in a line above the business signs in each section. At unnumbered interchanges, the legends next right (left) and second right (left) shall be substituted for the exit numbers. Where a type of motorist service is to be signed for at only one exit, one section of the specific information sign may be omitted, or a single-exit interchange sign may be

used. The number of business signs on the sign panel (total of both sections) shall be limited to six.

F. Remote Rural Interchanges. In remote rural areas, where not more than two qualified facilities are available for each of two or more types of services, business signs for two types of services may be displayed on the same sign panel. Not more than two business signs for each type of service shall be displayed in combination on a panel. The name of each type of service shall be displayed above its respective business sign(s), and the exit number shall be displayed above the names of the types of services. At unnumbered interchanges, the legend next right (left) shall be substituted for the exit number. Business signs should not be combined on a panel when it is anticipated that additional service facilities will become available in the near future. When it becomes necessary to display a third business sign for a type of service displayed in combination the business signs involved shall then be displayed in compliance with Subsection 309.D and E.

G. Size

1. Specific Information Signs. The maximum size of the "GAS" specific information sign shall be 15 feet wide and 10 feet high.

2. Business Signs

a. Each business sign displayed on the "GAS" specific information sign shall be contained within a 48-inch wide and 36-inch high rectangular background area, including border.

b. Each business sign on the "FOOD", "LODGING", and "CAMPING" specific information signs shall be contained within a 60-inches wide and 36-inches high or 48-inches wide and 36-inches high rectangular background area, including border. Size will be determined by the department.

3. Legend. All letters used in the name of the type of service and the directional legend shall be 10-inch capital letters. Numbers shall be 10-inches in height.

4. Ramp Signs

a. Each business sign displayed on the ramp specific information sign shall be 24-inches wide and 18-inches high for "GAS" and 30-inches wide and 18-inches high or 24-inches wide and 18-inches high for "FOOD", "LODGING", and "CAMPING". Sizes will be determined by the department.

b. The legend on the ramp business sign shall be the same as on the mainline sign only proportionately smaller.

AUTHORITY NOTE: Promulgated in accordance with R.S.48:461.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 19: (March 1993).

§311. Special Requirements

A. Business sign applications will be accepted on a "first-come" basis. Businesses must meet the distance requirements from each approach independently in order to be signed on each approach. All distance criteria are to be determined in accordance with provisions stated in §305.

B. The motorist information signs shall be fabricated and installed by the department. All business signs will be furnished by the businesses at no cost to the department and shall be manufactured in accordance with the department's standard or special specifications and/or supplements thereto, for both materials and workmanship.

C. No business will be eligible to participate in the motorist information sign program while advertising on an illegal outdoor advertising sign.

D. When one or more businesses located at an interchange meeting the requirements of §305 agree to participate in the logo signing program, the general motorist service sign shall be removed. The general services not included in the logo signing program but available at the interchange shall be signed for using an independently mounted symbolic service sign.

AUTHORITY NOTE: Promulgated in accordance with R.S.48:461.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 19: (March 1993).

§313. Fees and Agreements

A. The annual fee and service charges for each business sign shall be established by the department as stipulated on the permit application.

1. The annual renewal date shall be January 1. Business will be invoiced for renewal, 30 days prior to the renewal date. The fee shall be remitted by check or money order payable to the Louisiana Department of Transportation and Development. Failure of a business to submit the renewal fee(s) by the annual renewal date shall be cause for removal and disposal (as set forth in §313) of the business sign by the department. The initial fee shall be prorated by the department to the annual renewal date to cover the period beginning with the month following the installation of the logo signs.

2. When requested by a business, the department, at its convenience may perform additional requested services in connection with changes of the business sign, with a service charge per business sign, and any new or renovated business sign required for such purpose shall be provided by the applicant.

3. The department shall not be responsible for damages to business signs caused by acts of vandalism, accidents, natural causes (including natural deterioration), etc. requiring repair or replacement. Applicant in such events shall provide a new or renovated business sign together with payment of a service charge fee per sign to the department to replace such damaged business sign(s).

4. Individual businesses requesting placement of business signs on motorists information signs shall submit to the department a completed application form provided by the department.

5. Businesses must submit a layout of professional quality or other satisfactory evidence indicating design of their proposed business sign for approval by the department before the sign is fabricated.

6. No business sign shall be displayed which, in the opinion of the department, does not conform to department's standards, is unsightly, badly faded, or in a substantial state of dilapidation. The department shall remove, replace, or mask any such business signs as appropriate. Ordinary initial installation and maintenance services shall be performed by the department and removal shall be performed upon failure to pay any fee or for violation of any provision of these rules. The business (applicant) shall furnish all business signs.

7. When a business sign is removed, it will be taken to

the business during normal business hours. If the sign cannot be left with the business (closed, new owners, etc.), it will be taken to the district office of the district in which the business is located. The business will be notified of such removal and given 30 days in which to retrieve their business sign(s). After 30 days the business sign will become the property of the department and will be disposed of as the department shall see fit.

8. Should the department determine that trailblazing to a business that is signed for at the interchanges is desirable, it shall be done with an assembly (or series of assemblies) consisting of a ramp size business sign and an appropriate white on blue arrow. The business shall furnish all business sign(s) required and deemed necessary by the department.

9. Should a business qualify for business signs at two interchanges, the business sign(s) will be erected at the nearest interchange. If the business desires signing at the other interchange also, it may be so signed provided it does not prevent another business from being signed. Should a business qualify for two or more services at one business location, it may do so provided the secondary business does not prevent

another primary business from participating in the program. The primary business will be determined by the department.

10. When it comes to the attention of the department that a participating business is not in compliance with the minimum criteria, the business will be notified that it has a maximum of 30 days to correct any deficiencies or its signs will be removed. If the business later applies for reinstatement, this request shall be handled in the same manner as a request from a new applicant with a service charge per sign for reinstallation.

11. The department reserves the right to cover or remove any or all business signs in the conduct of its operation or whenever deemed to be in the best interest of the department or the traveling public without advance notice thereof. The department reserves the right to terminate this program or any portion thereof by furnishing the business written notice of such intent not less than 30 calendar days prior thereto.

12. At such time the department determines that an interchange is no longer rural in nature, the businesses will be so notified and the business signs will be removed by the department at the end of that year.

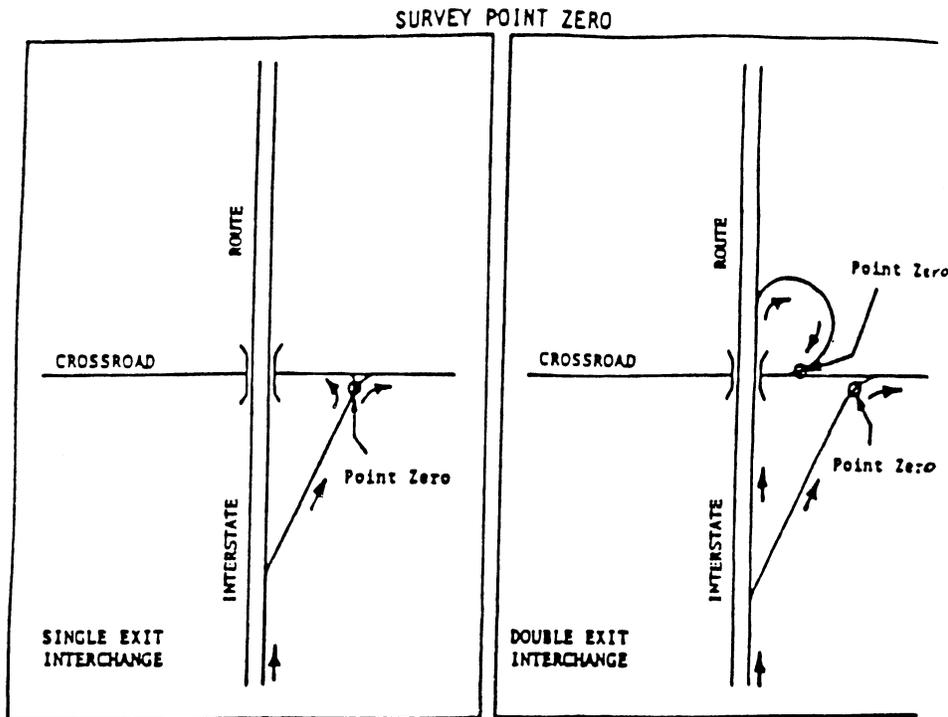


FIGURE 1

INTERCHANGE SKETCH

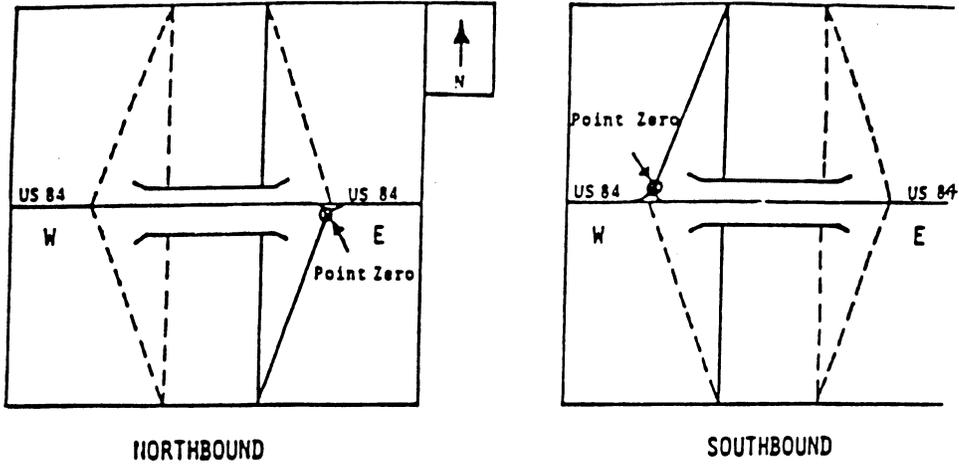
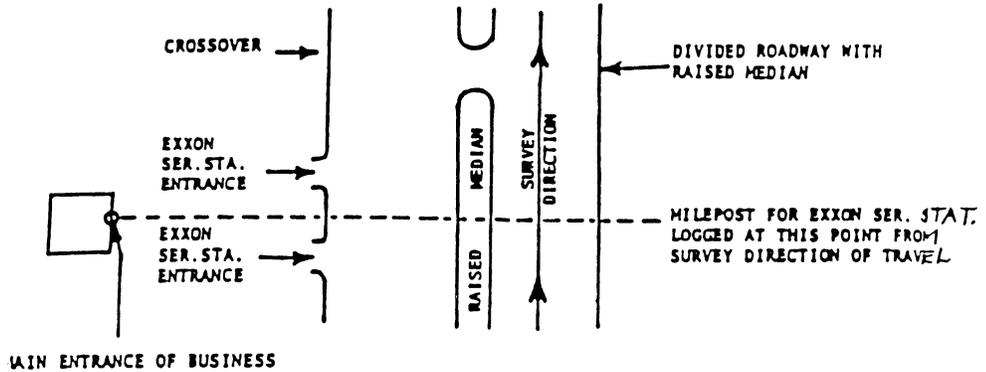


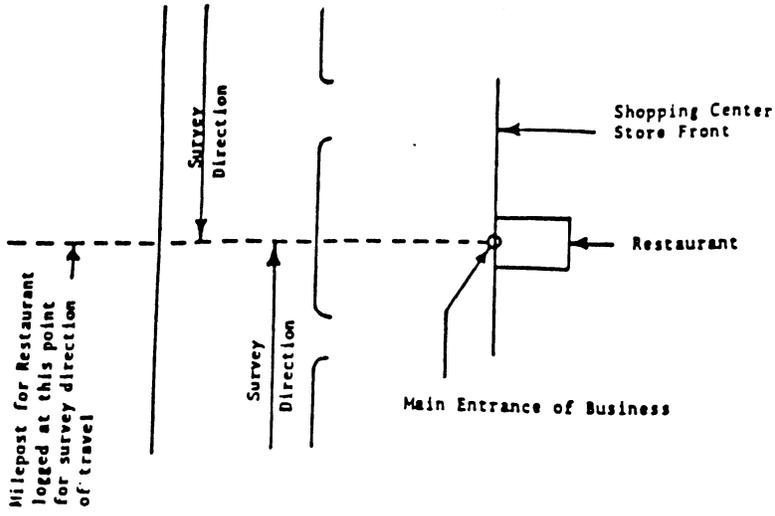
FIGURE 2

MILEPOST RECORDING EXAMPLES



TRAVEL SERVICE ESTABLISHMENT  
ON OPPOSITE SIDE OF DIVIDED  
ROADWAY FROM SURVEY DIRECTION

FIGURE 3



SHOPPING CENTER - BUSINESS VISIBLE

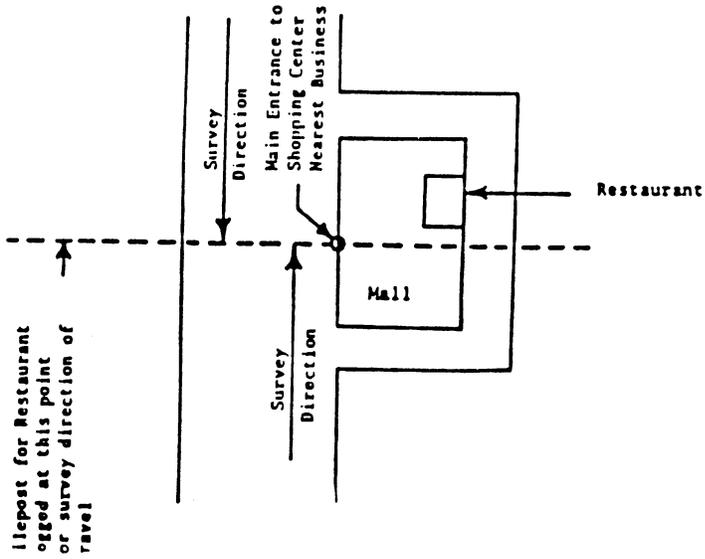
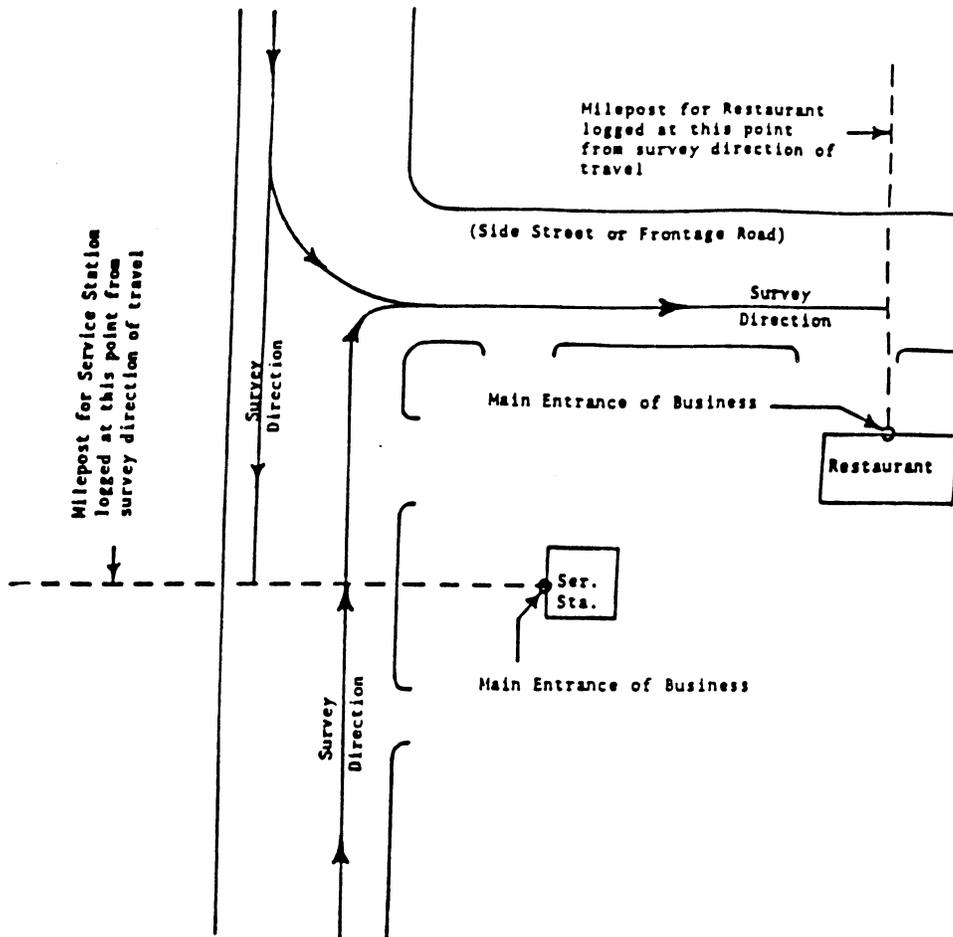


FIGURE 4



BUSINESS ON CORNER AND SIDE STREET

FIGURE 5

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 19: (March 1993).

Jude W.P. Patin  
Secretary

## RULE

### Department of Transportation and Development Office of the Secretary

#### Display of Flags (LAC 70:III.501)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana Department of Transportation and Development amends the rule entitled "Display of American Flags within Highway Right-of-Way," in accordance with the provisions of R. S. 48:21.

#### Title 70

### DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

#### Part III. Office of Highways

### Chapter 5. Display of American Flags Within Highway Right-of-Way

#### §501. Conditions

A-N. ...

O. Drawings of the flag pole, footings and other structural features shall be attached with each permit request, and stamped by an engineer licensed by the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R. S. 48:21.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 17:678 (July 1991), amended LR 19: (March 1993).

Jude W.P. Patin  
Secretary

## RULE

### Department of Wildlife and Fisheries Office of Wildlife

#### Wild Louisiana Stamp (LAC 76:I.323 and 325)

The secretary of the Department of Wildlife and Fisheries does hereby adopt the following rules and regulations governing the Wild Louisiana Stamp and Print Program.

#### Title 76

### WILDLIFE AND FISHERIES

#### Part I. Wildlife and Fisheries Commission and Agencies Thereunder

#### Chapter 3. Special Powers and Duties

#### Subchapter G. Wild Louisiana

#### §323. Wild Louisiana Stamp and Print Program

A. Background. In 1992, Act 193 of the Louisiana State Legislature authorized the Wild Louisiana Stamp program to generate revenues to support the functions of the Louisiana Natural Heritage Program. Income is derived from the sale of state Wild Louisiana Stamps to anyone ages 16-59 inclusive, as well as from the sale of limited-edition art reproductions of the design. A Wild Louisiana Stamp is required of anyone not in possession of a hunting or fishing

license and utilizing department-administered lands. Stamps and prints are sold to collectors via normal retail sales outlets. The state will receive royalties from the sale of prints and revenue from the sale of Wild Louisiana Stamps.

B. Purpose. The primary purpose of the Wild Louisiana Stamp program is to produce revenue for the implementation and administration of Parts I, II, III, and IV of Chapter 8 of Title 56 and the natural heritage and non-game programs within the Department of Wildlife and Fisheries. Additionally, up to 25 percent of the revenue from the sale of the stamps may be used for maintenance and stewardship of department-administered lands.

#### C. Objectives

1. Obtain the highest quality work of art that will most accurately and eminently portray a Louisiana non-game species or natural habitat and will have broad appeal to art collectors.

2. Provide an opportunity for art collectors and users of lands managed by the Louisiana Department of Wildlife and Fisheries to contribute financial support to non-game wildlife projects in Louisiana.

3. The cost of the Wild Louisiana Stamp will be the same as the cost for a basic Louisiana fishing license, including the issuance fee.

#### D. General Guidelines

1. By tradition, most non-game conservation stamp art is highly realistic in style, exhibiting extensive detail in anatomy, and the natural setting. Although artists are free to submit any composition that they desire, highly stylized or unusual designs may be viewed as too incongruous by series collectors or may limit the breadth of appeal among print buyers.

2. A key aspect of non-game stamp art is the strength of the composition and dominance of the featured animal or natural habitat. The secretary will determine the image size best suitable for reproduction at both stamp and print scales.

#### E. Specific Requirements

1. The subject of the Wild Louisiana Stamp and Print will be determined annually by the secretary of the Louisiana Department of Wildlife and Fisheries.

2. The design must be a full-color, realistic rendering of the subject. The setting must be appropriate to the natural habitat of the species.

3. The image must be horizontal, 13" x 18" and bear no signature or other marks that would identify the artist.

4. The design must be original, never have been published, and not have been entered in competition for any federal or state non-game stamp program. The department reserves the right to reject any and all images deemed to be copied from previously published work.

5. There is no restriction on media or substrate, but the department will not be responsible for damage or deterioration of pastels or other sensitive, unstable materials.

6. Each artist may enter only one design in the stamp competition.

7. Works must be matted in white to outside dimensions of 18½" x 23" and should be loosely covered with acetate or other protective overleaf, but must not be framed or covered with glass.

8. A card on the back of each entry must list the artist's

name, mailing address and phone number. A brief summary of the artist's background and credit should be enclosed.

9. All entries must be shipped in sturdy reusable containers bearing a legible return address, at the expense of the sender. Return shipping will be to the point of origin, unless requested otherwise, at the department's expense. The department will be held harmless for loss or damage during shipment.

10. All entries must be available for inclusion in public exhibits for one year from the close of competition. Entries not judged to be in the top selections may be returned sooner. The department reserves the right to photograph all entries for purposes of documentation, promotion, and education. Except for the 1992-93 original artwork, the winning entry will remain the property of the artist. The first of state original artwork will remain the property of the department.

F. Judging Criteria and Selection Procedures. The winning design will be selected by a panel of five judges who have expertise in biology or artistic methods and expression. At least one judge will be a Louisiana resident. Judges will be selected by the Louisiana Department of Wildlife and Fisheries. Judging will be done in three stages as follows: (1) the panel will screen and evaluate all entries and will select the top entries, (2) the panel will reevaluate the top entries in detail. A numerical value from 1-10 will be assigned each entry by individual judges. Total points will be tallied and the highest three scores will become finalists, (3) the final designs will again be evaluated by the panel and a numerical value assigned to each print. Each judge will be instructed to assign a value comparable to what he believes to be the order of finish. These numbers will be tallied and the design with the lowest score shall be declared the winner. Should a tie exist, step 3 will be repeated. All artworks will be scored on the following criteria:

1. accuracy of the form, size, proportion, posture, and colors of the species;
2. appropriateness, accuracy, and detail in depiction of the habitat;
3. attractiveness and creativity of the composition, regarding spatial balance, lighting, and harmony of subject and background;
4. visual appeal and suitability for reproduction at both the print and stamp scales.

G. Eligibility. This art competition is open to all artists who are 18 years of age or older and domiciled in or native to Louisiana, except employees of the Louisiana Department of Wildlife and Fisheries and members of their immediate families.

#### H. Entry Procedures and Deadlines

1. Entries must be prepared and shipped according to the specific requirements listed above. The department will establish deadlines for entries to be received.

2. Entries will not be considered complete without a signed and notarized artist agreement and a \$50 entrance fee received by the deadline.

3. Entries may be hand-delivered, sent via U.S. Mail, or by express parcel service. Senders are advised to obtain adequate shipping insurance on their entries. Mailed entries

must be sent to: Louisiana Department of Wildlife and Fisheries, Box 98000, Baton Rouge, Louisiana, 70898-9000, Attn: Wild Louisiana Stamp Program.

I. Additional Information. For more information on the Wild Louisiana Stamp program and the art competition, contact the following office: Louisiana Department of Wildlife and Fisheries, Wild Louisiana Stamp Program, Box 98000, Baton Rouge, Louisiana, telephone (504) 765-2821.

J. Production and Marketing Plan. The department will utilize the original winning design to produce the Wild Louisiana Stamp. Upon completion, the winning design will be returned to the artist for print production. The winning artist will be responsible for reproduction, marketing, and distribution of the prints. Prints shall be accompanied by a Wild Louisiana Stamp purchased from the department by the artist. Prints only in the following editions will be allowed, and it is the option of the artist to determine which of the following he or she will produce. The conservation edition shall be produced. Additionally, a minimum of one of the other editions shall be produced:

1. Regular Edition—numbered, signed by artist. Minimum Royalty to department per print sold—15 percent retail price.
2. Medallion Edition—numbered, signed by artist, with gold-plated medallion. Minimum royalty to department per print sold—15 percent retail price.
3. Executive Edition—numbered, signed by artist, artist remarque, with gold-plated medallion. Minimum royalty to department per print sold—10 percent retail price.
4. Conservation Edition/Posters—unsigned, unnumbered, labeled as "Conservation Edition." Minimum royalty to department per print sold—15 percent retail price.

AUTHORITY NOTE: Promulgated in accordance with Act 193 of the 1992 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Office of Wildlife, LR 19: (March 1993).

#### §325. Wild Louisiana Stamp Artist Agreement

A. I hereby agree to the following terms and conditions if my original design is selected for the Wild Louisiana Stamp and Art Print.

1. Upon selection of my original design as the winning entry, the department will use the design to produce the Wild Louisiana Stamp. The department reserves the sole right to stamp production.

2. Except for the 1992-93 stamp program, the department will return my original artwork after completing the stamp production. At that time the original artwork and any and all reproduction rights to the design, excluding stamp production, will become the property of the artist. The 1992-93 winning artwork will remain the property of the department.

3. I hereby agree that sole responsibility of the reproduction, distribution and marketing of the print shall be the responsibility of the artist. All prints sold except the conservation edition shall be accompanied by a stamp purchased from the department by the artist.

4. I hereby affirm that my original design of my own creation, has not been copied in whole or part from any published works of art, has not been previously entered in any federal or state non-game conservation stamp competition, and

has not been published. The department reserves the right to disqualify any and all designs that the department believes are copied from previously published work. I understand that all compensation may be forfeited if these conditions are not met.

5. I have enclosed a non-refundable entrance fee of \$50 paid by cashier's check, certified check or money order made payable to: Louisiana Department of Wildlife and Fisheries—Natural Heritage Account.

B. I have read and agree to the terms and conditions of this Artist Agreement.

Artist's Name (Please print) \_\_\_\_\_  
Signature \_\_\_\_\_ Date \_\_\_\_\_  
Mailing Address \_\_\_\_\_ Telephone \_\_\_\_\_  
Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_  
nineteen hundred and \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

AUTHORITY NOTE: Promulgated in accordance with Act 193 of the 1992 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Office of Wildlife, LR 19: (March 1993).

Joe L. Herring  
Secretary

## RULE

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

#### Black Bass (LAC 76:VII.165)

The Wildlife and Fisheries Commission hereby adopts the following rule for black bass regulations in the Atchafalaya Basin - Lake Verret area.

#### Title 76

### WILDLIFE AND FISHERIES

#### Part VII. Fish and Other Aquatic Life

### Chapter 1. Freshwater Sport and Commercial Fishing §165. Black Bass Regulations—Atchafalaya Basin—Lake Verret Area

It shall be unlawful to take or possess, while on the water or while fishing in the water, black bass less than 14 inches in total length in the area south of U.S. 190 from the West Atchafalaya Basin Protection Levee to the intersection of LA 1 and U.S. 190 due north of Port Allen, east of the West Atchafalaya Basin Protection Levee from U.S. 190 to U.S. 90, north of U.S. 90 from the West Atchafalaya Basin Protection Levee to LA 20, north and west of LA 20 from U.S. 90 to LA 1 in Thibodaux, south and west of LA 1 from LA 20 to U.S. 190. This rule will expire at midnight September 30, 1995.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 19: (March 1993).

Bert H. Jones  
Chairman

# NOTICES OF INTENT

## NOTICE OF INTENT

### Department of Agriculture and Forestry Office of Pesticide and Environmental Programs

#### Commercial Pesticide Applicators (LAC 7:I.13123)

Notice is hereby given that the Department of Agriculture and Forestry, Office of Pesticide and Environmental Programs, intends to amend the following rule concerning the certification of commercial pesticide applicators.

#### Title 7

### AGRICULTURE AND ANIMALS

#### Part XXIII. Pesticide

### Chapter 131. Louisiana Advisory Commission on Pesticides

#### Subchapter F. Certification

### §13123. Certification of Commercial Applicators

\* \* \*

B.2. The commissioner hereby establishes the following categories and subcategories of certification for commercial applicators:

\* \* \*

#### Category 7. Industrial, Institutional, Structural and Health Related Pest Control

\* \* \*

b. Subcategory 7b is for applicators who apply or supervise the application of restricted use pesticides on a non-fee basis in, on or around institutions, motels, apartment houses, hotels, schools, hospitals and like places as the owner or in the employ of the owner. Applicators who apply or supervise application of restricted use pesticides in, on, or around school structures must attend yearly technician recertification training sessions as described in LAC 7:XXV.14111.Q.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203, R.S. 3:3242 and R.S. 3:3249.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Advisory Commission on Pesticides, LR 9:169 (April 1983), amended LR 10:193 (March 1984), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, LR 19:

This rule complies with and is enabled by the Louisiana Pesticide Law, R.S. 3:3201, et seq.

All interested persons may submit written comments on the proposed rule through April 23, 1993, to David Fields, Department of Agriculture and Forestry, 5835 Florida Boulevard, Baton Rouge, LA 70806. A public hearing will

be held on these rules on April 27, 1993, at 9:30 a.m., at the address listed above. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at the hearing.

Bob Odom  
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: CERTIFICATION OF COMMERCIAL  
APPLICATORS**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Only school boards or schools who use employees to apply restricted use pesticides in, on or around school structures on a non-fee basis will be affected. The cost of recertification training ranges from \$15 to \$25 per person. School boards or schools which are affected must either pay for this training or hire commercial applicators.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
No effect on revenue collections of state or local governmental units is anticipated to result from the implementation of the proposed rules.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
Instances where school boards or schools choose to hire commercial applicators to apply restricted use pesticides in, on or around school structures rather than use their own employees would benefit the applicator(s) hired. The exact cost would depend on the number of structures, employees, frequency of application, etc. involved.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
No effect on competition or employment is anticipated.

Richard Allen  
Assistant Commissioner

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Economic Development  
Real Estate Commission**

**Out-of-State Broker Cooperation (LAC 46:LXVII.6301)**

Under the authority of the Louisiana Real Estate License Law, R.S. 37:1431 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Louisiana Real Estate Commission intends to adopt the following rules and regulations pertaining to out-of-state broker cooperation. This notice supersedes that which previously appeared in LR 18:770 (July 1992).

**Title 46  
PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part LXVII. Real Estate**

**Chapter 63. Out-of-State Broker Cooperation  
§6301. Broker Cooperation**

A Louisiana broker may cooperate with a licensed broker of another state in the sale, lease, management or auction of real property located in Louisiana within the limits provided in the Louisiana real estate license law and rules under the following conditions.

1. The sale, lease, management or auction shall be handled under the direct supervision and control of the Louisiana broker who shall take full responsibility for all actions of the nonresident broker. All advertising of any kind must contain the names of both the Louisiana licensed broker and the cooperating broker. The cooperating broker may place a sign on real property located in Louisiana with the written consent of the Louisiana licensed broker.

2. Any monies collected on behalf of others shall be maintained in the Louisiana broker's sales escrow, rental trust or security deposit trust account unless all parties having an interest in the funds to be deposited therein have agreed otherwise in writing.

3. In each instance herein where a Louisiana broker enters into a cooperating agreement with an out-of-state broker for the sale, lease, management or auction of Louisiana real property, the Louisiana broker must file one copy of a cooperating agreement with the Louisiana Real Estate Commission prior to the property being advertised, shown, or any contract taken. A written cooperating agreement describing the property involved must be filed for each separate transaction. This agreement must contain verbiage wherein both the Louisiana broker and the out-of-state broker agree to sign all written reports and contracts and comply with the Louisiana Real Estate Commission license law and rules in all respects.

4. Any fee or commission received as a result of a cooperative transaction shall be paid to the Louisiana broker who will, in turn, compensate the out-of-state broker. The percentage of fees or commission to be received by the Louisiana broker and the out-of-state broker shall be negotiable between the two parties and shall be agreed upon, in writing, by the parties in their cooperative agreement.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1435.

**HISTORICAL NOTE:** Promulgated by the Department of Commerce, Real Estate Commission, LR 4:482 (December 1978), amended by the Department of Economic Development, Real Estate Commission, LR 11:758 (August 1985), repealed LR 17:650 (July 1991), promulgated LR 19:

**§6303. Referral Fees**

A licensed broker in this jurisdiction may divide or share a real estate commission with a licensed broker in another jurisdiction whenever the licensed broker in the other jurisdiction acts only as a referral agent who is not involved in the actual negotiations, execution of documents, collections of rent, management of property, or other real estate brokerage activity in a real estate transaction which involves

more than the mere referral of a client or customer to the licensed broker of this jurisdiction.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1435.

**HISTORICAL NOTE:** Promulgated by the Department of Economic Development, Real Estate Commission, LR 19:

### §6305. Jurisdiction Over Out-of-State Activities

The agency shall have the power to impose any sanction permitted by this law on any licensee of this jurisdiction who performs or attempts to perform any of the acts of a licensee on property located in another jurisdiction without first having been properly licensed in that jurisdiction or otherwise having fully complied with that jurisdiction's laws regarding real estate brokerage.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1435.

**HISTORICAL NOTE:** Promulgated by the Department of Economic Development, Real Estate Commission, LR 19:

Interested parties may submit written comments until 4:30 p.m., April 30, 1993, to Stephanie C. Fagan, Office Coordinator, Louisiana Real Estate Commission, Box 14785, Baton Rouge, LA 70898-4785 or to 9071 Interline Avenue, Baton Rouge, LA.

These rules will become effective June 20, 1993, or upon publication in the *Louisiana Register*.

J. C. Willie  
Executive Director

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: OUT-OF-STATE BROKER COOPERATION

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Implementation of this rule will have no fiscal impact on the agency. There are no estimated implementation costs or savings.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Conceivably, non-resident real estate licensees could forego the payment of Louisiana license fees through the cooperative agreement established in the proposed language; however, non-residents are not precluded from obtaining a Louisiana real estate license should they so desire. The possible loss of revenue associated with non-resident licensees will have no measurable impact on revenue collection in that non-residents represent only a minute portion of the total licenses issued.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Real estate licensees, resident and non-resident, may be affected by the proposed language. There are specific guidelines to which parties entering a cooperative agreement must adhere; however, there are no mandatory forms, fees, etc. Licensees may benefit by participating in certain types of real estate transactions from which they may have been previously precluded. Non-residents will no longer be required to hold Louisiana real estate licenses to participate in a single real estate transaction in Louisiana.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The repeal of the original rule in 1991 resulted in Louisiana licensees being precluded from certain real estate transactions within the state by non-resident licensees. Reinstatement of the original provisions will encourage out-of-state licensees to utilize the services of Louisiana licensees and to compensate them for same.

J. C. Willie  
Executive Director

John R. Rombach  
Legislative Fiscal Officer

### NOTICE OF INTENT

#### Department of Economic Development Office of Financial Institutions

#### Fair Debt Collections (LAC 10:I.Chapter 19)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, and as provided for by Act 1112 of 1992, notice is hereby given that the Office of Financial Institutions intends to adopt a rule to provide for the enforcement of the Federal Fair Debt Collection Practices Act, Title VIII, 15 U.S.C. 1692, et seq.; and to provide for the establishment of administrative procedures for the enforcement of the provisions therein.

#### Title 10

#### BANKS, CREDIT UNIONS, SAVINGS AND LOANS, SAVINGS BANKS, UCC AND CONSUMER CREDIT

#### Part I. Banks

#### Chapter 19. Enforcement of Federal Fair Debt Collections Practices Act

#### §1951. General Provisions

A. The provisions of the Federal Fair Debt Collection Practices Act (15 USC 1692 et seq.) shall be enforced by the Office of Financial Institutions. The commissioner of financial institutions, or his designee, shall institute procedures regarding accepting, logging, reviewing, and resolving complaints received regarding unfair debt collection practices by persons located within the state of Louisiana.

B. The commissioner shall in conjunction with the Louisiana attorney general, initiate and conduct investigations as reasonably necessary to establish the existence of practices which are in noncompliance with the Federal Fair Debt Collection Practices Act, or any rules and regulations issued in accordance therewith, and may assess the debt collector for reasonable costs of any such investigation. The commissioner shall further cooperate with the Federal Trade Commission, and any other state or federal governmental entity with the investigation of violations of the Fair Debt Collection Practices Act, and may share information or seek assistance in compliance therewith by the affected entities.

C. The commissioner, or his designee, shall cause to have all complaints submitted on a form acceptable to him, which said complaints are to be registered or logged in upon receipt,

within the consumer credit division of his office; and, further, the final disposition of each complaint shall be documented in writing, and upon final disposition with respect to the complaints received by this office shall be filed using the name of the complainant as a reference. The commissioner shall determine the period for which such records shall be retained by the Office of Financial Institutions, however, such period shall be no less than two years.

**AUTHORITY NOTE:** Promulgated in accordance with Act 1112 of 1992.

**HISTORICAL NOTE:** Promulgated by the Department of Economic Development, Office of Financial Institutions LR 19:

Interested parties may request copies of the proposed rule, submit written comments or make written inquiries concerning the above proposed rule, no later than 4:30 p.m. April 9, 1993, to the following address: Gary L. Newport, Senior Attorney, Office of Financial Institutions, Box 94095, Baton Rouge, LA 70804-9095.

Larry L. Murray  
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: FAIR DEBT COLLECTIONS**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The estimated implementation cost for this rule will be initial rule notification expense of \$120. It is anticipated that this agency will continue to utilize existing personnel and equipment in the implementation process, and the agency estimates that there will be no additional requirements for new equipment, employee cost, or professional services.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Generally speaking, there will be no new revenue generated by this rule as there are no fees required by this rule. However, the commissioner is allowed to seek monetary reimbursement from affected collection agency when office staff is required to investigate compliance of said agency. Such amounts cannot be estimated.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

There are no estimated costs and/or economic benefits derived by affected persons or non-governmental groups as this rule is an enforcement rule with no new fee generation.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There will be no effect upon competition and employment because this rule, which attempts to enforce the provisions of the Federal Fair Debt Collection Practices Act, does not generate any additional need for increased employment by this office nor by any affected collection agency. Competition is not a relevant topic with regard to this rule.

Larry L. Murray  
Commissioner

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

**8 (g) Annual Program and Budget FY 93-94**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the 8(g) Annual Program and Budget for Fiscal Year 1993-94 as printed below:

**I. Exemplary Competitive Programs Designed to Improve Student Academic Achievement or Vo-Tech Skills**

A. Pre-K - 3rd Grade	\$1,500,000
B. Student Enhancement (Grades 4-12)	1,500,000
C. Vocational Education	1,500,000

**II. Exemplary Block Grant Programs Designed to Improve Student Academic Achievement or Vo-Tech Skills**

A. Elementary and Secondary Education	6,000,000
1. Early Childhood Education (Pre-K - 3rd Grade)	
2. Student Enhancement (Grades 4 - 12)	
3. Educational Technology	
B. Model Early Childhood Program	3,300,000
C. Vocational Education	

1. Extension	700,000
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**III. Exemplary Statewide Programs Designed to Improve Student Academic Achievement or Vo-Tech Skills**

A. Elementary/Secondary	
1. Talent Improvement Program for Gifted and Talented Students	60,000
2. Mini Grant Awards of Excellence	200,000
3. Statewide Distance Learning Network	1,500,000
4. Enhancement of Secondary Math and Physics	100,000
5. Summer High School Credit Program	50,000
6. Academic/Vocational Enhancement of BESE Special Schools	100,000
7. Multisensory Arts Program	600,000
B. Vocational Education	
1. Curriculum Upgrade	50,000
2. Occupational Competency Testing Program	15,000
3. VTIE Tuition Exemption Program	70,000
4. Statewide Quickstart	800,000
5. Accreditation/Certification	100,000
6. Vocational Skills Enhancement	1,300,000
C. Professional Development Administrators	
Leadership Academy: Assessment and Development	300,000
Teachers	
1. Tuition Exemption Program	3,565,000
2. Instructional Enhancement Program	1,170,000
3. LaSIP	1,000,000

4. Louisiana Geography Education Alliance	50,000
IV. Research or Pilot Programs Designed to Improve Student Academic Achievement	
A. Louisiana Educational Assessment Program	1,000,000
B. Accelerated Schools for At-Risk Students	400,000
C. Identifying and Serving Under-Represented Gifted	150,000
D. High Schools that Work	312,000
V. Purchase of Superior Textbooks, Library Books, and Other Instructional Materials	2,605,000
VI. Teaching of Foreign Languages in Elementary and Secondary Schools	175,000
VII. Scholarships or Stipends to Prospective Teachers in Critical Shortage Areas	
A. Education Majors Program	1,300,000
B. Post-Baccalaureate Scholarship Program	300,000
VIII. Management and Oversight	
A. BESE Administration (.9%)	319,349
B. BESE Fiscal/Programmatic Evaluation (1.1%)	355,607
<b>TOTAL</b>	<b>\$32,446,956</b>

AUTHORITY NOTE: Promulgated in accordance with LA Constitution, Art. VII, Section 10.1, R. S. 17:3801

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 19:

Interested persons may submit comments on the proposed rule until 4:30 p.m., May 8, 1993 to: 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: 8(G) ANNUAL PROGRAM AND  
BUDGET FY 93-94**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
 

The State Board of Elementary and Secondary Education has adopted its Louisiana Quality Education support Fund budget for FY 1993-94. This budget is funded with 8 (g) dedicated funds. If the legislature appropriates these funds as allocated by BESE, the savings over the 1992-93 budget will be \$1,617,463. Of this amount, statewide program funding will decrease by \$6,206,000, vo-tech funding will decrease \$705,131, direct funding to LEAs will increase by \$5,300,000, and funding for administration/evaluation will decrease \$6,332.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
 

Revenue to local education agencies for competitive projects and block grant awards will not exceed \$12,300,000.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
 

Up to \$12,300,000 will be available for exemplary competitive projects and block grants for programs designed to improve student academic achievement.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There will be no effect on competition and employment.

Carole Wallin  
Executive Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

**Bulletin 741, Attendance Definition and Guidelines**

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 for advertisement the document entitled *Attendance Definition and Guidelines* for implementation during the 1993-94 school year to allow LEAs to collect attendance data in a standardized manner. This amendment to Bulletin 741, *Louisiana Handbook for School Administrators* is stated below:

Add as a new standard and procedure block following Standards 1.005.01 and 2.055.01:

"A student is considered to be in attendance when he or she (1) is physically present at a school site or is participating in an authorized school activity and (2) is under the supervision of authorized personnel."

Add as a procedure block to Standards 1.055.08 and 2.055.08:

This definition for attendance would extend to students who are homebound, assigned to and participating in drug rehabilitation programs that contain a state-approved education component, or participating in school-authorized field trips.

*Half-Day Attendance*—a student is considered to be in attendance for one-half day when he or she is (1) physically present at a school site or is participating in an authorized school activity and (2) is under the supervision of authorized personnel for more than 25 percent but not more than half (26 percent - 50 percent) of the student's instructional day.

*Whole-Day Attendance*—a student is considered to be in attendance for a whole day when he or she is (1) physically present at a school site or is participating in an authorized school activity and (2) is under the supervision of authorized personnel for more than 50 percent (51 percent - 100 percent) of the student's instructional day.

Add as a procedure block to Standards 1.055.08 and 2.055.08:

All absences whether excused or unexcused shall be counted as absences for attendance reporting purposes to the Department. Students who are (1) physically present at a school site or participating in an authorized school activity and (2) are under the supervision of authorized personnel for 25 percent or less of the school day shall be deemed absent for attendance reporting purposes.

Add to the glossary:

Attendance (Half-Day): A student is considered to be in attendance for one-half day when he or she (1) is physically present at a school site or is participating in an authorized school activity and (2) is under the supervision of authorized personnel for more than 25 percent but not more than half (26 percent - 50 percent) of the student's instructional day.

Attendance (Whole-Day): A student is considered to be in attendance for a whole day when he or she (1) is physically present at a school site or is participating in an authorized school activity and (2) is under the supervision of authorized personnel for more than 50 percent (51 percent - 100 percent) of the student's instructional day.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 19:

Interested persons may submit comments on the proposed rule until 4:30 p.m., May 8, 1993 to: 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 741, ATTENDANCE DEFINITION  
AND GUIDELINES**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The only estimated implementation cost is \$100 to update and distribute the changes in Bulletin 741. All school systems are presently required to collect and report attendance data. The proposed change may require some systems to alter the method of data collection and management. If any additional costs result, these costs, though minimal, would vary from system to system depending on their present capabilities.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF  
STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no effect on revenue collections.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO  
DIRECTLY AFFECTED PERSONS OR NON-  
GOVERNMENTAL GROUPS (Summary)**

There is no estimated cost or economic benefits.

**IV. ESTIMATED EFFECT ON COMPETITION AND  
EMPLOYMENT (Summary)**

There is no estimated cost on competition and employment. Since LEAs are currently collecting and reporting attendance data the need for additional staff will vary among districts and schools depending on their present computer and personnel capabilities.

Marlyn Langley  
Deputy Superintendent

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

**Bulletin 1196, Food and Nutrition Programs**

In accordance with the R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement the revised Bulletin 1196, Louisiana Food and Nutrition Programs Policies of Operation. The revised Bulletin 1196 encompasses all changes in federal regulations, state legislation and board policies which have occurred since the last revision of the bulletin in 1976, and is referenced in the Louisiana Administrative Code as noted below:

**Title 28  
EDUCATION**

**Part 1. Board of Elementary and Secondary Education  
Chapter 9. Bulletins, Regulations, and State Plans  
§913. School Food Service Standards and Regulations**

**A. Bulletin 1196**

1. Bulletin 1196, Louisiana Food and Nutrition Programs, is adopted, as revised, 1992.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(5); R.S. 17:10; R.S. 17:82; R.S. 17:191 - 199.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 19:

Bulletin 1196 may be seen in its entirety in the Office of the State Register, Fifth Floor, Capitol Annex (Room 512, 1051 North Third Street, Baton Rouge LA 70804), the Office of the Board of Elementary and Secondary Education, Room 104 of the Education Building in Baton Rouge, or in the Office of Food and Nutrition, third floor of the Education Building.

Interested persons may submit their comments on the proposed rule until 4:30 p.m., May 8, 1993 to: 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 1196, FOOD AND NUTRITION  
PROGRAMS**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no estimated costs (savings) to state or local governmental units. The only implemented costs for FY 92-93 will be for printing and mailing to School Food Authorities which is approximately \$738.75.

The estimate payment of the expenses will be provided by the FY 92-93 budget and no additional appropriation will be required. There is no implementation cost, other than printing and mailing, of the revised bulletin for state or local agencies since the state and local agencies are currently operating the program under all federal and state regulations which are incorporated in the revised bulletin.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no estimated effect on revenue collection of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There will be no costs or economic benefits to directly affected persons or non-governmental groups. The revised bulletin was formulated to assist school food service employees in upgrading food service and serve nutritionally adequate, attractive and moderately priced meals while providing Louisiana's children with learning experiences that will improve their eating habits.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Marlyn Langley  
Deputy Superintendent

David W. Hood  
Senior Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1822, Competency Based Postsecondary Curriculum Outlines

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 for advertisement, the following amendments to Bulletin 1822, Competency Based Postsecondary Curriculum Outlines.

PRESENT

Course Title	Length
Account Clerks	1,238 Hrs., 11 Mos.
Secretary	1,463 Hrs., 13 Mos.
Word Processor Operator	1,125 Hrs., 10 Mos.

RECOMMENDED REVISION

Course Title	Length
Accounting Technician	1,560 Hrs. 15 Mos. 5 Qtrs.
Secretary	1,248 Hrs. 12 Mos. 4 Qtrs.
Information Processing Technician	1,248 Hrs. 12 Mos. 4 Qtrs.

NEW CURRICULUM

Course Title	Length
Executive Assistant (CIP Code-52.0402)	1,872 Hrs. 18 Mos. 6 Qtrs.

Interested persons may comment on the proposed rule until 4:30 p.m., May 8, 1993 to: Eileen Bickham, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 19:

Carole Wallin  
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES  
RULE TITLE: BULLETIN 1822, COMPETENCY BASED POSTSECONDARY CURRICULUM OUTLINES

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

In 1983, the Board of Elementary and Secondary Education adopted the implementation of uniform course titles and time requirements. These amendments to this bulletin are updates on title names, course lengths and content. The cost to implement this change would be approximately \$300. This would be for printing and postage to mail out the revisions. This amount also includes extra cost for the implementation of a new course.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This amendment is an update to Bulletin 1822, "Competency Based Postsecondary Curriculum Outlines." When updates occur, the length of attendance for various courses may be increased or decreased. As courses are increased, the technical institutes will realize additional revenue and as they are decreased, will realize a decrease in revenue. As new courses are added, the potential for greater enrollment is better thus providing additional revenue for the technical institutes.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

As courses are increased or decreased in length, the technical institute students will realize an increase or decrease in the amount of tuition costs. However, a more adequately trained worker will be available for employment in business and industry.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

All technical education students will receive the same minimum curriculum for each technical institute attended. If a student transfers from one institute to another, there will be no lost time. The technical institutes will be producing better products as a result of up-to-date curricula.

Marlyn Langley  
Deputy Superintendent

David W. Hood  
Senior Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Personnel Evaluation Standards (LAC 28:I.917)

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 for advertisement the deletion of §917.B and C of the Administrative Code relative to LATIP/TEP and STAR since these provisions are now obsolete and as noted below:

**Title 28  
EDUCATION**

**Part I. Board of Elementary and Secondary Education  
Chapter 9. Bulletins, Regulations, and State Plans  
§917. Personnel Evaluation Standards and Regulations**

- A. ....  
B. - C. Delete.

**AUTHORITY NOTE:** Promulgated in accordance with SCR 66, Act 325 of the 1991 Regular Session.

**HISTORICAL NOTE:** Amended by the Board of Elementary and Secondary Education in LR 19:

Interested persons may submit comments on the proposed rule until 4:30 p.m., May 8, 1993 to: 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: PERSONNEL EVALUATION STANDARDS  
(LAC 28:I.917)**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There are no budget allocations or estimated costs for FY 1992-93, or further reductions with this rule change. For fiscal period 1990-91, the implementation costs of LTIP/LaTEP and STAR were 7,298,958. The LTIP/LaTEP and STAR were suspended and new timelines for revising the Teacher Assessment Program and assessment instrument were established by R.S. 17:3721 et seq. (the Teaching Internship Law); R.S. 17:3871 et seq. (the Children First Act, Act 659 of the 1988 Regular Session, Act 326 of the 1991 Regular Session and Act 506 of the 1992 Regular Session). Implementation costs for the Teacher Assessment Program will be necessary in FY 1994-95.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no effect on revenue collection of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

There are no costs and/or economic benefits to affected persons or non-governmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The deletion of §917.B and C relative to the LaTIP/TEP and STAR does not specifically affect competition and employment.

Marlyn Langley  
Deputy Superintendent

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Office of Student Financial Assistance**

**Honors Scholarship**

The Louisiana Student Financial Assistance Commission, Office of Student Financial Assistance, announces its intention to amend rules regulating the Honors Scholarship Program.

**VII. Louisiana Honors Scholarship Program**

**A. Program Description, History and Purpose**

The Louisiana Honors Scholarship Program, first awarded in the Fall of 1992, provides tuition exemption to Louisiana residents to acknowledge, honor and reward the academic achievement of Louisiana's top high school graduates, to insure that these students have the financial resources to pursue a higher education in one of Louisiana's colleges and universities and to provide an incentive to these students to seek their higher education in this state.

**B. Legislative Authority**

Chapter 20-B-3 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3042:31 - 3042:35, enacted by Act 1085 and amended by Act 13 of the 1992 Regular Legislative Session.

**C. Student Participation/Responsibilities**

1. Initial Eligibility. To establish initial eligibility, the student must meet all of the following criteria:

a. graduate in the top five percent of the academic year's graduating class from a Louisiana public or state (BESE) approved nonpublic high school, as identified and certified by the city and parish school board for public high schools and by the principal or headmaster of each non-public approved high school; or be enrolled in a state-approved home study program and score in the upper five percent in the state on the National Merit Examination;

b. be a Louisiana resident, as defined in Section VIII.A of this manual;

c. enroll as a first time full-time undergraduate student in a public or regionally accredited LAICU member independent college or university in the state, within two years of high school graduation\*;

d. not be receiving other gratuitous financial assistance or support from the college or university attended or from any alumni organization or foundation organized by the alumni or other supportive individual of the college or university attended whose charter specifically provides that the purpose of the foundation is to aid said college or university in a philanthropic manner, if the total cost of the student's tuition is provided by the scholarship;

e. not be receiving other aid (meaning aid which is not "gratuitous financial assistance or support" as defined in Paragraph H.6 of this Chapter) which, together with award of the Honors Scholarship, would exceed the student's total cost of attendance as defined by the institution in accordance with federal regulations. This paragraph shall not preclude an institution from establishing a maximum limitation on aid based upon some other criteria which would result in a

limitation that is less than the student's total cost of attendance;

f. not be receiving a tuition waiver or award from the state or an institution of higher education including, but not limited to, the Tuition Assistance Plan (TAP), the Louisiana National Guard Tuition Waiver and the Vocational Rehabilitation Tuition Waiver.

2. Award Notification/Acceptance

a. Respond in writing, as requested, by the deadlines specified.

b. Receive the award certificate and the tuition exemption form at the high school ceremony or reception.

c. Present the tuition exemption form to the college at the time of registration.

3. Renewal Eligibility. Continuing eligibility is contingent upon the recipient meeting the following requirements:

a. continue to attend a Louisiana public or independent college or university as a full-time undergraduate student for not less than two semesters or three quarters in each academic year unless granted an exception for cause by OSFA;

b. maintain by the end of each academic year a cumulative college grade point average of at least a 3.0 on a 4.0 scale. Failure to maintain the required academic grade point average will result in permanent cancellation of the recipient's eligibility;

c. continue to register, maintain and successfully complete not less than 12 hours per semester, eight hours per quarter or six hours per summer session for each term during which a waiver was granted;

d. have previously received tuition waivers for less than 10 semesters (or 15 quarters), including summer sessions and less than seven years have elapsed since the month following the date of high school graduation;

e. eligible students, at their option, may have tuition waived for attendance during a summer session; however, if tuition is waived for a summer session it shall be counted as a full semester or quarter towards the tuition waiver limitation of ten semesters or fifteen quarters. Students may elect to enroll part or full-time during a summer session and not accept the tuition waiver for that term, in which case the summer session would not be counted as a semester or quarter against the tuition waiver limitation;

f. be in compliance with the terms of other federal and state aid programs which the scholar may be in receipt of and which are administered by the Louisiana Student Financial Assistance Commission;

g. not be receiving "gratuitous financial assistance or support" as defined in Paragraph H.6 of this Chapter, if the total cost of the student's tuition is provided by the Honors Scholarship;

h. not be receiving other aid (meaning aid that is not "gratuitous financial assistance or support" as defined in Paragraph H.6 of this Chapter) which, together with award of the Honors Scholarship, would exceed the student's total cost of attendance as defined by the institution in accordance with federal regulations. This Paragraph shall not preclude an institution from establishing a maximum limitation on aid based upon some other criteria which would result in a

limitation that is less than the student's total cost of attendance;

i. not be receiving a tuition waiver or award from the state or an institution of higher education including, but not limited to, the Tuition Assistance Plan (TAP), the Louisiana National Guard Tuition Waiver, and the Vocational Rehabilitation Tuition Waiver.

D. High Schools, School Boards, Special School Governing Boards and Louisiana Department of Education Participation/Responsibilities

1. City and parish school boards, special school governing boards, headmasters of BESE approved non-public high schools and Louisiana Department of Education representatives:

a. Each of these authorities shall apply the following guidelines in complying with R.S. 17:3042.33A:

i. consider only the academic grades recorded on the student's official high school transcript in determining class ranking;

ii. within the definition provided in Paragraph H.1., the academic courses which are to be considered in determining academic class ranking shall be defined as part of the written criteria to be adopted by the board or headmaster.

iii. non-academic courses or other subjective criteria shall not be used in computing academic class ranking for the purposes of this Chapter.

iv. define the procedure by which students who would otherwise have equal academic class ranking may be ranked (tie-breaker procedure). This may include an evaluation of the students' academic grades on a set of pre-determined core academic courses such as English, math and science or an evaluation of the level of difficulty of the courses taken by the students, such as honors courses and higher level math or science courses.

v. by an affirmative act taken during a public meeting, approve written criteria for determining the academic class ranking of students and the procedure by which the top five percent shall be identified. Such written criteria shall incorporate each of the requirements defined in this Paragraph.

b. In computing the top five percent of each high school's graduating class, apply the following formula:

The total number of students who are Louisiana residents receiving a high school diploma from the institution during the academic year preceding the award year, multiplied by the figure .05, and, if not a whole number, rounded up to the next whole number. Foreign exchange students and other non-residents shall not be counted as members of the graduating class for the purpose of this computation. *Example:* for a high school that awarded state high school diplomas to two summer graduates, seven mid-year graduates and 79 spring graduates during the academic year considered, the following computation would apply:

$$[2 + 7 + 79 = 88 \times .05 = 4.4 \text{ round up to } 5.0]$$

Accordingly, five students may be selected for the Honors Scholarship at the high school depicted in the example.

c. Ensure that the approved selection criteria is publicly posted in each high school under the board or headmaster's jurisdiction and provide a copy of the criteria to OSFA.

d. Ensure that amendments to the criteria, as approved by the board/headmaster from time to time, shall only be effective for the years following the year in which amended.

e. Each year, by the deadline specified and on the forms provided by OSFA, city and parish school boards for public high schools, principals or headmasters for approved special schools and non-public BESE approved high schools, and Louisiana Department of Education representatives for home study students, shall certify and submit to OSFA the names of students graduating in the top five percent of each high school's academic year graduating class or the names of those students completing an approved home study program who scored in the upper five percent in the state on the National Merit Exam.

f. If the certifying authority (school board, principal, headmaster or state Department of Education representative) elects to notify scholars of their selection, then the following disclaimer Paragraph shall be included in any communication to the scholar:

"Although you have been named a 'Louisiana Honors Scholar', you must satisfy all of the following conditions to redeem a scholarship under this program:

- i. You must be a Louisiana resident as defined by the Louisiana Student Financial Assistance Commission; and
- ii. You must be accepted by an eligible Louisiana college or university and be registered as a full-time student; and
- iii. If the total cost of your tuition is paid by the Honors Scholarship, you must not be receiving any other gratuitous financial assistance or support as certified by the institution's financial aid office.
- iv. You must be notified of your award by the Louisiana Office of Student Financial Assistance."

2. Public and non-public high schools and Louisiana Department of Education representatives:

- a. receive the notification of selected students and the award certificates produced by OSFA;
- b. recognize recipients at an award ceremony or school reception as provided by R.S. 17:177.
- c. invite members of the legislature representing the school's district to attend the ceremony or reception, endorse the certificates and make the presentation awarding such.

E. College/University Participation/Responsibilities.

Colleges and universities eligible to participate in the Louisiana Honors Scholarship Program are Louisiana public and independent (regionally accredited member institutions of LAICU) colleges and universities. Participating institutions shall:

1. receive OSFA notification of student's eligibility determination;
2. respond to OSFA communications as requested, including but not limited to, the following:
  - a. certify full-time enrollment status each /semester or quarter;
  - b. supply certification of continuing eligibility, including the following, to be supplied at the completion of each academic year (ending after each spring semester/quarter):
    - i. total number of hours earned during the specific academic year (including summer sessions);
    - ii. cumulative hours earned (including prior academic years and summer sessions);

iii. cumulative GPA, including all grade credits earned to date;

iv. actual date of graduation.

c. notify OSFA immediately if applicant fails to enroll or withdraws from school or drops to less than full-time attendance;

d. notify OSFA of any irregularities discovered by the institution which may affect student eligibility status;

e. maintain adequate records to verify compliance with LASFAC rules;

3. Follow LASFAC billing procedures, as follows:

a. institutions may bill LASFAC only for students certified eligible by OSFA;

b. institutions will bill LASFAC based on their certification of new students' first time, full-time enrollment and renewal students' full-time enrollment as of the fourteenth class day (ninth class day for Louisiana Tech). Institutions are not to bill for students who are enrolled less than full-time on the 14th class day, nor for renewal students who did not maintain full-time attendance for the immediately preceding term of enrollment. Students failing to meet the full-time enrollment criteria are responsible for reimbursing the institutions for any monies owed. Refunds for less than full-time enrollment after the fourteenth class day are to be retained by the institution;

c. institutions will not bill LASFAC for any awardee who has elected to accept another form of tuition waiver;

d. If the total cost of the student's tuition is provided by the Honors Scholarship, the student shall not be receiving nor shall an institution award any other gratuitous financial assistance or support from the college or university attended or from any alumni organization or from a foundation organized by the alumni or other supportive individuals of the college or university attended whose charter specifically provides that the purpose of the foundation is to aid said college or university in a philanthropic manner;

e. annually, institutions must provide OSFA a current fee schedule for Louisiana Honors Scholarship Program billing purposes. The schedule must indicate the total cost of tuition, which shall not include any fees charged by the college or university that are in addition to the basic course enrollment charges. Independent institutions must bill LASFAC for the amount equal to the highest tuition charged at a Louisiana public college or university or the actual tuition of the independent institution, whichever is less. An itemized description of the composition of the mandatory fees listed on the fee schedule must also be supplied;

f. to prevent the student's total financial assistance awards (meaning the total of all awards which are not "gratuitous financial assistance or support" as defined in Paragraph H.6 of this Chapter) from exceeding the institution's cost of attendance or some other limitation established by the institution which may be less than the cost of attendance, the institution may reduce the amount of tuition to be paid by the Honors Award and subsequently billed to OSFA;

g. upon the school's certification, OSFA will reimburse the institution for each scholarship recipient up to the maximum amount listed on the approved fee schedule.

**F. Louisiana State Legislators Participation/Responsibilities**

1. Receive OSFA's notification that constituents have been selected for award of the Honors Scholarship.
2. Receive invitations from high schools in their respective districts and attend ceremonies for the purpose of endorsing the Louisiana Honors Scholarship award certificate and presenting the certificate to the recipient.

**G. OSFA Participation/Responsibilities**

1. Budget forecasting:
  - a. determine the amount of funding required for continuation of the program by estimating the total new and continuing tuition exemptions expected to be awarded;
  - b. submit recommended budget;
  - c. receive notification of appropriation upon enactment.
2. Certification processing:
  - a. forward blank certification forms and instructions to Louisiana public and approved non-public high schools and the Louisiana Department of Education;
  - b. receive, review and approve the completed high school certification listings of selectees.
3. Renewal eligibility/ineligibility determination:
  - a. annually, at the close of each academic year, determine the recipient's current status and continuing eligibility;
  - b. notify recipients of their status and any actions needed.
4. Award determination:
  - a. forward award notification to new and renewal recipients;
  - b. generate award listings and forward to high schools, college and university financial aid offices and to legislators;
  - c. maintain correspondence with colleges and universities to confirm initial and continuing eligibility of students for the Louisiana Honors Scholarship.
5. Reimburse the tuition waived by colleges and universities:
  - a. review and approve for reimbursement the school's current schedule of fees;
  - b. mail honors scholarship billing packets to schools;
  - c. verify and reconcile the school's honors scholarship billing invoice;
  - d. resolve and correct discrepancies, if applicable;
  - e. mail payment acknowledgement and check to school.

**H. Definitions Applicable to this Chapter**

**Academic Courses**—for purposes of this Chapter, only those courses contained in the curriculum specified by the Board of Elementary and Secondary Education (BESE) as the "Honors Curriculum."

**Academic Year**—for purposes of the Louisiana Honors Scholarship Program, the annual academic year for both college and high school begins with the summer session, includes the fall and winter terms and ends at the conclusion of the spring term, in that order. For example, for a high school graduate to be considered for award of the scholarship to attend college in the 1992 fall term, he/she must have graduated from high school during the summer term 1991 (usually June or July), mid-term 1991 (usually December), or the spring term 1992 (usually May or June). This definition is not to be confused with the Louisiana Department of

Education's definition of school year, which is found in Bulletin 741.

**Basic Course Enrollment Charges**—those institutional tuition and mandatory fees charged all full-time students for purposes of enrollment.

**BESE Approved Non-public High School**—as defined in the *Louisiana School Directory* (Bulletin 1462), an approved non-public school meets the standards specified in the *Louisiana Handbook for School Administrators* (Bulletin 741). For the purposes of this Chapter, approved non-public schools may include private or diocesan high schools classified annually by the Department of Education as approved, provisionally approved or probationally approved.

**Graduate**—for the purposes of this Chapter, a student certified by award of a high school diploma to have satisfactorily completed the required units at a Louisiana public or BESE approved non-public high school.

**Gratuitous Financial Assistance or Support**—

a. This definition shall be applicable to all students certified as Honors Scholars on or after June 20, 1993 (the projected date the rule becomes effective).

b. As cited in R.S. 17:3042.34A(4), "Gratuitous financial assistance or support" means the granting of money or the provision of services to a student without requiring from the student repayment or recompense in the form of work or otherwise, by the college or university the student attends from resources available to the college or university for distribution at the institution's discretion or from resources available to an alumni organization or foundation whose purpose is to aid said college or university in a philanthropic manner. "Gratuitous financial assistance or support" does not include:

i. state or federally administered financial assistance programs including, but not limited to, the following: Federal Family Education Loan Program (FFELP), Federal Direct Loan (Demonstration Program), Federal Perkins Loan, Federal Pell Grant, Federal Work Study (FWS), Federal Supplemental Education Opportunity Grant (FSEOG), State Student Incentive Grant (SSIG), Federal Paul Douglas Teacher Scholarship, T.H. Harris Scholarship, Rockefeller Scholarship, Education Majors Scholarship, Byrd Scholarship; and

ii. any state or federal program enacted to supplant or supplement those listed in Subparagraph "i" above, unless otherwise provided for by these regulations; and

iii. scholarships, grants or loans that are awarded by a business, religious, honorary or civic organization whose purpose is not the philanthropic support of an institution; and

iv. aid provided by a LAICU member private institution in the amount of the difference between the Honors Scholarship Award and the cost of tuition and mandatory enrollment fees at that institution.

**LAICU Member Institution**—a private college or university which is a member of the Louisiana Association of Independent Colleges and Universities, Inc. (LAICU). As of

\*A one time exception is granted for scholars named in 1992-93 who were not notified of their eligibility until after Fall 1992 enrollment. The 1992-93 scholars enrolled at institutions ineligible to participate in the program (whether in or out-of-state) and who subsequently enroll at an eligible institution no later than the Fall Term, 1993, will be eligible to receive the tuition waiver provided that they are in compliance with all other eligibility criteria.

June 1992, LAICU membership included, Centenary College, Dillard University, Louisiana College, Loyola University, Our Lady of Holy Cross College, Tulane University, and Xavier University.

Interested persons may submit written comments on the regulations until 4:30 p.m., May 20, 1993, addressed to: Jack L. Guinn, Executive Director, Office of Student Financial Assistance, Box 91202, Baton Rouge, LA 70821-9202.

Jack L. Guinn  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: HONORS SCHOLARSHIP PROGRAM**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Estimated implementation costs to administer the program result in no change from the amount reflected in the original fiscal impact statement approved in August, 1992, and published with the notice of intent on August 20, 1992.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The program is funded through state general funds.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

Under these amendments to scholarship policy, Louisiana Honors Scholarship recipients will not be permitted to accept institutional scholarships and still retain eligibility for this award.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

No impact on competition and employment is anticipated from implementation of this program.

Jack L. Guinn  
Executive Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Education  
Proprietary School Commission**

**Fines/Sanctions for Violations (LAC 28:III.1801)**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Department of Education, Proprietary School Commission proposes to adopt the following rule by establishing a system of civil fines and sanctions for violations of state statutes and regulations pertaining to the administration and operation of proprietary schools.

**Title 28  
EDUCATION**

**Part III. Proprietary Schools**

**Chapter 18. General Policies**

**Subchapter A. Proprietary Schools**

**§1801. Violations**

**A. Authority and Scope**

1. The definition of school for the purpose of this rule shall include all licensed proprietary schools and school owners, employees, operators, agents and solicitors.

2. Any proprietary school found to be in violation of any provision of R.S. 17:3141 et seq. or any other state regulation adopted by the Proprietary School Commission pursuant to the Administrative Procedure Act governing the administration or operation of a proprietary school may be sanctioned by one or more of the following remedies:

- a. restitution and remedial measures;
- b. civil money penalties (fines);
- c. revocation of license.

3. Considerations. The Proprietary School Commission's assessment of a sanction shall be based on the following factors:

- a. whether the violation or a substantially similar violation has previously occurred;
- b. the duration of the violation;
- c. the severity of the violation;
- d. the school's history of compliance with the regulations;
- e. what sanction is most likely to bring the school into compliance in the shortest time;
- f. the "good faith" exercised by the school in attempting to stay in compliance with the regulations; and,
- g. such other factors as the Proprietary School Commission deems appropriate.

**B. Notice, Investigation, and Appeal Procedure**

Any sanction may be administratively appealed in the following manner, as long as the appeal is timely filed.

**1. Notice of a Violation**

a. When a violation of state statutes or regulations governing the administration or operation of a proprietary school has occurred, the Bureau of Proprietary Schools shall give notice of the violation to the proprietary school's director by certified mail return receipt requested.

**b. The written notice of the violation shall:**

- i. specify the violation(s);
- ii. cite the legal authority which establishes the violation(s);
- iii. cite any sanctions assessed for each violation;
- iv. inform the proprietary school's director that the determination of the violation and imposition of the sanction are final, and no further administrative or judicial appeals may be had if a timely appeal is not filed; and
- v. inform the proprietary school's director if the violation is regarded as a repeat or continuing violation and the manner in which the sanction will be imposed.

c. The Proprietary School Commission shall have authority to determine whether a violation is a repeat or continuing violation.

*i.* A repeat violation is the recurrence of the same or a substantially similar violation within a period of 12 months.

*ii.* A continuing violation is one that may be reasonably expected to continue until corrective action is taken. A continuing violation may be considered as a repeat violation for each day following the day on which the initial violation is established, until such time as there is evidence establishing a date by which the violation is corrected. A continuing violation may be subject to appropriate sanctions for repeat violations up to the number of days of the violation at the discretion of the Proprietary School Commission.

*d.* If a person or a proprietary school does not request an administrative appeal in a timely manner or does not submit satisfactory evidence to rebut the findings of the Proprietary School Commission, the Proprietary School Commission shall enforce sanctions as provided in these regulations.

*e.* If the school requests an administrative appeal, such request shall:

*i.* state which violations the school or person contest and the specific reasons for disagreement and be received in writing by the Proprietary School Commission within 15 days of receipt of the notice of a violation by certified mail;

*ii.* be limited to a discussion of those issues specifically contested. Any violations not specifically contested shall become final, and sanctions shall be enforced at the expiration of the time for appeal.

*f.* Where the sanctions include the revocation of a license, the notice shall inform the school that the administrative hearing shall be conducted before the State Board of Elementary and Secondary Education.

**2. Investigation.** When the Bureau of Proprietary Schools becomes aware of a violation, it may conduct an on-site investigation of a school. The inspection may or may not be announced at the discretion of the bureau.

*a.* The agent conducting the investigation shall have the authority to:

*i.* privately interview administrators, teachers, solicitors, and students;

*ii.* inspect school records, documents, catalogues, forms, and advertisements;

*iii.* inspect the school facilities and equipment.

*b.* The school shall cooperate fully with the agent.

*c.* Within five days of the investigation the agent shall prepare a written report which shall be furnished to the bureau and the school. The report shall contain:

*i.* factual findings relevant to the initial violation;

*ii.* factual findings of any additional violations;

*iii.* recommendations of remedial measures to be taken by the school; and

*iv.* recommendations of any sanctions to be taken by the commission, including the commission's petition for an injunction to terminate the violation.

*d.* Additional or follow-up visits may be made to the school to monitor violations or to monitor remedial measures taken to correct prior violations.

### **3. Administrative Appeal Procedure**

*a.* When a school files a timely request for an administrative hearing, the bureau shall schedule a hearing at the next scheduled commission meeting. Written notice of the

date of the hearing shall be mailed to the school.

*b.* The hearing shall be conducted by the commission. A tape recording of the hearing shall be made.

*c.* The school may deny the violation, admit the violation in part and deny it in part, or admit the violation but request a reduction or modification of the sanction imposed.

*d.* The school may present witnesses or documentary evidence in its defense that bear directly on the violation asserted.

*e.* The school is limited to one witness to attest to its reputation or to remedial measures it has taken. The commission may consider reputation and remedial measures in mitigation of the sanction. For continued or repeat violations, reputation or remedial measures shall not be considered.

*f.* Within three days of the hearing the commission shall make a determination. The commission shall:

*i.* affirm the violation, revoke the violation, or affirm in part and revoke in part;

*ii.* affirm the sanction, reduce the dollar amount of the sanction, or waive the payment of a penalty pending remedial action and a follow-up investigation; or

*iii.* modify a non-monetary sanction.

*g.* A sanction which requires monetary payments, either fines or restitution, shall be paid within 10 days of the decision by the commission. The decision of the commission is the final administrative disposition of an appeal except as provided otherwise in this rule or by statute.

*h.* If the sanction recommended by the Proprietary School Commission is the revocation of a school's license, the administrative appeal hearing shall be conducted by the State Board of Elementary and Secondary Education. The school has certain rights including the right to a public hearing before the board as provided in R.S. 17:3141.6.

### **C. Description of Sanctions**

**1. Restitution and Remedial Measures.** The commission may impose sanctions consisting of, but not limited to, the following measures:

*a.* rebate of all or a portion of the tuition to the students;

*b.* modification or termination of advertising when unwarranted, false, or misleading claims are made, or placement of corrective ads;

*c.* counseling of students when they have been insufficiently informed about a material matter;

*d.* the posting of a sign in a prominent position in a school correcting a false representation made to the students;

*e.* the distribution of an informational leaflet to the students informing them of their rights;

*f.* the inclusion or exclusion of information from the student catalogue to correct a misrepresentation;

*g.* repairs or modification to a physical facility when health or safety is jeopardized;

*h.* repairs or modification to equipment when health or safety is jeopardized;

*i.* an order to terminate a gross violation of the statutes or regulations;

*j.* an order to cease the enrollment of new students or to limit enrollment to those students who meet more restrictive admission standards;

k. modification of the curricula or methods or instruction.

2. Civil Money Penalties (Fines). The commission has the authority to impose a fine up to \$500 for each violation. Repeat or continuing violations may be assessed separate fines up to \$500 for each day of violation. After a fine is imposed the commission may allow a specified period of time for the correction of the violation. If the violation is corrected, the commission may waive the payment of the fine. The school may be given the opportunity to demonstrate compliance before the fine becomes final. A violation for which a fine is waived shall still be counted for repeat and continued violations. The right to assess civil fines is not merged in other remedies, and the commission may impose other sanctions in addition to the fines.

3. Revocation of License. The Proprietary School Commission may recommend the revocation of a school's license to the State Board of Elementary and Secondary Education.

D. Violations. The following are an illustrative and non-exhaustive list of violations:

1. failure to provide the commission with an item of information required by R.S. 17:3141.1 et seq.;

2. misrepresentation about a school's credentials or accreditation;

3. a false claim or guaranty of employment by a school or a solicitor;

4. failure to disclose to a student a necessary requirement for employment;

5. false or misleading advertising;

6. unethical behavior by a solicitor;

7. failure to disclose to a student liability for repayment of a student loan;

8. failure to respond to student complaint as provided in the student complaint rule, R.S. 17:3141.3(D)(2)(b);

9. employment of teachers who are unqualified in a subject they teach;

10. unsafe or unhealthy condition at a school;

11. unsafe or unhealthy instructional equipment;

12. failure to teach the number of hours claimed;

13. failure to maintain attendance records and to provide them for inspection;

14. failure to comply with a contractual relationship with the students;

15. failure to pay a refund to a student;

16. failure to release the grades of a student;

17. failure to cooperate with an investigator from the Proprietary School Commission;

18. attempting to obtain, obtaining, or renewing a license to operate a school by fraudulent misrepresentation or bribery;

19. pleading nolo contendere or being found guilty of a felony in any state;

20. failure to comply with the provision of this Chapter or any written rule or regulation of the commission;

21. the use of the word "job(s)" or "employment" or "wanted" or "help wanted" or "trainee" either in the headline or the body of the advertisement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3141.3, 3141.8, 3141.14, 3141.18

HISTORICAL NOTE: Promulgated by the Department of Education, Proprietary School commission, LR 19:

Interested persons may submit written comments to the following address: Andrew H. Gasperecz, Executive Secretary, Proprietary School Commission, Department of Education, Box 94064, Baton Rouge, LA 70804-9064, through April 20, 1993. He is the person responsible for responding to inquiries regarding this proposed rule.

Andrew H. Gasperecz  
Executive Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: FINES/SANCTIONS FOR VIOLATIONS**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

All costs of the Proprietary Schools Bureau are self-generated by license fees paid to the bureau by licensees. There is the potential for an increase in costs to the bureau due to the implementation of this proposed policy. The investigatory aspects of the rule and the subsequent hearings may cause the bureau and commission to incur additional expenditures. In addition, there will be an estimated cost of \$50 for printing and mailing of this rule.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will be no effect on revenue collections of state or local governmental units. However, there is the potential for an increase in bureau revenues (estimated at \$7500 annually) due to the levying of fines.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

There are potential costs (estimated at \$7500 annually) to schools violating the proposed policies. Students will benefit economically if schools are encouraged to abide by all commission policies.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There will be no effect on competition or employment.

Andrew H. Gasperecz  
Executive Secretary

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Board of Electrolysis Examiners**

**License Fees, Amendments and Rearrangements  
(LAC 46:XXXV.Chapters 1-23)**

The Louisiana State Board of Electrolysis Examiners is amending LAC 46:XXXV.Chapters 1-21 in accordance with R.S. 37:3051-3077. Rules are being changed to provide for increased licensing fees for practitioners, as well as establishing the fees to licensed apprenticeship programs and

licensed instructors. The rule changes require additional sanitary practice for handling of equipment during and between electrolysis sessions. Also included is the rearranging of rules and regulations into appropriate headings, correction of some terminology to more appropriate statement of the rules and regulations, and requiring that persons applying to become instructors of electrolysis have a minimum of five consecutive years practice immediately before licensure.

Copies of the proposed amendments may be viewed in their entirety at the Office of the State Register, 1051 North Third Street, Room 512, Baton Rouge, LA 70808 and at the State Board of Electrolysis Examiners, Box 1468, Baton Rouge, LA 70821,

Interested persons may submit written comments on the proposed regulations to Cheri L. Miller, Chairman, State Board of Electrolysis Examiners, Baton Rouge, LA 70808.

Cheri L. Miller  
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: LICENSE FEES, AMENDMENTS AND  
REARRANGEMENTS**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
It is not estimated there will be any additional costs or savings to the board as a result of these rule changes.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Due to an increase in license fees, it is estimated revenue collections by the board will increase by \$5,400.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
Individual practitioner's application fees for license will increase by \$25, and renewal of license fees will increase by \$25. Application fees for electrolysis school's license will remain the same as will the application fee for renewal of such license. Application fees for apprenticeship programs (a new license fee) whether in schools or apprenticeship programs will be \$150 and the application fee for renewal of such license will be \$100. Duplicate license will increase by \$15 and the penalty for delinquent license application will increase by \$25.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
It is not expected there will be any effect on competition and employment.

Cheri L. Miller  
Chairman

David W. Hood  
Senior Fiscal Analyst

## NOTICE OF INTENT

### Department of Health and Hospitals Board of Embalmers and Funeral Directors

Permitted Examination Sites  
(LAC 46:XXXVII.501, 505, and 903)

Notice is hereby given, in accordance with R.S. 49:950 et seq., that the Department of Health and Hospitals, Board of Embalmers and Funeral Directors (board), pursuant to the authority vested in the board by R.S. 37:840, and the provisions of the Administrative Procedure Act, intends to amend its rules governing the location at which applicants for an embalmer/funeral directors license may take the National Board examination, LAC 46:XXXVII. 501, 505 and 903.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part XXXVII. Embalmers and Funeral Directors

#### Chapter 5. Examination

#### §501. Place and Time

Examinations shall be held at those times as the board may deem necessary and expedient either:

A. at the domicile of the board; or, alternatively, and only with board approval,

B. at the accredited mortuary science school, as approved by the board, where the applicant matriculated and successfully completed the required course of study.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended and promulgated, LR 5:277 (September 1979), amended LR 11:687 (July 1985), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 19:

#### §505. Examination for Combination Embalmer and Funeral Director

Applicants for a combination embalmer/funeral director license shall be given a written and/or oral examination on subjects defined in courses required by the American Board of Funeral Service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, promulgated LR 5:277 (September 1979), amended LR 11:687 (July 1985), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 19:

#### Chapter 9. Internship

#### §903. Requirements for Funeral Directing

A.1. - 8. ...

9. Upon completion of the internship of a funeral director applicant, the intern applicant must appear at the next examination scheduled except when a delayed appearance for good cause, acceptable to the board, is allowed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors,

August 1966, amended March 1974, promulgated LR 5:277 (September 1979), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 15: (January 1989), LR 19:

Inquiries concerning the proposed amendments may be directed in writing to: Dawn Scardino, Executive Director, Board of Embalmers and Funeral Directors, at the address below. Interested persons may submit data, views, arguments, information or comments on the proposed rule amendments, in writing, to the Board of Embalmers and Funeral Directors, Box 8757, Metairie, LA 70011-8757. Written comments must be submitted to and received by the board within 60 days of the date of this notice. A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument or public hearing must be made in writing and received by the board within 20 days of the date of this notice.

Dawn Scardino  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: EXAMINATIONS, REQUIREMENTS FOR  
FUNERAL DIRECTING**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
No costs or savings to the board are expected.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
It is not anticipated that the proposed rule amendments will have any effect on the board's revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
It is anticipated that the applicants for embalmer/funeral director licenses may save approximately \$200 by taking their National Board Examination at the mortuary science school which they attend. Applicants will not have to drive/fly into New Orleans, stay overnight at a hotel/motel or purchase meals while in New Orleans.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
It is not anticipated that the proposed rule amendments will have any material impact on competition or employment in either the public or private sector.

Dawn Scardino  
Executive Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

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

**Early Periodic, Screening Diagnostic  
Testing and Treatment (EPSDT) Program**

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing is proposing to adopt a rule to implement additional timely filing limits on KIDMED medical screening claims to insure adequate tracking of screening, diagnosis and treatment services in accordance with federal Early Periodic, Screening, Diagnosis and Treatment (EPSDT) regulations.

This proposed rule was printed in its entirety and can be viewed in the Emergency Rule Section of the February, 1993 *Louisiana Register*, page 138.

Interested persons may submit written comments to John Futrell, Office of the Secretary, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. He is the person responsible for responding to inquires regarding this proposed rule.

A public hearing will be held on this matter on Tuesday, April 27, 1993 at 9:30 a.m. in the Auditorium of the Department of Transportation and Development at 1201 Capitol Access Road, Baton Rouge, LA. At that time all interested parties will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

Copies of this proposed rule and all other Medicaid rules and regulations are available at parish Medicaid offices for review by interested parties.

J. Christopher Pilley  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: EARLY PERIODIC, SCREENING  
DIAGNOSTIC TESTING AND TREATMENT**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Implementation of this rule is projected to increase state expenditures by \$75 in SFY 1992-93, but no costs are anticipated for SFY 1993-94 and 1994-95.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Implementation of this rule will increase federal revenue collections by \$75 in SFY 1992-93 but no increases are anticipated for SFY 1993-94 and 1994-95.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There are no costs involved for persons or non-governmental groups associated with the implementation of this proposed rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule will have no known impact on competition or employment.

John Futrell  
Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

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

**Health Services Provider Fees**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, proposes to adopt the following rule.

This rule changes the Policies and Procedures for Facility Need Review. These changes relate to three different areas:

1) The month of issuance of the nursing facility occupancy report, referenced in Section 12502, is proposed to be changed. Since the department has begun gathering occupancy data in accounting for provider fees and the Facility Need Review process also gathers occupancy data, in order to avoid duplication of effort and additional reporting, the date is being changed. This change has been adopted by emergency rule (*Louisiana Register*, January 1993, Vol. 19, No.1, p.8).

2) In order to insure that ICF/MR beds approved for Medicaid reimbursement be used to meet the intended service need, DHH proposes requiring that before any Medicaid recipient is admitted to an ICF/MR for services in a bed approved to meet a specific disability need identified in a request for proposals issued by the DHH, prior approval of the person to be admitted to the facility be first obtained by the provider from the regional Office of Mental Retardation/Developmental Disabilities. Accordingly, Section 12501 F and Section 12502 A are being changed to reflect this concern. This change has been adopted through two emergency rules, one relating specifically to beds downsized from residential facilities (*Louisiana Register*, Dec. 1992, Vol.18, No. 12, pp.1347-1348), and the other relating specifically to new beds (*Louisiana Register*, this issue).

3) In order to insure that ICF/MR beds approved for Medicaid reimbursement because of special needs and circumstances are developed without undue delay, that appeal process is being revised.

**RULE**

The Policies and Procedures for Facility Need Review are being revised as follows:

**12501. Subsection F. Revocation of Approvals/Availability of Beds for Title XIX Recipients**, page 5, the following shall be added as number 4.

When the Office of Mental Retardation/Developmental Disabilities advises Facility Need Review that a Group or Community Home bed for the mentally retarded/developmentally disabled which was approved for Title XIX reimbursement to meet a specific disability need identified in a request or solicitation for proposals issued by the department, is not being used to meet the need identified in the request, based on the facility serving a Medicaid recipient in the bed without prior approval from that office, approval of the bed shall be revoked.

**12502 Subsection A. Community and Group Home Beds for the Mentally Retarded**

5.g. shall read as follows:

At the end of the 60-day review period, each applicant will be notified of the department's decision to approve or disapprove the application. Applicants will be given 30 days from the date of receipt of notification by the department in which to file an appeal (refer to section 12505 c., Appeal Procedures).

5.h. strike the words "and judicial review"

**12502 under Subsection A. 5.** the following paragraph shall be inserted:

Prior approval of all Medicaid recipients for admission to facilities in beds approved to meet specific disability needs identified in a request or solicitation for proposals issued by the department is required from the Office of Mental Retardation/Developmental Disabilities before admission.

**12502 Subsection A. 6.** Exception for beds approved from downsizing large residential ICF/MR's (16 or more beds) page 8, the following shall be added as letter e.

Prior approval of all Medicaid recipients for admission to facilities in beds approved through downsizing to meet a specific disability need identified in a request or solicitation for proposals issued by the department is required from the Office of Mental Retardation/Developmental Disabilities before admission.

**12502 Subsection B. Nursing Facilities/Beds**

The last sentence in 6.b.(1), page 10 shall read: "The LTC-2 is issued by the department in the fourth month following the end of each calendar quarter."

Implementation of certain provisions of this rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of the applicable changes by HCFA will automatically cancel those provisions of this rule and current policy will remain in effect.

Interested persons may submit written comments to John Futrell, Box 91030, Baton Rouge, LA 70821-9030. He is the person responsible for responding to inquires regarding this proposed rule. Copies of this rule and all other Medicaid rules and regulations are available in the Medicaid parish offices for review by interested parties.

A public hearing on this proposed rule will be held at 9:30 a.m., Tuesday, April 27, 1993, in the DOTD Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, LA. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

J. Christopher Pilley  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: HEALTH SERVICES PROVIDER FEES**

- I. **ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**  
The proposed rule will increase expenditure of funds by \$150 funded through the State General Fund.
- II. **ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**  
No effect on revenue collections is anticipated as a result of this rule revision.
- III. **ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**  
No costs or economic benefits are anticipated as a result of this rule revision.
- IV. **ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**  
This proposed rule will have no impact on competition or employment.

John Futrell  
Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

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

**Hospice Services**

In accordance with the provisions of the Administrative Procedure Act, R.S.49:950 et. seq., the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, proposes to adopt the following rule in the Medicaid Program.

Section 1905(o)(3) of the Social Security Act requires states to cover certain costs for dually eligible Medicare-Medicaid beneficiaries who elect to receive hospice care while residing in a nursing facility (NF). Hospice agencies who are certified for Medicare reimbursement, licensed in Louisiana, and have a contractual agreement with a nursing facility to provide hospice care to that facility's residents will be enrolled as Medicaid hospice care providers. For qualified beneficiaries who choose this option, payment to the nursing facility for daily services will be discontinued and payment in the same amount will be made instead to the hospice program.

**I. Admission Criteria**

A. The Medicaid eligible resident must be dually eligible for Medicare and Medicaid reimbursement.

B. The attending physician must confirm a prognosis of six months or less. The prognosis of the terminal illness must be in terms of days, weeks or months.

C. The competent resident (or for the non-competent resident, the family member, in the order described by Louisiana law) must elect the hospice benefit.

D. The goal of hospice care must be palliative and not curative.

E. The resident must be under the care of an attending physician who consents to the hospice admission and who will continue to assume responsibility for medical care.

F. The resident must live in a nursing facility within the hospice service area.

G. The final determination of medical eligibility for admission to hospice will be made by the Health Standards Section of the Louisiana Department of Health and Hospitals, Bureau of Health Services Financing.

**II. Responsibility of Participating Providers**

A. The nursing facility and the hospice must have a contractual agreement outlining the specific responsibilities of each entity which shall include but is not limited to:

1. eligible residents;
2. services to be furnished by the hospice;
3. services to be furnished by the nursing facility;
4. cooperation in professional management;
5. financial responsibility;
6. provider of first choice;
7. public relations;
8. compliance with governmental regulations;
9. terms of agreement;
10. indemnification and limit of liability.

The format for this contract may be specified by the Department of Health and Hospitals at a later date.

**III. Medicaid Enrollment for Hospice Providers**

A. The hospice provider must be licensed and certified by the Department of Health and Hospitals, Bureau of Health Services Financing in accordance with federal regulations and state law prior to submitting an application for Medicaid enrollment.

B. The provider shall request a Title XIX Medicaid enrollment packet from the Health Standards Section Provider Enrollment. The following information shall be returned to that office as soon as it is completed:

1. two copies of the Provider Agreement Form completed and signed by the person legally designated to enter into the contract with DHH; and
2. one copy of the Provider Enrollment Form (PE 50) completed and signed by the administrator or authorized representative.

**IV. Medicaid Reimbursement**

A. When a dually-eligible resident elects the Medicare hospice benefit and the hospice and the nursing facility have a written contract under which the hospice agrees to be responsible for the professional management of the resident's hospice care and the NF agrees to provide room and board to the resident, the Medicaid program will pay the hospice an amount equal to the amount allocated under the state plan for room and board in the NF. Medicaid payment to the NF is discontinued. In this context, the term "room and board" includes performance of personal care services including:

1. assistance in the activities of daily living;
2. socializing activities;
3. administration of medication;
4. maintaining the cleanliness of resident's room; and
5. supervision and assistance in the use of durable medical equipment and prescribed therapies.

B. It continues to be the responsibility of the NF to collect the beneficiary's patient liability income (PLI) to be applied to the Medicaid per diem.

#### V. Federal Regulations and State Requirements

A. The NF must continue to meet all federal regulations at 42 CFR 483 for certification and state requirements for licensure.

B. The hospice must continue to meet all federal regulations at 42 CFR 418 for certification and state requirements for licensure.

C. The resident who is receiving hospice services in the NF will be subject to surveys for both the Long Term Care and hospice programs.

#### VI. Admission Review

A. When the hospice benefit is elected by the dually eligible resident currently residing in the NF:

1. The NF must:

a. discontinue billing Medicaid on the date that hospice is elected; and

b. notify the Health Standards Regional Office and respective parish office by OFS Form 148 that resident is being placed in the hospice category on effective date.

2. The hospice must submit to Health Standards Regional Office for review:

a. the attending physician's referral confirming the patient's prognosis of a life expectancy of six months or less, and approving the hospice admission;

b. the nursing assessment by the hospice RN;

c. an individualized plan of care; and

d. OFS Form 148 indicating the start of care date.

B. When the hospice benefit is elected by the dually eligible resident prior to admission to NF the hospice provider must follow the procedure for admission outlined in item two above. The NF must submit the Form 148, 90L and PASARR as outlined in the Standards for Payment for Nursing Facilities, Section XI.

#### PROPOSED RULE

Effective July 1, 1993, Medicaid of Louisiana will reimburse Medicare certified hospice providers licensed in Louisiana for hospice services to those patients in nursing facilities who are dually eligible for benefits from Medicare and Medicaid who choose to receive hospice care for a terminal illness. Under those circumstances, payment to the nursing facility is discontinued, and payment in an amount equal to the nursing facility per diem is paid to the hospice program, which must then reimburse the nursing facility for room and board.

Implementation of this proposed rule is dependent upon approval by the Health Care Financing Administration. Disapproval of this change by the Health Care Financing Administration will automatically cancel the provision of this proposed rule and the current policy will remain in effect.

Interested persons may submit written comments to the following address: John Futrell, Office of the Secretary, Bureau of Health Services Financing, Box 91030, Baton Rouge, La 70821-9030. He is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule will be held on Tuesday, April 27, 1993 in the DOTD Auditorium, First

Floor, 1201 Capitol Access Road, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

A copy of this proposed rule as well as other Medicaid rules and regulations are available at parish Medicaid offices.

J. Christopher Pilley  
Secretary

#### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: HOSPICE SERVICES

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Costs to implement this change will be minimal. Costs will be for administrative costs such as enrolling and providing policy manuals to Medicare certified hospice providers operating in nursing facilities. Since payment to nursing facilities will be discontinued at the same time as payment to hospice providers is initiated in the same amount, there is no increase in programmatic costs anticipated. Costs for this change are not anticipated to exceed \$150.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No effect is anticipated.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

No effect is anticipated.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The effect of this change is unknown.

John Futrell  
Director

David W. Hood  
Senior Fiscal Analyst

#### NOTICE OF INTENT

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

#### Inpatient Psychiatric Services - Reimbursement

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, is exercising the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., to adopt a rule in the Medicaid Program. The text of this proposed rule may be viewed in its entirety in the Emergency Rule Section of this issue of the *Louisiana Register*.

Medicaid currently reimburses for inpatient psychiatric care in either a free-standing psychiatric hospital or an acute care general hospital's psychiatric unit. These providers are reimbursed based on a prospective statewide per diem based on 1987 audited data. Medicaid is currently developing a prospective reimbursement methodology for acute care

services utilizing 1991 cost report data and is proposing to rebase the prospective statewide per diem for psychiatric inpatient services utilizing 1991 cost data also.

This action is necessary to ensure adequate and reasonable reimbursement of these types of services and to reduce the projected DSH payment to a level that will remain under the cap on disproportionate share payments imposed by P.L. 102-234. This proposed rule will ensure that minimal psychiatric inpatient services to the needy of the state would remain available as otherwise limits on these and other services may result if the disproportionate share cap is exceeded and the state must bear the full burden of DSH payments in excess of the cap.

Implementation of this proposed rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of this change by HCFA will automatically cancel the provisions of this proposed rule and current policy will remain in effect.

Interested persons may submit written comments to the following address: John Futrell, Office of the Secretary, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. He is the person responsible for responding to inquiries regarding this proposed rule. A public hearing is scheduled for Tuesday, April 27, 1993, 9:30 a.m., in the auditorium of the Department of Transportation and Development, 1201 Capitol Access Road, Baton Rouge, LA. Copies of this proposed rule and all other Medicaid rules and regulations are available in the Medicaid parish offices for review by interested parties.

J. Christopher Pilley  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: INPATIENT PSYCHIATRIC SERVICES -  
REIMBURSEMENT**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Implementation of this rule is projected to increase state expenditures by \$80,621 in SFY 1992-93, \$206,621 in SFY 1993-94 and \$230,957 in 1994-95.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Implementation of this rule is projected to increase federal revenue by \$231,138 in SFY 1992-1993, \$573,430 in SFY 1993-94; and \$605,236 in SFY 1994-95.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
Reimbursement to providers of inpatient psychiatric hospital services will increase by \$311,759 in 1992-93, \$779,647 in 1993-94 and \$836,193 in 1994-95 for estimated inpatient psychiatric hospital days of 102,200, 245,495 and 245,945 respectively for these three fiscal years.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
This proposed rule will have no known impact on competition or employment.

John Futrell  
Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Office of the Secretary**

**Long Term Care Services for Medically Needy**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing is proposing to adopt the following rule under the Administrative Procedure Act, R.S. 49:950 et seq.

Under Section 1905 of the Social Security Act, states may cover Long Term Care Services for the medically needy whose incomes are reduced below federal limits as a result of incurred medical expenses. Under this statutory option, Medicaid of Louisiana is expanding covered services to include vendor payment to nursing facilities for aged, blind, and disabled individuals whose incomes are above the federal cap of \$1,266 per month but below the cost of care. In addition, this coverage is being made available to members of families with children whose incomes and/or resources exceed categorical program maximum limitations. This option will primarily benefit patients of nursing facilities whose incomes are insufficient to cover the cost of care. It is projected that 300-500 nursing facility patients, currently receiving limited state funded insurance coverage will benefit from this coverage expansion. While Medicaid expenditures will increase by approximately \$4 million per year, total state expenditures will decline from savings in the cost of providing 100 percent state funded reimbursement of incurred medical expenditures.

**PROPOSED RULE**

Medicaid of Louisiana shall include Long Term Care Services provided by enrolled nursing facilities under the Medically Needy Program.

Implementation of this rule is dependent upon approval by the Health Care Financing Administration (HCFA). Disapproval of this change by HCFA will automatically cancel the provisions of this proposed rule and current policy will remain in effect.

Interested persons may submit written comments to John Futrell, Office of the Secretary, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. He is the person responsible for responding to inquires regarding this proposed rule.

A public hearing will be held on this matter at 9:30 a.m., Tuesday, April 27, 1993, in the DOTD Auditorium, 1201 Capitol Access Road, Baton Rouge, LA. At that time all interested parties will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

Copies of this proposed rule and all other Medicaid rules and regulations are available at parish Medicaid offices for review by interested parties.

J. Christopher Pilley  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: LONG TERM CARE SERVICES FOR  
MEDICALLY NEEDY**

- I. **ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**  
Implementation of this rule is projected to increase state expenditures by \$1,058,250 in SFY 1992-93; \$1,192,666 in SFY 1993-94; and \$1,372,323 in 1994-95.
- II. **ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**  
Implementation of this rule is projected to increase federal revenue by \$3,033,978 in SFY 1992-93; \$3,316,470 in SFY 1993-94; and \$3,596,260 in SFY 1994-95.
- III. **ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**  
Reimbursement rates to providers of long term care services will increase by \$4,092,228 in 1992-93; \$4,509,136 in 1993-94; and \$4,968,583 in 1994-95 for approximately 260 medically needy beneficiaries who are either elderly, blind, disabled or members of families with children whose income and/or resources exceed categorical limits. These individuals will benefit by the receipt of partial Medicaid support for their care in these facilities.
- IV. **ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**  
This proposed rule will have no known impact on competition or employment.

John Futrell  
Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

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

**Medicaid Providers Furnishing Medical Information**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing is proposing to adopt the following rule under the Administrative Procedure Act, R. S. 49:950 et seq.

Medicaid of Louisiana mandates that all enrolled providers maintain and furnish medical and service record(s) or any information applicable to payments claimed by the provider for services rendered to its beneficiaries. Such record(s) and/or information must be furnished to the Department of Health and Hospitals, the Bureau of Health Services Financing, or the state Attorney General's Medicaid Fraud Control Unit or their authorized representatives. This requirement is incorporated in the provider enrollment form which is a binding agreement between each individual provider and the Bureau of Health Services Financing. In addition, the "Professional Services Manual" also includes this provision and cites failure to comply with this agreement as a condition for sanctioning the

provider. However, these governing regulations do not specifically state that the provider must duplicate and mail medical and service record(s) and any information applicable to claims for payments at his own expense when making available such document(s) to the Department of Health and Hospitals, the Bureau of Health Services Financing and the Attorney General's Office. Therefore, in order to insure that any required information is received as expeditiously as possible by the requesting agency, Medicaid of Louisiana is proposing to mandate that such medical and service record(s) or information be furnished at the provider's own expense.

**PROPOSED RULE**

The Bureau of Health Services Financing shall require as a condition of enrollment and participation under Medicaid of Louisiana that all providers furnish the Department of Health and Hospitals, the Bureau of Health Services Financing and Attorney General's Medicaid Fraud Control Unit or their authorized representatives a copy of any medical record(s) or information applicable to claims for payments and that the provider bear any costs for duplication and or mailing of such document(s) to the requesting agency.

Implementation of this rule is dependent upon approval by the Health Care Financing Administration (HCFA). Disapproval of this change by HCFA will automatically cancel the provisions of this emergency rule and current policy will remain in effect.

Interested persons may submit written comments to John Futrell, Office of the Secretary, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. He is the person responsible for responding to inquires regarding this proposed rule. A public hearing will be held on this matter on Tuesday, April 27, 1993, at 9:30 a.m. in the auditorium of the Department of Transportation and Development at 1201 Capitol Access Road, Baton Rouge, LA. At that time all interested parties will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing. Copies of this proposed rule and all other Medicaid rules and regulations are available at parish Medicaid offices for review by interested parties.

J. Christopher Pilley  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: MEDICAID PROVIDERS FURNISHING  
MEDICAL INFORMATION**

- I. **ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**  
Implementation of this rule is projected to increase state expenditures by \$75 in SFY 1992-93, but no costs are anticipated for SFY 1993-94 and 1994-95.
- II. **ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**  
Implementation of this rule will increase revenue collections by \$75 in SFY 1992-93 but no increases are anticipated for SFY 1993-94 and 1994-95.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

It is estimated that those Medicaid enrolled providers who have to duplicate medical information concerning a beneficiary for the Department of Health and Hospitals, the Bureau of Health Services Financing, or the state Attorney General's Office or their authorized representative will experience an annual expenditure of \$100.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule will have no known impact on competition or employment.

John Futrell  
Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

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

**Non-Emergency Medical Transportation**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing is proposing to adopt the following rule in the Medicaid Program in accordance with the Administrative Procedures Act, R. S. 49:950 et seq.

Changes in the Transportation Program are being implemented in an effort to assure greater safety and easier access to covered medical services and more efficient utilization of non-emergency, non-ambulance medical transportation for the beneficiaries of Medicaid of Louisiana.

The changes contained in this proposed rule are intended to be in addition to and not instead of regulations currently governing the program. These current regulations also include the emergency rule published in the January 20, 1993 issue of the *Louisiana Register* and subsequently published as a Notice of Intent in this issue of the *Louisiana Register*. The major focus of this proposed rule is to change the reimbursement methodology for non-profit organizational providers. Currently non-profit providers are paid solely on per mile rate. Implementation of these provisions in conjunction with the above recent changes will result in an overall program cost savings through more effective management as the bureau will have greater opportunities to follow the current policy of authorizing transportation services based on the availability of the least expensive provider.

**PROPOSED RULE**

The following additional regulations will be implemented in the non-emergency medical transportation program for non-profit providers.

**A. Enrollment Requirement**

A \$5000 performance bond, letter of credit or cashier's check payable to the Bureau of Health Services Financing is required for profit providers and not applicable to

organizations which meet state and federal qualifications for non-profit status.

**B. Reimbursement Methodology**

All non-profit organizational providers will be reimbursed according to a dual methodology which includes a set amount for each person transported and a per mile rate. The provider is to be compensated a set "pick-up" fee for each person who is transported for a medical appointment regardless of the number of persons transported. In addition, the provider is to be reimbursed for all actual vehicle miles traveled transporting Medicaid beneficiaries to and from their medical appointments. Non-profit providers will be paid for all actual Title XIX miles traveled per trip based on a per mile rate.

Implementation of this rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of this change by HCFA will automatically cancel the provisions of this Rule and current policy will remain in effect.

Interested persons may submit written comments to John L. Futrell, Office of the Secretary, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. He is the person responsible for responding to inquires regarding this proposed rule. A public hearing on this matter will be held at 9:30 a.m., Tuesday, April 27, 1993, in the DOTD Auditorium, 1201 Capitol Access Road, Baton Rouge, LA. Copies of this proposed rule and all other Medicaid regulations are available for review at parish Medicaid offices.

J. Christopher Pilley  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: REIMBURSEMENT FOR NON-PROFIT  
PROVIDERS OF NON-EMERGENCY MEDICAL  
TRANSPORTATION**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Implementation of this rule is projected to decrease state expenditures by \$67,656 in SFY 1992-93 and \$273,506 in SFY 1993-94. There are no cost savings expected for SFY 1994-95.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Implementation of this rule is projected to decrease federal revenue by \$193,968 in SFY 1992-93 and \$760,542 in SFY 1993-94. There are no decreases in federal revenue collections anticipated for 1994-95.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

State payments to for-profit providers of non-emergency medical transportation services will decrease a total of \$261,624 in 1992-93 and \$1,034,048 in 1993-94. There are no decreases anticipated for 1994-95.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule may affect the participation of some for-profit providers of non-emergency transportation services in the

Medicaid Program but the impact on these providers cannot be projected.

John Futrell  
Director

David W. Hood  
Senior Fiscal Analyst

## NOTICE OF INTENT

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

#### Nurse Aide Decertification

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, is proposing to adopt the following in the Medicaid Program in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

In accordance with the Omnibus Budget Reconciliation Act of 1987 and federal regulations under 42 CFR 483.154, the Bureau of Health Services Financing published a final rule in the *Louisiana Register* on August 20, 1991, on the certification of nursing aides under the Nursing Aide Training and Competency Evaluation Program which is administered by the Board of Examiners for Nursing Home Administrators. This rule also included provisions governing the investigation of allegations of neglect or abuse of residents and /or misappropriation of their property by a nurse aide employed in a nursing facility and the related matters of the administrative hearing under the Administrative Procedure Act, R.S. 49:965 et seq. Under this rule, the Board of Examiners for Nursing Home Administrators must maintain a Nurse Aide Registry which includes documentation of any investigation showing codes for specific findings of residents' abuse, neglect, and/or misappropriated property and an accurate summary of findings after all required actions on such findings are finalized. However this rule did not specifically provide for the decertification of nurse aides who were found to have committed such acts involving nursing facility residents. In addition, this rule does not provide for the inclusion of allegations of abuse, neglect or misappropriation of residents' property about a nurse aide on the nurse aide registry. Therefore, in order to protect the health and welfare of nursing facility residents many of whom are particularly vulnerable from the possible harm, the following rule is being proposed.

There is no cost associated with the implementation of this proposed rule.

#### PROPOSED RULE

The Bureau of Health Services Financing is incorporating the following provisions within the policies and procedures of the nurse aide registry. All allegations of abuse, neglect and/or misappropriation of a resident's property by a nurse aide must be included in the documentation maintained by the registry. In addition, a nurse aide convicted of abuse, neglect or misappropriation of a resident's property shall be decertified permanently. Pending action against a nurse aide involving

allegation of abuse, neglect or misappropriation of resident's property shall be noted on the Nurse Aide Registry.

Implementation of this proposed rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of this change by HCFA will automatically cancel the provision(s) of this rule and current policy will remain in effect.

Interested persons may submit written comments to the following address: John Futrell, Office of the Secretary, Bureau of Health Services Financing, 91030, Baton Rouge, LA 70821-9030. He is the person responsible for responding to inquires regarding this proposed rule.

A public hearing is scheduled on this matter on Tuesday, April 27, 1993 at 9:30 a.m. in the Auditorium of the Department of Transportation and Development at 1201 Capitol Access Road, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing.

Copies of this proposed rule and all other Medicaid rules and regulations are available at parish Medicaid offices for review by interested parties.

J. Christopher Pilley  
Secretary

#### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: NURSE AIDE DECERTIFICATION

##### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Implementation of this rule is projected to increase state expenditures by \$75 in SFY 1992-93, but no costs are anticipated for SFY 1993-94 and 1994-95.

##### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Implementation of this rule will increase federal revenue collections by \$75 in SFY 1992-93 but no increases are anticipated for SFY 1993-94 and 1994-95.

##### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The welfare of nursing facility residents will be enhanced through the identification of those nurse aides who are decertified due to convictions of neglect or abuse of such persons or the misappropriation of their property. Those aides convicted of such allegations will experience barriers to employment in nursing facilities enrolled in the Medicaid Program.

##### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule will have no impact on competition among nursing facilities. Nurse aides convicted of neglect or abuse of nursing facility residents or misappropriation of their property will be unable to secure employment in nursing facilities enrolled in the Medicaid Program.

John Futrell  
Director

David W. Hood  
Senior Fiscal Analyst

## NOTICE OF INTENT

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

### Reimbursement for Audiologists

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, proposes to adopt the following rule in the Medicaid Program.

Medicaid of Louisiana currently reimburses physicians for audiology services provided to eligible Medicaid beneficiaries through the Physician Program. Audiologists receive payment through contractual or other financial arrangements with enrolled physicians.

In accordance with federal regulations, 42 CFR 440.110 (c), licensed audiologists who provide medical services as outlined under the approved state plan are eligible to be enrolled providers and to receive direct Medicaid reimbursement for services rendered.

### PROPOSED RULE

Medicaid of Louisiana will enroll licensed audiologists as Medicaid providers who will be eligible for direct reimbursement for audiology services. Audiology services are defined as diagnostic, screening, preventive, or corrective services for individuals with speech, hearing, and language disorders provided by or under the direction of an audiologist. A referral must be made by a licensed physician for these services.

The audiologist must meet the following qualifications:

1. Licensure. Be licensed by Board of Examiners for Speech Pathology and Audiology.
2. Certification
  - a. certificate of clinical competence from the American Speech-Language and Hearing Association (ASHA); or
  - b. completed the equivalent educational and work experience requirements for the certificate; or
  - c. completed the academic program and be acquiring supervised work experience to qualify for the certificate.

The *Physicians' Current Procedural Terminology (CPT)* codes currently approved for the reimbursement of audiology services to physicians will be utilized for audiologists. The current regulations of the Physician Program will govern the reimbursement and frequency of these services.

The only anticipated fiscal impact is approximately \$150 to update the manuals and other related informational provider resources.

Implementation of this proposed rule is dependent upon approval by the Health Care Financing Administration. Disapproval of this change by the Health Care Financing Administration will automatically cancel the provision of this proposed rule and the current policy will remain in effect.

Interested persons may submit written comments to the following address: John Futrell, Box 91030, Baton Rouge, LA 70821-9030. He is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule will be held on Tuesday, April 27, 1993 in the Department of Transportation and Development Auditorium, First Floor, 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 public hearing.

Copies of this notice and all other Medicaid rules and regulations are available at parish Medicaid offices for review by interested parties.

J. Christopher Pilley  
Secretary

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: REIMBURSEMENT FOR AUDIOLOGISTS

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Costs for this proposed rule is not anticipated to exceed \$150 for updating the manuals and other related informational provider resources.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The state will receive \$75 as administrative match for the expense of revising informational provider resources.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

No effect is anticipated.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The effect of this change is unknown.

John Futrell  
Director

David W. Hood  
Senior Fiscal Analyst

## NOTICE OF INTENT

**Department of Justice  
Office of the Attorney General**

### Riverboat Gaming (LAC 42:XIII.Subpart 1)

In accordance with R.S.4:501 et seq., and R.S.49:950-971, the Administrative Procedure Act, the chairman of the Riverboat Gaming Commission hereby gives notice of his intent to adopt LAC 42:XIII.Subpart 1, pertaining to Riverboat Gaming.

The text of this proposed rule may be viewed in its entirety in the emergency rule section of this issue of the *Louisiana Register*.

Public comment may be submitted in writing to E. Barton Conradi, Box 44307, Baton Rouge, LA 70804-4307 on or before Friday, April 30, 1993.

Kenneth E. Pickering  
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: RIVERBOAT GAMING**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The implementation costs for the 92-93 fiscal year are evidenced by a BA-7 in the amount of \$378,315. Those costs are being repaid by the Commission from funds obtained pursuant to riverboat gaming application fees. Thereafter, the Commission will be funded through a fee of one-half of one percent imposed on gross revenues of riverboat operators.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Local governments are entitled to \$2.50 per riverboat passenger.

Mississippi riverboat gaming grosses \$218,000 per day. A conservative estimate for Louisiana riverboats, taking into account such other factors as the landbased casino, video poker and the lottery, suggest that Louisiana riverboats should at the very least be able to gross 25 percent of the gross revenues of Mississippi operators. The state of Louisiana is statutorily granted 18½ percent of the gross revenues.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

Based on the Mississippi model, it is anticipated that riverboat operators will gross 25 percent of \$218,000 per day minus the 18½ percent fee imposed by the state.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The effect on competition is unknown. It is anticipated that 10,000 new jobs will be created when operation of riverboat gaming commences.

Bill Blossat  
Executive Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Labor  
Office of Workers' Compensation**

**Safety Requirements (LAC 40:I.Chapter 9)**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 23:1291, the Department of Labor, Office of Workers' Compensation, is hereby giving notice of its intent to amend the following safety rules with some changes technical in nature altering verbiage in some instances, and some changes substantive in nature, amending provisions of the Class A safety plan with addition of an emergency preparedness program for the Class "A" plan and the Class "B" plan.

**Title 40**

**LABOR AND EMPLOYMENT**

**Part I. Workers' Compensation Administration**

**Chapter 9. Safety Requirements**

**§901. Statutory Requirements**

A. Part IV, Subpart A, §1291(B)(4), Louisiana Statutes, as

amended, requires every Louisiana employer of more than 15 employees to provide, if self-insured, or is provided by the carrier, if privately insured, plans for implementation of a working and operational safety plan. The plans shall be made available for inspection by the director upon request. The plan shall be privileged and confidential pursuant to R.S. 23:1293, provided that the operational safety plan may be subpoenaed from the employer who shall certify under oath that it is a duplicate of the plan submitted to the director.

B. In order to ensure adequate safety resources for Louisiana employers and employees, the director shall maintain a list of safety professionals/engineers from the private sector, which shall be available upon request by any Louisiana employer.

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

**HISTORICAL NOTE:** Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 11:778 (August 1985), repromulgated by the Department of Employment and Training, LR 17:176 (February 1991), amended by the Department of Labor, LR 19:

**§903. Definitions**

A. **Operational Safety Plan.** This document of undetermined length will present simply and clearly the program which the employer can follow to reduce accidents in the work place and incidences of industrial and occupational disease. The safety plan shall comply with applicable local, state and federal safety and health standards or appropriate industry standards. To assist in the development of the components of the safety plan, the employer may utilize: 1) an in-house safety staff; 2) insurance carrier field safety representative; or 3) private sector safety professionals/engineers as identified by a list maintained by the director. The components of a safety plan shall be outlined in §907.

B. **Professional Safety Experience.** The responsible charge of 75 percent or more of one's duties and functions is for the successful accomplishment of safety objectives such as the analysis, investigation, planning, execution of safety plans, feedback adjustments and the periodic audit of the program. Responsible charge does not imply supervisory responsibility.

\*C. **Safety Professional/Engineer.** This is an active safety practitioner who possesses one or a combination of the following criteria.

1. Graduation from an accredited college or university with a Bachelor's degree in engineering or science, plus five years or more of professional safety experience, of which two or more years shall have been in responsible charge. A Master's degree will be accepted in lieu of one year of the practitioners professional safety experience. An earned Doctoral degree will be accepted in lieu of two years of the practitioners professional safety experience.

2. An earned Associate degree from an accredited college or university in engineering or science plus eight years or more professional safety experience.

3. Ten years of professional safety experience in lieu of an engineering or science degree.

4. Professional Certifications

- a. Certified safety professional
- b. Certified hazard control manager
- c. Certified industrial hygienist
- d. Safety professional/engineers. To ensure adequate safety resources to the employer, the safety practitioner/engineer shall provide the following consultation services which will consist of, but not be limited to the following.

i. Review the safety performance of the employer's organization, activities and operations.

ii. Appraise the mechanical hazards, power transmission apparatus, material handling, unsafe work methods, hazardous processes and hazardous environments.

iii. Advise and assist in the detection of occupational health hazards and exposure.

iv. Provide assistance to the employer in the development of employee safety training programs.

v. Make recommendations for appropriate safety corrective actions to be taken.

vi. Assist in the development of an employer's safety plan in compliance with LWC-15.

\*These requirements apply to individuals who are making application to the director for placement on the list of private sector safety professionals/engineers for safety services.

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

**HISTORICAL NOTE:** Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 11:778 (August 1985), repromulgated by the Department of Employment and Training, LR 17:177 (February 1991), amended by the Department of Labor, LR 19:

#### **§905. Availability of Safety Services**

A. The director shall maintain a list from the private sector of safety practitioners who meet the criteria as set forth in the definition of a "Safety Professional/Engineer" in §903. This list shall be made available to any Louisiana employer upon request.

B. In-house safety staff shall be a full-time employee(s) whose primary function within the organization, includes work of progressive importance and achievement towards accident prevention.

C. Insurance carrier safety staffs are full-time employees whose primary functions include safety engineering services.

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

**HISTORICAL NOTE:** Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 11:778 (August 1985), repromulgated by the Department of Employment and Training, LR 17:177 (February 1991), amended by the Department of Labor, LR 19:

#### **§907. Components of Safety Plan**

**Operating Safety Plan - Minimum requirement Class "A" and Class "B" Programs.**

A. Class "A" - The Class A Safety Plan is required when the employer's Workers' Compensation premium rate is over \$5 premium per \$100 of payroll for the major job classification or the job classification with the highest amount of payroll.

1. **Management Policy Statement.** This document shall be signed by the top executive of the company acknowledging management's responsibility and commitment to a safety plan and their intention to comply with all applicable local, state and federal safety requirements and appropriate industry standards. Management shall commit resources, responsibility and accountability to all levels of management and to each employee for the safety program.

2. **Responsibility for safety** shall be defined in writing for executive and middle level operating management, supervisors, safety coordinator and employees.

3. **Inspections** shall be made of all areas of the work place at least monthly by a supervisor at the site. A written report (check list or narrative) is to be completed for each inspection, with this report to be retained for a period of one year. The report will be designed to cover the identification of recognized unsafe conditions, unsafe acts and any other items inherent in a particular job. The form will include a space to indicate any corrective action taken. The responsibility for the correction of defects is to be designated by management.

4. An accident investigation of any job related injury that requires a visit to a clinic or physician shall be initiated by the injured employee's supervisor as soon as possible on the shift the accident occurs. The accident investigation report will include information required to determine the basic causes of the accident by asking the questions who, what, where, who, when and how. Corrective action to be taken and/or recommended to prevent a recurrence of a similar accident will be implemented. Complex accidents may require technical assistance to ensure an accurate investigation, however, the injured employee's supervisor should be included on the investigation team.

5. The accident investigation report shall include information on the injured person, his or her job, what happened, basic causes, corrective actions required, the time frame to make corrections and who will be responsible for seeing that corrections are implemented.

6. Safety meetings shall be held by a supervisor with all of his/her employees on a monthly basis. A record will be kept showing the topics discussed, date of meeting and the names of the persons attending.

7. Safety meeting topics will be designed to instruct the employee on how to perform his job productively, efficiently and safely. Hazard recognition and hazard control procedures; selection, use and care of personal protective equipment; job procedures review and good housekeeping are examples of the information employees should receive at a safety meeting.

8. A review of the recent work area inspection results, the workers' compliance with safety procedures, and the accident investigations that occurred since the last safety meeting should be covered in the safety meeting.

9. **Safety Rules.** Management shall develop specific safety rules that apply to the operations being performed. The rules should be short, concise, simple, enforceable and stated in a positive manner. The safety rules are to be followed and adhered to by all management personnel and all employees. The rules shall be written with a copy provided to each employee and documented.

10. **Training.** Management shall implement a training program that will provide for orientation and training of each new employee, existing employees on a new job or when new equipment, processes or job procedures are initiated. The training provided will consist of, but not limited to, the correct work procedures to follow, correct use of personal protective equipment required and where to get assistance when needed. This training should be accomplished by the employee's supervisor but may be done by a training specialist or an outside consultant such as a vendor or safety consultant. Training shall be provided to all persons in operating supervisory positions in: conducting safety meetings, conducting safety inspections, accident investigation, job planning, employee training methods, job analysis and leadership skills.

11. **Record Keeping.** In addition to OSHA logs which are retained for five years (federal requirement), each firm shall maintain, other safety records for a period of one year from the end of the year for which the records are maintained (state requirement). These will include inspection reports, accident investigation reports, minutes of safety meetings, training records and the LDET-WC-1071A Form.

12. **First Aid.** Management shall adopt and implement a first aid program which will provide for a trained first aid person at each job site on each shift. A first aid kit with proper supplies for the job exposures will be maintained and restocked as needed. Emergency phone numbers for medical services and key company personnel must also be maintained.

13. **Emergency Preparedness Program**

a. Management shall develop a written emergency preparedness plan to ensure to the extent possible the safety of all employees, visitors, contractors and vendors in the facility at the time of emergency situations; such as but not limited to natural disasters, fire, explosions, chemical spills and/or releases, bomb threats and medical emergencies. Emergency shutdown and start-up procedures will be developed in industries having equipment that requires several steps to properly shutdown and secure. Employees shall be trained in these procedures to reduce the incidences of additional injuries, property damage and possible release of hazardous materials to the environment. Emergency plans shall comply with all governmental regulations, and state and local emergency response committee requirements.

b. All employees and contractors shall be trained in the facility's emergency plan. A facility training drill will be conducted at least annually to test the emergency plan. The emergency plan will be reviewed annually and revised as required. Employees shall be trained in the updated emergency plan. Monthly inspections of all access and egress aisles and doors will be conducted to determine that they are clear, unobstructed and operable. Evacuation routes shall be posted in all work areas showing primary and secondary routes for employees' evacuation to a safe predetermined location for a head count.

B. **Class "B"** - The Class B Safety Plan is required when the employer's Workers' Compensation premium rate is \$5 premium or less per \$100 of payroll for the major job classification or the job classification with the highest amount of payroll.

1. **Management Policy Statement.** The same as Class "A."
2. **Definition of Responsibility.** The same as Class "A."
3. **Inspections.** The same as Class "A" except that inspections are required to be conducted quarterly.
4. **Accident Investigation.** The same as Class "A."
5. **Safety Meetings.** The same as Class "A" except that safety meetings are required to be conducted quarterly.
6. **Safety Rules.** The same as Class "A."
7. **Training.** The same as Class "A."
8. **Record Keeping.** The same as Class "A."
9. **First Aid.** The same as Class "A."
10. **Emergency Preparedness Program.** - Is the same as Class "A."

C. **Note:** The above items listed for Class "A" and Class "B" plans are considered to be the minimum requirements and should be referred to as such. Obviously, we would all like to see such items as planning, cost containment procedures, setting of objectives, performance evaluations, incentive programs, etc., included in an employer's safety plan.

D. The minimum requirements are in no way intended to require the revision of existing company safety plans that have demonstrated proven performance in the past. Any company that has a plan which meets or exceeds these minimum requirements may submit its plan to the director for review and acceptance.

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

**HISTORICAL NOTE:** Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 11:778 (August 1985), repromulgated by the Department of Employment and Training, LR 17:177 (February 1991), amended by the Department of Labor, LR 19:

**§909. Submission of Safety Plan**

Safety plans shall be submitted to the director upon request.

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

**HISTORICAL NOTE:** Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 11:778 (August 1985), repromulgated by the Department of Employment and Training, LR 17:178 (February 1991), amended by the Department of Labor, LR 19:

**§911. Employee Notice**

It shall be the employer's duty to advise employees and keep posted at some convenient and conspicuous point in his place of business a notice reading substantially as follows:

LOUISIANA DEPARTMENT OF LABOR  
OFFICE OF WORKERS' COMPENSATION  
ADMINISTRATION  
POST OFFICE BOX 94040

BATON ROUGE, LOUISIANA 70804-9040

A. **Notice of Compliance to Employees**

1. You should report to your employer any occupational disease or personal injury that is work related, even if you deem it to be minor.

2. In case of occupational disease, all claims are barred unless the employee files a claim with his employer within six months of the date that:

- a. the disease manifests itself;
- b. the employee is disabled as a result of the disease;

c. the employee knows or has reasonable grounds to believe that the disease is occupationally related.

In case of death arising from an occupational disease, all claims are barred unless the dependent(s) files a claim with the deceased employee's employer within six months of:

a. the date of death;

b. the date the claimant has reasonable grounds to believe that the death resulted from an occupational disease.

3. In case of personal injury or death arising out of an in the course of employment, an injured employee, or any person claiming to be entitled to compensation either as a claimant or as a representative of a person claiming to be entitled to compensation, must give notice to the employers within 30 days of the injury. If notice is not given within 30 days, no payments will be made under the law for such injury or death.

4. The above mentioned claims should be filed with the employer at the address shown below.

5. In the event you are injured, you are entitled to select a physician of your choice for treatment. The employer may choose another physician and arrange an examination which you would be required to attend.

6. In order to preserve your right to benefits under the Louisiana Workers' Compensation Law, you must file a formal claim with the Office of Workers' Compensation Administration within one year after the accident if payments have not been made or within one year after the last payment of weekly benefits.

7. This notice shall be given by delivering it or sending it by certified mail or return receipt requested to:

_____
Employer Representative
_____
Employer Name
_____
Address
_____
City
_____
State and Zip

Inaccuracies in this notice of disease, injury, or death regarding the time, place, nature, or the cause of injury or otherwise will not be held against the employee unless the employer can show harm from being misled about the facts.

8. Failure to give notice may not harm the employee if the employer knew of the accident or if the employer was not prejudiced by the delay or failure to give notice. (Refer to Section 1304 and Section 1305 of the Title 23 of the Louisiana Revised Statutes for the exact wording.)

9. If you desire any information regarding your rights and entitlement to benefits as prescribed by law, you may call or write to the Office of Workers' Compensation Administration at the above address, or telephone (504) 342-7555 or toll-free (800) 824-4592.

10. This notice should be posted conspicuously in and about employer's place(s) of business.

11. If the employer is insured, then include the following:

a. name and address of insurance company.

12. If the employer fails to keep such a notice posted, the time in which the notice of injury shall be given shall be extended to 12 months from the date of the injury.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1302.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 11:778 (August 1985), repromulgated by the Department of Employment and Training, LR 17:178 (February 1991), amended by the Department of Labor, LR 19:

**§913. Lost Time Injury Reports**

Within 10 days of actual knowledge of injury to an employee which results in death or in lost time in excess of one week after the injury, the employer shall report same to the carrier, if any, and to the Office on form LDET-WC-1007.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1306.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 11:778 (August 1985), repromulgated by the Department of Employment and Training, LR 17:179 (February 1991), amended by the Department of Labor, LR 19:

Comments should be forwarded to Alvin J. Walsh, Director, Office of Workers' Compensation, Box 94040, Baton Rouge, LA 70804-9040. Written comments will be accepted through the close of business, 4:15 p.m., April 30, 1993.

Alvin J. Walsh  
Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: SAFETY REQUIREMENTS**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The proposed published rules are an update to include the emergency preparedness component. There will be a minimal cost for the printing, handling and mailing of the revised rules.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be a minimal charge to employers for the printing, handling and mailing of the revised rules.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
Facilities are designed and built to meet codes and regulations that provide free and clear access for occupants to safely evacuate a building in an emergency situation. This rule addition is to ensure the development of an emergency plan and the training in the plan of personnel using these facilities.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
A company that has an effective emergency plan in place and a trained staff can reduce or even eliminate costly incidents thus giving the company a competitive edge by having more resources to apply to productive business operations and growth.

Alvin J. Walsh  
Assistant Secretary

David W. Hood  
Senior Fiscal Analyst

## NOTICE OF INTENT

### Department of Labor Plumbing Board

#### Sign and Posting, Insurance, Death of Master Plumber (LAC 46:LV.Chapter 3)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Louisiana State Plumbing Board intends to amend its regulations to modify its penalties for non-compliance with sign and posting obligations of master plumbers and insurance obligations of master plumbers and to provide certain relief to employing entities who experience the death of a designated master plumber. The board is empowered to adopt such regulations by R.S. 37:1366(D).

The proposed rule changes are as follows:

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part LV. Plumbers

#### Chapter 3. Licenses

#### §301. License Required

\*\*\*

E. No employing entity shall hold itself out as engaging in the business or art of plumbing unless it employs a master plumber. No master plumber shall knowingly allow an employing entity to hold itself out as employing such master plumber at a time when it does not employ him within the meaning of R.S. 37:1368(c) and §301.G of these rules. Notwithstanding any other provision to the contrary, a journeyman plumber may repair existing plumbing independently and without the supervision of a master plumber. In the event a master plumber employed by an employing entity dies, the employing entity will be permitted to operate on the basis of the deceased master plumber's license for a period of time not to exceed six months following the death of the master plumber. The board may require proof of death. The six-month grace period provided herein must be applied for, in writing, within 30 days of the death of the master plumber. The employing entity must comply with all other regulations issued by the board during the grace period.

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K. The board is empowered to assess special enforcement fees on a daily basis at a rate not to exceed \$10 a day relative to any master plumber or employing entity, or both, that fails or refuses, after due notice, to comply with the sign and posting requirements established by §301.F of these regulations. The daily enforcement fees assessed by the board under this provision shall not exceed, in the aggregate, \$500. This special enforcement fee shall be in addition to any licensing fees required by law, or any other penalty or sanction assessed by a court of competent jurisdiction or by the board.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1366 and R.S. 37:1377.

**HISTORICAL NOTE:** Adopted by the Department of Labor, Plumbing Board, 1968, amended by Department of Employment and Training, LR 17:49 (January 1991), amended LR 19:

#### §308. Insurance Requirements for Master Plumber

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H. The board is empowered to assess special enforcement fees on a daily basis at a rate not to exceed \$10 a day relative to any master plumber or employing entity, or both, that fails or refuses, after due notice, to comply with the insurance requirements for master plumbers as established in §308 of these regulations. The daily enforcement fees assessed by the board under this provision shall not exceed, in the aggregate, \$500. This special enforcement fee shall be in addition to any licensing fees required by law, or any other penalty or sanction assessed by a court of competent jurisdiction or by the board.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1366 and R.S. 37:1377.

**HISTORICAL NOTE:** Adopted by the Department of Labor, Plumbing Board, 1968, amended by Department of Employment and Training, LR 17:53 (January 1991), amended LR 18:30 (January 1992), LR 19:

#### §309. Fees

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B. The fees and charges of the board relative to master plumbers or restricted master plumbers shall be as follows:

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12. Special daily enforcement fee imposed under §301.K \$10 a day, not to exceed \$500 in the aggregate.

13. Special daily enforcement fee imposed under §308.H \$10 a day, not to exceed \$500 in the aggregate.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1366 and R.S. 37:1377.

**HISTORICAL NOTE:** Adopted by the Department of Labor, Plumbing Board, 1968, amended by Department of Employment and Training, LR 17:53 (January 1991), amended LR 19:

Interested persons may submit written comments to Don Traylor, Executive Director, Louisiana State Plumbing Board, 603 Europe Street, Baton Rouge, LA 70802 on or before March 30, 1993.

Don Traylor  
Executive Director

#### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: SIGN AND POSTING, INSURANCE, DEATH OF MASTER PLUMBER

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed revisions to the rules of the Louisiana State Plumbing Board would result in no implementation costs (or savings) to state or local governmental units.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The board does not anticipate an appreciable increase of revenue resulting from enforcement of fines imposed under the revised rules. The board has waived assessment of the full \$500 enforcement fee in the past, relying on written warnings. Most cited entities timely respond and comply. The projected \$500 annual increase in fine-generated revenue is a conservative estimate of the board's annual experience under this revised system.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Plumbing entities affected by the rule changes would be permitted to achieve regulatory compliance absent stiff penalties. The revisions would permit notice and a period of remedial measures by an entity cited for a rule violation(s).

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions would likely increase the competitiveness of some plumbing entities, but this effect would be speculative to measure. However, changes relative to the death of licensed master plumbers will result in increased competitiveness for small businesses.

Don Traylor  
Executive Director

David W. Hood  
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Natural Resources  
Office of Conservation

Automatic Custody Transfer (LAC 43:XIX.Chapter 23)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Natural Resources, Office of Conservation hereby proposes amendments to Statewide Order No. 29-G.

Title 43

NATURAL RESOURCES

Part XIX. Office of Conservation: General Operations

Subpart 9. Statewide Order No. 29-G

Chapter 23. Automatic Custody Transfer

§2301. Scope

This Order provides for rules and regulations governing unprotested application for measurement and transfer of custody of liquid hydrocarbons by the use of methods other than customary gauge tanks from fields in the state of Louisiana.

**AUTHORITY NOTE:** Promulgated in accordance with R.S.30:4 et seq.

**HISTORICAL NOTE:** Adopted by the Department of Conservation, July 15, 1959, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

§2303. Definitions

Unless the context otherwise requires, the words defined in this Section shall have the following meanings when found in this Order:

*Automatic Custody Transfer*—the liquid hydrocarbon is automatically measured as it is transferred from the producer to the carrier.

*District Manager*—the head of any one of the districts of the state of Louisiana under the Office of Conservation, and, as used, refers specifically to the manager within whose district the field or fields are located.

*Office*—the Office of Conservation of the State of Louisiana.

**AUTHORITY NOTE:** Promulgated in accordance with R.S.30:4 et seq.

**HISTORICAL NOTE:** Adopted by the Department of Conservation, July 15, 1959, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

§2305. Order

A. From and after the effective date hereof, permission to measure and transfer custody of liquid hydrocarbons by use of methods other than customary gauge tanks may be obtained without the necessity of a public hearing in the absence of protest, as hereinafter provided and upon strict compliance with the procedure set forth herein.

B. No permission to use methods other than customary gauge tanks for measurement and custody transfer of liquid hydrocarbons will be granted without public hearing unless and until the following required data shall have been filed with the district manager in duplicate which shall include the following described information:

1. detailed schematic diagram of the mechanical installation to be used with an adequate explanation of the flow of liquid hydrocarbons and indicating locations of locking devices and seals to provide assurance against or evidence of tampering;

2. cosigned statement by producer and carrier that in their opinion the transfer of liquid hydrocarbons through the use of the proposed method will provide reasonably accurate measurement and will not create inequities;

3. a list of all known interested parties, including operators and royalty owners, affected by the application.

C. Notice of the filing of an application for measurement and transfer of custody through the use of methods other than customary gauge tanks shall be published in the official journal of the State of Louisiana, and mailed to the interested parties, reference §2305.B.3 above.

D. Upon the basis of application as herein provided, no permission for measurement and the transfer of custody of liquid hydrocarbons through the use of methods other than customary gauge tanks will be granted, if, in the judgment of the commissioner, the data and information submitted does not warrant the approval of the application, or if any party protests the application by the filing of written protest with the commissioner within 15 days following the first publication of the notice of the application; however, in either of the foregoing events, the application may be set for public hearing at the election of the applicant or the commissioner of conservation.

E. The applicant shall provide a suitable means of calibrating each meter used for measurement of liquid hydrocarbons in order that its accuracy in operation can be proven, such calibration to be done before or at the time the meter is initially installed and at such intervals or other times as the commissioner of conservation or his agent shall, after consideration of the inherent characteristics of the particular equipment, deem proper. The results of all meter calibrations required by this order shall be certified as being true and correct by the party performing the calibrations. These results shall be available upon request to the commissioner of conservation or his duly authorized representative.

F. Should the application be approved, the custody transfer installation shall be permitted to operate so as to transfer, as produced, but subject to the limitations hereinafter set forth,

the liquid hydrocarbons produced from the well or wells served by such installation. The limitations on the operation of such installation are as follows:

1. the daily production rate from any well or wells must not cause waste;
2. unless otherwise permitted, no production from the well or wells in excess of the total monthly allowable may be transferred during a calendar month;
3. the production from any given well in any one day shall not be increased more than 25 percent of the legally permissible liquid hydrocarbons production from such well or wells.

G. This Order shall be in addition to all statewide orders, rules and regulations affecting the production and measurement of liquid hydrocarbons, as heretofore promulgated and when in conflict therewith shall prevail. In case of any conflict between this Order and any special orders hereafter issued on specific fields, said special orders shall govern.

H. The provisions of §2305.F of this Order shall apply to automatic custody transfer installations previously approved and to that extent shall supersede previously issued orders authorizing said installations.

**AUTHORITY NOTE:** Promulgated in accordance with R.S.30:4 et seq.

**HISTORICAL NOTE:** Adopted by the Department of Conservation, July 1959, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

In accordance with the provisions of R.S.49:950 et seq. and R.S.30:4, notice is hereby given that the commissioner of conservation will conduct a public hearing at 9 a.m., Tuesday, April 27, 1993, in the Conservation Auditorium, located on the first floor of the State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

All interested parties will be afforded the opportunity to submit data, views, or arguments, orally or in writing at said public hearing in accordance with R.S.49:953. Written comments will be accepted until 4:30 p.m., Wednesday, May 4, 1993 at the Office of Conservation, Engineering Division, Box 94275, Baton Rouge, LA 70804-9275, Re: Docket No. 93-124.

H. W. Thompson  
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: AUTOMATIC CUSTODY TRANSFER**

- 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.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There will be no 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.

H. W. Thompson  
Commissioner

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Natural Resources  
Office of Conservation**

Hearings; Unit and Survey Plat Requirements  
(LAC 43:XIX.Chapters 39 and 41)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Natural Resources, Office of Conservation hereby proposes amendments to the Rules of Procedure for Hearings, and Unit and Survey Plat Requirements.

**Title 43  
NATURAL RESOURCES**

**Part XIX. Office of Conservation: General Operations  
Subpart 17. Rules of Procedure For Hearings and Unit  
and Survey Plat Requirements**

**Chapter 39. Hearings  
§3901. Scope**

This order provides rules of procedure for conducting hearings before the commissioner of conservation.

**AUTHORITY NOTE:** Promulgated in accordance with R.S.30:4 et seq.

**HISTORICAL NOTE:** Adopted by the Department of Natural Resources, Office of Conservation, October 1983, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

**§3903. Definitions**

The words defined herein shall have the following meanings when used in these rules. All other words so used and not herein defined shall have their usual meanings unless specially defined in Title 30 of Louisiana Revised Statutes of 1950.

**Date**—the postmarked date of a letter or the transmittal date of a telegraphic or wireless communication.

**District Manager**—the manager of any one of the districts of the State of Louisiana under the Office of Conservation, and, as used, refers specifically to the manager within whose district the field or fields affected by the subject matter of the proposed hearing are located.

**Interest**—shall not mean the rights of a top lessee or any other reversionary right.

**Interested Owner**—any owner as owner is defined in Title 30 of Louisiana Revised Statutes of 1950, who is known to the applicant after reasonable search to presently own an interest within the area of, or proximate to, the tracts directly affected by the application.

**Interested Party**—any person as person is defined in Title 30 of Louisiana Revised Statutes of 1950, other than an interested owner or a represented party as defined herein, who presently

owns an interest within the area of, or proximate to, the tracts directly affected by the application.

**Pertinent Data**—with respect to any unit proceedings, all basic factual information available from wells drilled or drilling which can reasonably be utilized in determining the unit configuration, including but not limited to, (a) electric logs, porosity logs and dipmeter logs, (b) tests, completion and production data, and (c) core data. All data that will be employed at a hearing shall be considered pertinent data.

**Represented Party**—any person as person is defined in Title 30 of Louisiana Revised Statutes of 1950, who is known to the applicant after reasonable search to presently own an interest within the area of, or proximate to, the tracts directly affected by the application and who is also known to the applicant to have either a consultant or attorney representing him in conservation matters.

**AUTHORITY NOTE:** Promulgated in accordance with R.S.30:4 et seq.

**HISTORICAL NOTE:** Adopted by the Department of Natural Resources, Office of Conservation, October 1983, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

#### **§3905. Applicability**

A. These rules of procedure shall be applicable to all hearing applications which require 30 days notice as set forth in Section 6B of Chapter 1 of Title 30 of the Louisiana Revised Statutes of 1950, including applications relating to revisions of poolwide units created under Section 5C (Act 441 of 1960), provided that, except for the notice provisions contained in §3915.A.1, 2 and 3 herein, and except to the extent provided in §3921 herein, these rules of procedure shall not apply to applications relating to the initial creation of poolwide units under Section 5C (Act 441 of 1960) of Chapter 1 of Title 30 of the Louisiana Revised Statutes of 1950.

B. If the application relates to the initial creation of poolwide units under Section 5C (Act 441 of 1960), a copy of same shall be furnished each interested owner and represented party. If the required 75 percent in interest of owners and royalty owners in the reservoir shall have failed to join in the agreement covering the plan and terms of unit operation by the 15 day prior to the date of hearing, the applicant shall secure cancellation of the hearing and shall notify all interested owners, represented parties, and interested parties of the cancellation.

C. To the extent practicable, these rules of procedure also shall apply to hearing applications which require 10 days notice. The provisions in §§3907, 3911, 3913, 3915, 3917, 3919, 3921 and 3933, concerning pre-application notice, notice of opposition, pre-application conferences, other conferences, proposed units, unit revisions, counterplans and matters which are not deemed practicable for hearing applications which require 10 days notice shall not apply. The posting and publication of a copy of the notice of hearing shall be accomplished as soon as practicable after such notice has been issued by the commissioner. Any interested owner or represented party who has opposition to the application shall give immediate notice thereof to the commissioner, district manager and the applicant.

D. These rules of procedure shall in no way alter or change

the right of any interested person, as provided in Paragraph F, Section 6 of Chapter 1 of Title 30, to have the commissioner of conservation call a hearing for the purpose of taking action in respect to a matter within the jurisdiction of the commissioner, nor the requirement that the commissioner, upon receiving the request, promptly call a hearing.

**AUTHORITY NOTE:** Promulgated in accordance with R.S.30:4 et seq.

**HISTORICAL NOTE:** Adopted by the Department of Natural Resources, Office of Conservation, October 1983, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

#### **§3907. Pre-application Notice**

A. Except as provided by §3917, any person intending to apply for a hearing, prior to filing application, shall send a notice outlining the proposal to the commissioner (in duplicate) with a copy to the district manager and to each interested owner and represented party. Interested owners and represented parties need not be furnished the list described in §3917.C.1, but the applicant upon request shall furnish a copy of said list to the requesting party.

B. Each pre-application notice shall include or be accompanied by the, following:

1. A list of the names and addresses of all interested owners and represented parties to whom it is being sent.

2. A statement that a reasonable effort has been made to determine to whom the notices as required by this rule must be sent.

3. An explanation of the nature of the proposal and a copy of a unit plat for each sand, if units are involved, prepared in accordance with all applicable memoranda and the procedure for assigning nomenclature of Section II of Statewide Order No. 29-0, with any geological bases for any unit boundary labeled thereon. A reasonable effort shall be made to prepare the plat in sufficient detail to enable affected parties to determine the location of their lands.

4. A day, time and place for a conference which need be held only if notice of a desire to confer with respect to the application is given as herein after provided. Any such conference shall be held within the State of Louisiana (unless mutually agreed otherwise among all interested owners and represented parties) in a city reasonably convenient to the persons involved and shall be scheduled for not less than 20 calendar days following the date of the pre-application notice.

5. A definition of the sand proposed for unitization with such sand defined in each reservoir thereof by reference to well log measurements.

C. If an applicant has proof acceptable to the Commissioner that there is no necessity to confer about the proposal because there is no indication of opposition from any person to whom the preapplication notice must be sent, he may immediately proceed to file his application and need not schedule a conference nor comply with §3915.A.1 and 4 hereof.

**AUTHORITY NOTE:** Promulgated in accordance with R.S.30:4 et seq.

**HISTORICAL NOTE:** Adopted by the Department of Natural Resources, Office of Conservation, October 1983, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

### **§3909. Release of Pertinent Data**

A. Pertinent data shall be made available to interested owners and represented parties sufficiently in advance of any conference to allow a reasonable time for review and interpretation thereof prior to such conference.

B. Reference to source, including commercial outlets, from which or whom such data can be obtained, at the cost of the requesting party, shall be included in notices and applications required by these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S.30:4 et seq.

HISTORICAL NOTE: Adopted by the Department of Natural Resources, Office of Conservation, October 1983, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

### **§3911. Opposition - Pre-application Notice**

If any interested owner or represented party desires to confer about the applicant's proposal as set forth in the pre-application notice, he shall, within 10 calendar days after the date of said notice, advise the applicant of his desire to confer, and the applicant shall, within 15 calendar days after the date of the pre-application notice, advise in writing the commissioner, the district manager and all other persons to whom the pre-application notice was sent that the conference will be held. Any interested owner and represented party may attend and participate in the conference even though not requesting it. If the applicant does not timely receive notice of a desire to confer from any party receiving the pre-application notice, he may immediately proceed to file his application.

AUTHORITY NOTE: Promulgated in accordance with R.S.30:4 et seq.

HISTORICAL NOTE: Adopted by the Department of Natural Resources, Office of Conservation, October 1983, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

### **§3913. Procedure for Conferences**

A. At any conference held pursuant to these rules, the applicant shall present the available and appropriate geological, engineering or other bases for his position supported by sufficient data and detail for the conferees to have reasonable opportunity to discuss and attempt to resolve their differences in good faith.

B. Any opponent or party supporting the applicant, who has had an opportunity to study the matter and who has developed the geological, engineering or other bases for his opposition or support, shall present his position in sufficient detail to permit the parties to attempt to resolve the differences in good faith.

C. If, however, any opponent or party supporting the applicant is not prepared to discuss the geological, engineering or other bases for his opposition or support at the conference, he shall later comply with the provisions of §3915 or §3917 and §3921 hereof.

D. At any conference held pursuant to these rules, any participant proposing to create or revise a unit or units shall exhibit a map or plat, reasonably prepared in sufficient size and detail to enable affected parties to determine the location of their lands.

E. Conferences held pursuant to these rules are designed to

promote an open exchange of views among the parties; therefore, any reference to discussions among the parties as to geological, engineering, or other bases for a party's position at said conferences shall not be admissible in evidence at any hearing. Tape recordings and transcriptions made at any such conference also shall not be admissible in evidence.

F. Conference reports prepared pursuant to §3915 and §3917 shall be limited to a statement of whether or not there is disagreement among the parties and shall contain no reference to individual geological, engineering or other opinions expressed at said conferences, but they shall indicate the issues that are likely to be controverted and the number of parties likely to present opposing plans.

AUTHORITY NOTE: Promulgated in accordance with R.S.30:4 et seq.

HISTORICAL NOTE: Adopted by the Department of Natural Resources, Office of Conservation, October 1983, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

### **§3915. Hearing Application**

A. The hearing application may be filed immediately after the pre-application conference or as otherwise provided in §3907 and §3911 and shall be filed with the commissioner (in duplicate) with a copy to the district manager and to each interested owner and represented party. Interested owners and represented parties need not be furnished the lists described in §3915.A.1 and 2, but the applicant upon request shall furnish copies of said lists to the requesting party. In addition to outlining the purpose thereof, the application shall include or be accompanied by the following:

1. a list of the names and addresses of interested owners and represented parties notified, as required by §3907.B.1;

2. a list of the names and addresses of all interested parties who are known to the applicant after reasonable search. In addition to the publication of the legal notice by the commissioner in the official state journal, the applicant shall provide for posting of a copy of the legal notice of the hearing and unit plat or plats in a prominent place in the area affected and publication of a copy of the legal in a newspaper published in the vicinity or general area of the affected field at least 15 days before the hearing. The applicant shall mail copies of the legal notice to all interested owners, represented parties and interested parties and a copy of the unit plat or plats shall be included with the legal notice, if said parties have not already been furnished same. Evidence to establish posting, publishing and mailing shall be submitted at the hearing;

3. a statement that a reasonable effort has been made to obtain a complete list of interested parties, interested owners and represented parties;

4. a statement that a conference has or has not been held, including a brief report on the conference, if held, and a list of the parties in attendance;

5. a unit plat, if units are involved, prepared in accordance with all applicable memoranda and the procedure for assigning nomenclature of Section II of Statewide Order No. 29-0, with any geological bases for any unit boundary labeled thereon and the other items required by statute or by the commissioner;

6. a definition of the sand proposed for unitization with such sand defined in each reservoir thereof by reference to well log measurements.

B. A request for rules and regulations for more than one sand shall be considered a separate application for each sand and the commissioner shall be furnished an extra copy of the application for each additional sand affected thereby. An application fee for each sand shall be filed with the application as established by Part XIX, Subpart 2 or successor regulation.

C. If, as a result of any conference, the applicant's proposal as set forth in a pre-application notice is revised, the revised proposal shall be explained in the application, and if units are involved and are revised, the revised unit plat shall be filed with the application.

D. If the application does not change or alter the units as proposed in the pre-application notice, additional plats need not be furnished to interested owners and represented parties.

E. If differences are not resolved or if any interested owner or represented party desires to oppose or support a proposal by the introduction of evidence at the hearing, then not less than 15 calendar days before the hearing, he must file with the commissioner and furnish to the district manager, the applicant and all persons who attended the pre-application conference his counterplan or supporting plan, including a plat of his proposed units, if units are involved, prepared in accordance with all applicable memoranda and the procedure for assigning nomenclature of Section II of Statewide Order No. 29-0, with any geological bases for any unit boundary labeled thereon, accompanied by a letter explaining any points of difference with the applicant's plan.

**AUTHORITY NOTE:** Promulgated in accordance with R.S.30:4 et seq.

**HISTORICAL NOTE:** Adopted by the Department of Natural Resources, Office of Conservation, October 1983, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

### **§3917. Waiver of Pre-application Notice**

A. If circumstances indicate that the 20 day delay required by the pre-application procedure in the filing of an application for a public hearing would result in undue hardship to the applicant, the commissioner may waive the pre-application notice requirements, and §3907 of these rules shall not apply.

B. However each such waiver must be expressly approved by the Office of Conservation, and in no instance shall the Office of Conservation approve a waiver under these rules unless there can be compliance with the 15 day provision of §3937.

C. The hearing application under this procedure shall be filed with the commissioner (in duplicate), with a copy to the district manager and to each interested owner and represented party. Interested owners and represented parties need not be furnished the lists described in §3917.C.2 and 3, but the applicant upon request shall furnish copies of said lists to the requesting party. In addition to outlining the purpose thereof, the application shall include or be accompanied by the following:

1. a statement to the effect that the Office of Conservation has waived the pre-application notice requirements and that §3907 of these rules shall not apply;

2. a list of the names and addresses of interested owners and represented parties who are being furnished with a copy of the application;

3. a list of the names and addresses of all interested parties who are known to the applicant after reasonable search. In addition to the publication of the legal notice by the commissioner in the official state journal, the applicant shall provide for posting of a copy of the legal notice of the hearing and unit plat or plats in a prominent place in the area affected and publication of a copy of the legal notice in a newspaper published in the vicinity or general area of the affected field at least 15 days before the hearing. The applicant shall mail copies of the legal notice to all interested owners, represented parties and interested parties and a copy of the unit plat or plats shall be included with the legal notice, if said parties have not already been furnished same. Evidence to establish posting, publishing and mailing shall be submitted at the hearing;

4. a statement that a reasonable effort has been made to obtain a complete list of interested parties, interested owners and represented parties;

5. a day, time and place for a pre-hearing conference which shall be scheduled for not less than 10 calendar days after the date of the application. Any such conference shall be held within the state of Louisiana (unless mutually agreed otherwise among all interested owners and represented parties), in a city reasonably convenient to the persons involved;

6. a unit plat, if units are involved, prepared in accordance with all applicable memoranda and the procedure for assigning nomenclature of Section II of Statewide Order No. 29-0, with any geological bases for any unit boundary labeled thereon, and the other items required by statute or by the commissioner. A reasonable effort shall be made to prepare the plat in sufficient detail to enable affected parties to determine the location of their lands;

7. a definition of the sand proposed for unitization with such sand defined in each reservoir thereof by reference to well log measurements.

D. A request for rules and regulations for more than one sand shall be a separate application for each sand, and the commissioner shall be furnished an extra copy of the application for each additional sand affected thereby. An application fee for each sand shall be filed with the application as established by Part XIX, Subpart 2 or successor regulation.

E. If any interested owner or represented party desires to confer about the applicant's proposal, he shall be represented at the pre-hearing conference provided for above. The pre-hearing conference shall be conducted in accordance with §3913.

F. Immediately after the pre-hearing conference, the applicant shall furnish the commissioner and the persons to whom the application was sent a brief report on the conference and a list of the parties in attendance.

G. If, as a result of the pre-hearing conference, the applicant's proposal as set forth in the application is revised, the applicant shall notify the commissioner, the district manager and all parties to whom the application was sent of the revision and furnish them with a copy of the revised unit

plat, if units are involved, and with an explanation of the revision.

H. If differences are not resolved or if any interested owner or represented party desires to oppose or support a proposal by the introduction of evidence at the hearing, then not less than five calendar days before the hearing, he must file with the commissioner and furnish to the district manager, the applicant and all persons who attended the conference his counterplan or supporting plan, including a plat of his proposed unit, if units are involved, prepared in accordance with all applicable memoranda and the procedure for assigning nomenclature of Section II of Statewide Order No. 29-0, with any geological bases for any unit boundary labeled thereon, accompanied by a letter explaining any points of difference with the applicant's plan.

**AUTHORITY NOTE:** Promulgated in accordance with R.S.30:4 et seq.

**HISTORICAL NOTE:** Adopted by the Department of Natural Resources, Office of Conservation, October 1983, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

#### **§3919. Revisions After Application**

If, after the application is filed, the applicant's proposal is revised, the applicant shall promptly notify the commissioner, the district manager and all parties to whom the application was sent, of the revision and furnish to them a copy of any revised plan and unit plat, if units are involved, and shall, if requested, hold a conference to discuss the revised proposal prior to the hearing. If there are differences among the applicant, interested owners and represented parties as to the applicant's revised proposal, and the differences are resolved as a result of any conference, the applicant shall file the revised plan and plat promptly with the commissioner and furnish a copy to the district manager and to all parties to whom the application was sent. No revised proposal may be considered at the hearing unless notice of the revision has been sent to the commissioner, the district manager and to all parties to whom the legal notice was sent, at least five days prior to the hearing. The applicant shall present both the original application proposal and the revised proposal at the hearing, with evidence to support the revision. The time provisions of §3915 and §3917 shall not apply to revised proposals filed less than 20 days prior to the day of the hearing.

**AUTHORITY NOTE:** Promulgated in accordance with R.S.30:4 et seq.

**HISTORICAL NOTE:** Adopted by the Department of Natural Resources, Office of Conservation, October 1983, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

#### **§3921. Additional Requirements for Opposition to or Support of Application**

A. If any opponent or party supporting the applicant did not present the geological, engineering or other bases for his opposition or support at the preapplication conference, pre-hearing conference, or such other conferences provided by these rules, or if there has been a change in the bases for his opposition or support, such opponent or supporting party shall disclose to the parties in attendance at such conference the geological, engineering or other bases for his opposition or

support by mailing to them on or before the date set for filing a counterplan copies of his structure map and such other geological and engineering interpretations of the data as were disclosed by the applicant pursuant to §3913.

B. If any interested owner or represented party desires to add one or more units to an applicant's plan, such interested owner or represented party shall, within five days after receiving the applicant's pre-application notice, secure waiver of pre-application notice and file his application under §3917 for the additional units so proposed, scheduling the required conference at the same time, date and place as the pre-application conference scheduled by the initial applicant.

C. With respect to any hearing application relating to the initial creation of poolwide units under Section 5C (Act 441 of 1960) of Chapter 1 of Title 30 of the Louisiana Revised Statutes of 1950 any party who has received notice of the hearing and who wishes to introduce evidence in opposition to such application shall file with the commissioner and furnish to the district manager and interested owners and represented parties, at least 10 calendar days prior to the date of the hearing, a letter explaining the opposition to the applicant's plan, including a plat, if appropriate, and at the request of any party, shall immediately disclose to the requesting party the geological, engineering or other bases for his opposition in a manner convenient to the parties.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:4 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Natural Resources, Office of Conservation, October 1983, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

#### **§3923. Commissioner's Conference**

The commissioner shall have the right to call a pre-hearing conference at any time prior to the hearing, if in his opinion such a conference would resolve or narrow the issues in controversy or would assist in the conduct of the hearing.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:4 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Natural Resources, Office of Conservation, October 1983, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

#### **§3925. Timeliness of Filings**

All notices and filings provided for herein shall be presumed as given timely when the date or actual date of receipt, if hand delivered, of the copy received by the commissioner complies with appropriate delays herein provided. Copies to interested owners and represented parties shall be deposited on the same day in the United States mail, properly stamped and addressed, or, if telegraphic or wireless communication is used, dispatched on that day by the transmitting party.

**AUTHORITY NOTE:** Promulgated in accordance with R.S.30:4 et seq.

**HISTORICAL NOTE:** Adopted by the Department of Natural Resources, Office of Conservation, October 1983, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

#### **§3927. Notice of Continued Hearing**

When a hearing is opened and continued, the notice given for the original hearing shall be applicable to the continued

hearing, if the hearing officer at the time of granting the continuance designates the new time, date and place of the continued hearing. In all other instances of a continued hearing, the applicant shall at least fifteen days before the hearing provide notice of the continued hearing by posting such notice in a prominent place in the area affected, by publishing such notice in a newspaper published in the vicinity or general area of the affected field and by mailing such notice to all interested owners, represented parties and interested parties.

**AUTHORITY NOTE:** Promulgated in accordance with R.S.30:4 et seq.

**HISTORICAL NOTE:** Adopted by the Department of Natural Resources, Office of Conservation, October 1983, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

### **§3929. Rules of Hearing Conduct and Procedure**

A. The applicant shall first present the entire geological, engineering or other bases in support of his proposal. Any interested owner or represented party who supports the applicant and complied with §3917 or §3921 shall next present the entire geological, engineering or other bases in support of the applicant's proposal.

B. Any interested party wishing to present evidence supporting the applicant's proposal shall do so immediately after the applicant and supporting parties have completed their presentations.

C. Opponents who have complied with §3915, §3917 or §3921, in the order determined by the commissioner, shall then present the entire geological, engineering or other bases for their opposition. After all opponents have made their presentations, the applicant may present rebuttal geological, engineering or other testimony, but strictly limited to a refutation of the matters covered by the opponents. Rebuttal testimony should not be used to prove matters that should have been proven on direct examination.

D. Any witness shall be subject to cross-examination by the commissioner or any member of his staff and by no more than two representatives of a party. Cross-examination shall be conducted in accordance with the following guidelines:

1. Cross-examination should be limited to questions concerning the testimony and exhibits presented by the witness, and the witness should not be required to make measurements or calculations or comparisons between his exhibits and those presented by any other witness.

2. Matters peculiarly within the knowledge of the cross-examiner or his witnesses should be presented by them on direct examination, and there should be no attempt to establish such matters by cross-examination.

3. Cross-examination shall be conducted in a polite and courteous manner without reference to personalities of the witness or the party represented by the witness.

E. After the applicant and any opponents have made their presentations, any party shall be afforded an opportunity to make a statement. If such a statement includes technical data, the party shall be subject to being sworn and cross-examined.

F. The applicant, any opponent, or any supporting party may make opening or closing statements concerning their positions, but such statements shall not include technical

matters which have not been presented by sworn testimony. The applicant shall have the right to make the last closing statement.

**AUTHORITY NOTE:** Promulgated in accordance with R.S.30:4 et seq.

**HISTORICAL NOTE:** Adopted by the Department of Natural Resources, Office of Conservation, October 1983, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

### **§3931. New Evidence**

If new pertinent data becomes available to any person after proceedings have been initiated hereunder, such evidence shall be made available immediately to all interested owners and represented parties by notice of its availability and by release in accordance with §3909. Such evidence may be used by any person at the hearing and may be the basis for revision of units or other proposals previously made by the applicant or any opponent, but the commissioner in his discretion may determine that additional time should be afforded for consideration thereof. The commissioner in his discretion may also establish a time limit beyond which new evidence may not be employed in the present proceedings. In this event application for a new hearing to consider the new evidence shall be made as soon as possible.

**AUTHORITY NOTE:** Promulgated in accordance with R.S.30:4 et seq.

**HISTORICAL NOTE:** Adopted by the Department of Natural Resources, Office of Conservation, October 1983, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

### **§3933. Coverage of Rules**

A. Any interested owner or represented party who is not notified by an applicant, as set forth in §3907 or 3917, as appropriate, and who does not attend the conference requested pursuant to §3911 or the conference scheduled pursuant to §3917, whichever is applicable, shall not be bound by the time periods set forth in §3915 and 3917. The time periods set forth in §3715 and 3717 shall be modified in the discretion of the commissioner as the circumstances justify.

B. Any attorney or consultant engaged at any time by an interested party shall immediately notify the applicant, interested owners and represented parties of his representation and thereafter said interested party shall be considered a represented party and shall comply with these rules of procedure. In this circumstance, §3921 shall be applicable if a conference were held, and the time periods set forth in §3915 and 3917 may be modified in the discretion of the commissioner as the circumstances justify.

**AUTHORITY NOTE:** Promulgated in accordance with R.S.30:4 et seq.

**HISTORICAL NOTE:** Adopted by the Department of Natural Resources, Office of Conservation, October 1983, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

### **§3935. Penalty For Non-Compliance**

A. Failure to comply with the provisions of or the spirit of these rules of procedure shall prevent an application from being advertised or heard, or shall prevent an opponent or supporting party from presenting evidence at the hearing, but an order issued by the commissioner shall not be invalid by

operation of this rule.

**AUTHORITY NOTE:** Promulgated in accordance with R.S.30:4 et seq.

**HISTORICAL NOTE:** Adopted by the Department of Natural Resources, Office of Conservation, October 1983, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

#### **§3937. Time of Commencement**

A. Unless circumstances indicate that undue hardship would otherwise result, every applicant shall commence proceedings under these rules of procedure so as to permit the application to be docketed, advertised, heard and properly considered for at least 15 days before the order is issued.

**NOTE:** If at all possible, any application hereunder should be received in the Baton Rouge office of the Office of Conservation at least 45 days before the application is to be fixed for hearing.

**AUTHORITY NOTE:** Promulgated in accordance with R.S.30:4 et seq.

**HISTORICAL NOTE:** Adopted by the Department of Natural Resources, Office of Conservation, October 1983, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

### **Chapter 41. Unit and Survey Plats**

#### **§4101. Unit Plats**

A. The unit plat attached to any pre-application notice and/or any application and/or any unit plat presented at a public hearing shall properly identify the geologically significant wells which control the unit boundaries and shall show the distance of each such well from the unit boundary which it controls, and shall also show the property, lease or governmental subdivision lines which serve as unit boundaries and the section, township and range in which the unit or units are situated. The affected tracts shall be identified on the plat by the names of the fee and lease owners, based on the best available information.

B. If a geographical unit is proposed, the unit plat attached to any pre-application notice and/or any application and/or any unit plat presented at a public hearing, shall show the property, lease or governmental subdivision lines which are used as unit boundaries and they shall be identified as such, based on the best available information.

C. Each unit plat shall have a graphic scale shown thereon and copies of the base map upon which the unit is shown shall be made available to any interested party who requests it.

D. All participants at any pre-application conference shall make every effort to agree as to the best available base map and, if there is agreement, all parties shall thereafter use said map.

E. Any unit plat attached to a counter-plan shall follow all of the requirements set forth above and shall be on the same scale as that of the unit plat attached to the application.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:4 et seq.

**HISTORICAL NOTE:** Adopted by Department of Conservation, July 1, 1973, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

#### **§4103. Survey Plats**

A. Survey plats presented to the Office of Conservation for approval after the issuance of an order shall properly identify

all of the geologically significant wells and these wells shall be located on the ground based on the Lambert Plane Coordinate System or other recognized control, such as section comers, USC & GS monuments, etc. The survey plat shall show the distance of each geologically significant well from the unit boundary line which it controls and all geologically significant wells shall be located on the plat in correct relation to each other.

1. If a geologically significant well has been abandoned and cannot be found on the ground, the location as shown on the permit plat shall be used.

2. The affected tracts shall be identified on the survey plat by the names of the fee and lease owners, based on the best available information. Further, each unit plat shall have an inset or attachment showing the number, name, acreage (or other basis of participation and the unit percentage participation of each tract).

B. If geographical units are adopted by a unit order, there shall be shown on the survey plat the property, lease or governmental subdivision lines which are used as unit boundaries and they shall be identified as such, based on the best available information.

C. The surveyed unit plat shall be based on the Louisiana Lambert Plane Coordinate System where practicable. If an orientation other than the Lambert Plane Coordinate System is used, the point of beginning for the unit outline shall be defined on the plat by relating the point to a known monument or section comer and the basis of the bearing orientation used for the survey shall be specifically defined.

D. Unit boundaries shall be defined by using Lambert coordinates or courses and distances with the length of each course dependent upon the sinuosity of the outline of the boundary.

E. If a unit order creates more than one unit the survey plat shall, if practicable, be a composite of all of the units, and if different unit operators are designated, the survey plat or plats shall be prepared through a coordinated effort of all designated operators. If not practicable to use a single composite survey plat for all of the units, a separate survey plat shall be prepared for each unit, with a composite plat showing all units.

F. When the survey plat is completed and before recordation thereof, as many copies as may be needed by the operator, plus two copies of the survey plat and a film overlay on the scale of the unit plat attached to the order, shall be submitted to the Office of Conservation in Baton Rouge for approval. There shall be placed on or attached to each survey plat submitted for approval the following certificate signed by the surveyor:

The requirements For Unit Flats and Survey Flats adopted by the commissioner of conservation have been complied with in all respects.

1. Each producing unit shall be surveyed and the survey, plat submitted for approval in accordance with the foregoing within 90 days after the issuance date of the unit order. If a unit is not producing when created, a survey plat thereof shall be submitted within 90 days after the date production commences.

G. Exceptions to the provisions hereof may be granted by the Commissioner of Conservation, upon the showing of good cause therefor, without the necessity of public hearing or formal order.

H. These requirements shall apply to any unitization proceedings initiated on and after the first day of July 1973.

**AUTHORITY NOTE:** Promulgated in accordance with R.S.30:4 et seq.

**HISTORICAL NOTE:** Adopted by the Department of Natural Resources, Office of Conservation, October 1983, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

A public hearing will be held at 9 a.m., Tuesday, April 27, 1993, in the Conservation Auditorium, located on the first floor of the State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

All interested parties will be afforded an opportunity to submit data, views, or arguments, orally or in writing at said public hearing in accordance with R.S. 49:953. Written comments will be accepted until 4:30 p.m., Wednesday, May 4, 1993 at the following address: Office of Conservation, Engineering Division, Box 94275, Baton Rouge, LA 70804-9275, Re: Docket No. 93-125.

H. W. Thompson  
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: PROCEDURES FOR HEARING AND UNIT  
AND SURVEY PLAT REQUIREMENTS**

- 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.
- III. **ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**  
There will be no 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.

H. W. Thompson  
Commissioner

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Natural Resources  
Office of Conservation**

**Multiple Completions (LAC 43:XIX.Chapter 13)**

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Natural Resources, Office of Conservation hereby proposes amendments to Statewide Order No. 29-C.

**Title 43**

**NATURAL RESOURCES**

**Part XIX. Office of Conservation: General Operations**

**Subpart 5. Statewide Order No. 29-C**

**Chapter 13. Multiple Completions**

**§1301. Scope**

This Order provides rules and regulations governing the unprotested multiple completion of wells productive of hydrocarbons from multiple zones in the state of Louisiana.

**AUTHORITY NOTE:** Promulgated in accordance with R.S.30:4 et seq.

**HISTORICAL NOTE:** Adopted by the Department of Conservation, March 1, 1955, amended June 21, 1960, September 1, 1960, June 15, 1962, March 1, 1967, September 1, 1971, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

**§1303. Definitions**

Unless the context otherwise requires, the words defined in this Section shall have the following meaning when found in this Order:

*Common Source of Supply*—shall comprise and include the area which is underlain, or which, from geological or other scientific data or from drilling operations or other evidence, appears to be underlain by a common accumulation of oil or gas or both; provided that if any such area is underlain or appears from geological or other scientific data or from drilling operations or other evidence to be underlain by more than one common accumulation of oil or gas, or both, separated from each other by strata of earth and not connected with each other, then such area, as to each said common accumulation of oil or gas, or both, shall be deemed a separate common source of supply.

*District Manager*—the head of any one of the Office of Conservation districts of the state and, as used, refers specifically to the manager within whose district the well or wells are located.

*Multiple Completion*—the completion of any well so as to permit simultaneous production from two or more common sources of supply with such common sources of supply completely segregated.

*Office*—the Office of Conservation of the State of Louisiana.

**AUTHORITY NOTE:** Promulgated in accordance with R.S.30:4 et seq.

**HISTORICAL NOTE:** Adopted by the Department of Conservation, March 1, 1955, amended June 21, 1960, September 1, 1960, June 15, 1962, March 1, 1967, September 1, 1971, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

### §1305. Order

A. On and after the effective date hereof, a permit to multiply complete a new or existing well in separate common sources of supply, where the proposed completions are in compliance with all applicable Office of Conservation orders and meet with the approval of the commissioner of conservation, may be obtained by submitting a complete application to drill, as outlined in Part XIX, Subpart 1 for each proposed completion concurrent with drilling and/or workover operations on the first completion, or at such other time as a desire to make a multiple completion is known, together with the prescribed fees in accordance with the procedure hereinafter outlined:

1. in the instance where a dual or a triple completion is applied for, the completions must be in separate sources of supply which have been approved for multiple completions elsewhere in the field. Where one or both of the completions are in separate sources of supply not previously approved elsewhere in the field, the application shall be advertised as provided for hereinafter under §1305.B.4.

2. in the instance where a quadruple, etc. completion is applied for, the completions must be in separate sources of supply in a common fault segment wherein the sands proposed for multiple completion have, in fact, already been multiply completed in other wells within the same fault segment;

3. all of the above concerns itself with the multiple completion of oil pools only. Where the application involves the multiple completion of a gas pool(s) with an oil pool(s), the restrictions set forth in §1305.A.1 and 2 above shall apply only to the oil pool(s).

B. The following procedure will be followed in submitting the required data for each multiple completion:

1. the applicant shall file the following with the appropriate district manager:

- a. two copies of Form MD-10-R;
- b. three copies of location plat (as prescribed by Part XIX, Subpart 1, Chapter 1, Section 103);
- c. an application fee as established by Part XIX, Subpart 2 or successor regulation;

2. the district manager shall forward all originals and fees to the commissioner of conservation with his comments and appropriate copies to Louisiana Geological Survey;

3. after completion of the above well, the applicant shall file the following with the appropriate district manager for multiple completion(s):

- a. three copies of Form A.D.C. No. 1;
- b. three copies of Completion Report (Form Comp.);
- c. two copies of electric log or portion thereof of the subject well showing clearly thereon the subsurface of the separate common sources of supply in which the applicant seeks permission to multiply complete the well;
- d. two copies of diagrammatic sketch of the mechanical installation;
- e. two copies of packer leakage test (Form P.L.T. No. 1);

f. two copies of packer setting certificate (Form P.S.C. No. 1);

4. the district manager shall forward all originals to the

commissioner of conservation with his comments and appropriate copies to Louisiana Geological Survey;

5. any application for recompletion of an existing multiple completion shall comply with §1305.B.2 above;

6. in instances where one or more completions are in separate common sources of supply not previously approved for multiple completions, the commissioner of conservation shall give notice of the granting of such permit by a publication in the official journal for the state of Louisiana.

C. An allowable will be granted for each completion of a multiply completed well upon the filing of all information, as prescribed in §1305.B.2 above, and after a permit to drill has been issued for each zone.

D. Should the multiple completion application be denied or a valid written protest be received by the Office of Conservation within 15 days following the publication of the notice as required by §1305.B.4 hereof, the office will notify the applicant of such denial or objection. The operator may continue to produce at least one zone of the multiple completion. However, any allowable(s) previously assigned the remaining completion(s) shall be canceled by the Office of Conservation immediately.

1. A valid written protest shall mean a protest which, in the opinion of the commissioner of conservation, makes a public hearing on the application necessary prior to deciding the issue.

2. If the applicant requesting a multiple completion is unable to satisfy the objecting party, the applicant may apply for a public hearing for the purpose of having the matter decided.

E. In the event the commissioner of conservation approves the multiple completion as requested, the following list of requirements shall be complied with:

1. each multiple completed well shall be tested upon completion and annually thereafter in the following matter:

a. all completions shall be shut-in for a sufficient length of time to allow wellhead pressures to become stabilized and for a minimum of two hours thereafter, and a record made of the wellhead pressure buildup in each completion during the shut-in period. At the end of this shut-in period one of the completions shall be produced at such a rate and under such conditions as may be designated by the district manager, or his representative, for a period of six hours while the other completions are kept shut-in, and a record shall be made of the pressures of all completions during the test period. Upon completion of the initial test, the procedure shall be rotated and a following test carried out as outlined above with the completion that was produced during the previous test shut-in;

b. under unusual circumstances and conditions of the well being tested, this procedure may be altered providing the desired information is obtained.

2. the operator shall submit, in duplicate, to the appropriate district manager Form P.L.T. No. 1.

F. Should the zones approved for multiple completion become intercommunicative, the operator shall immediately repair and separate the zones.

G. Each separate reservoir shall be considered a separate

well as to permits, allowables, fees and for all other purposes.

**AUTHORITY NOTE:** Promulgated in accordance with R.S.30:4 et seq.

**HISTORICAL NOTE:** Adopted by the Department of Conservation, March 1, 1955, amended June 21, 1960, September 1, 1960, June 15, 1962, March 1, 1967, September 1, 1971, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

In accordance with the provisions of R.S.49:950 et seq. and R.S.30:4, notice is hereby given that the commissioner of conservation will conduct a public hearing at 9 a.m., Tuesday, April 27, 1993, in the Conservation Auditorium, located on the first floor of the State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

All interested parties will be afforded the opportunity to submit data, views, or arguments, orally or in writing at said public hearing in accordance with R.S.49:953. Written comments will be accepted until 4:30 p.m., Wednesday, May 4, 1993 at the Office of Conservation, Engineering Division, Box 94275, Baton Rouge, LA 70804-9275, Re: Docket No. 93-122.

H. W. Thompson  
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: MULTIPLE COMPLETIONS**

- 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.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There will be no 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.

H. W. Thompson  
Commissioner

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Natural Resources  
Office of Conservation**

New Pools (LAC 43:XIX.Chapter 25)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Natural Resources, Office of Conservation hereby proposes amendments to Statewide Order No. 29-H-1.

**Title 43**

**NATURAL RESOURCES**

**Part XIX. Office of Conservation: General Operations**

**Subpart 10. Statewide Order No. 29-H-1**

**Chapter 25. New Pools**

**§2501. Scope**

Order terminating Statewide Order No. 29-H, effective May 24, 1960, which adopted the basis of determination of allowable oil production and complementary spacing regulations for oil wells in any new pool, as defined therein.

**AUTHORITY NOTE:** Promulgated in accordance with R.S.30:4 et seq.

**HISTORICAL NOTE:** Adopted by the Department of Conservation, May 24, 1960, amended January 1, 1980, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

**§2503. Order**

Statewide Order No. 29-H, effective May 24, 1960, be and is hereby terminated.

A. The allowable assignment for each oil well, including those wells previously assigned allowables based on the provisions of Statewide Order No. 29-H, should be based on the Statewide Crude Oil Depth Bracket Allowable Schedule adopted by Part XIX, Subpart 16, effective January 1, 1978.

B. The spacing provision requirements for wells in pools developed or being developed under Statewide Order No. 29-H should henceforth be regulated in accordance with the requirements as set forth in Chapter XIX, Subpart 7.

C. Any special order of the Office of Conservation which has adopted the spacing provision requirements of Statewide Order No. 29-H should be amended by reference and such provision requirements should be considered expunged coincident with the termination of Statewide Order No. 29-H, and simultaneously therewith, the spacing provision requirements of Chapter XIX, Subpart 7 should be considered adopted.

**AUTHORITY NOTE:** Promulgated in accordance with R.S.30:4 et seq.

**HISTORICAL NOTE:** Adopted by the Department of Conservation, May 24, 1960, amended January 1, 1980, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

In accordance with the provisions of R.S.49:950 et seq. and R.S.30:4, notice is hereby given that the commissioner of conservation will conduct a public hearing at 9 a.m., Tuesday, April 27, 1993, in the Conservation Auditorium, located on the first floor of the State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

All interested parties will be afforded the opportunity to submit data, views, or arguments, orally or in writing at said public hearing in accordance with R.S.49:953. Written comments will be accepted until 4:30 p.m., Wednesday, May 4, 1993 at the Office of Conservation, Engineering Division, Box 94275, Baton Rouge, LA 70804-9275, Re: Docket No. 93-125.

H. W. Thompson  
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: NEW POOLS

- 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.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There will be no 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.

H. W. Thompson  
Commissioner

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

Department of Natural Resources  
Office of Conservation

Oil or Gas Commingling  
(LAC 43:XIX.Chapters 15 and 17)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Natural Resources, Office of Conservation hereby proposes amendments to Statewide Order No. 29-D.

**Title 43**

**NATURAL RESOURCES**

**Part XIX. Office of Conservation: General Operations**  
**Subpart 6. Statewide Order No. 29-D and Supplement**  
**Chapter 15. Commingling of Oil and Gas Production**  
**Onshore**

**§1501. Scope**

This Order provides rules and regulations governing the unprotested applications for commingling and the use of methods other than gauge tanks for allocation of production from fields in the state of Louisiana.

**AUTHORITY NOTE:** Promulgated in accordance with R.S.30:4 et seq.

**HISTORICAL NOTE:** Adopted by the Department of Conservation, March 1, 1955, amended February 25, 1957, June 1, 1962, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

**§1503. Definitions**

Unless the context otherwise requires, the words defined in this Section shall have the following meanings when found in this Order:

*District Manager*—the head of any one of the districts of the state of Louisiana under the Office of Conservation, and, as used, refers specifically to the manager within whose district the field or fields are located.

*Office*—the Office of Conservation of the State of Louisiana.  
**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:4 et seq.

**HISTORICAL NOTE:** Adopted by the Department of Conservation, March 1, 1955, amended February 25, 1957, June 1, 1962, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

**§1505. Order**

A. From and after the effective date hereof, permission to commingle gas and/or liquid hydrocarbons and to use methods other than gauge tanks for allocation of production may be obtained without the necessity of a public hearing in the absence of protest, as hereinafter provided and upon strict compliance with the procedure set forth herein.

B. No permission to commingle gas and/or liquid hydrocarbons and to use methods other than gauge tanks for allocation of production will be granted without public hearing unless and until the following required data and information shall have been filed with the district manager, said filings to be made in duplicate and to include the following described information:

1. diagrammatic sketch of the mechanical installation to be used with an explanation of the flow of the gas and/or liquid hydrocarbons;
2. signed statement that, in the opinion of the applicant, the commingling of gas and/or liquid hydrocarbons and the use of methods other than gauge tanks for allocation of production will provide reasonably accurate measurement, will not create inequities, and that the owner of any interest will have the opportunity to recover his just and equitable share of the reservoir content;

3. a list of all known owners, including operators and royalty owners, affected by the application.

C. Notice of the filing of an application to commingle and to use methods other than gauge tanks for allocation of production shall be published in the official journal of the state of Louisiana, and mailed to the interested owners, reference §1505.B.3 above.

D. Upon the basis of application as herein provided, no permission for the commingling of gas and/or liquid hydrocarbons and the use of methods other than gauge tanks for allocation of production will be granted, if, in the judgment of the commissioner, the data and information submitted does not warrant the approval of the application, or if any party protests the application by the filing of a written protest with the commissioner within 15 days following the first publication of the notice of the application; however, in either of the foregoing events, the application may be set for public hearing at the election of the applicant or the commissioner of conservation.

E. Should the application be for the approval of the use of liquid meters in lieu of gauge tanks and should the application for same be approved, the applicant shall provide a suitable means of testing each meter in order that the accuracy of any meter in operation can be proven, such testing to be done at least monthly and at such other times as the commissioner of conservation or his agent shall deem proper. The applicant shall indicate in the remarks column of each current R-1 Report that the appropriate meter testing and/or calibration

tests have been conducted. The applicant shall retain the actual reports of such tests and such reports shall be kept on file and available for inspection by any agent of the Office of Conservation or any party at interest for a period of not less than three years.

1. Permission, in writing, from the Office of Conservation must be obtained for all by-pass or other lines that will permit flow around the regular meter, and each such line must have a meter that will permit individual well measurement.

F. Should the application be for the approval of the use of well tests, split stream tests, full stream tests or other method of determining GPM of the full well stream in lieu of gauge tanks and should the application for same be approved, such testing shall be done at least monthly.

1. Applications of this nature shall only be approved when the applicant files with the commissioner of conservation an executed copy of an agreement in which all royalty and working interest owners in the leases affected have voluntarily agreed to the proposal.

2. Should approval be given, the applicant shall indicate in the remarks column of each current R-1 Report that appropriate monthly well tests have been conducted. The applicant shall retain the actual reports of such tests and such reports shall be kept on file and available for inspection by any agent of the Office of Conservation or any party at interest for a period of not less than three years.

G. The results of all tests required by this Order shall be certified as being true and correct by the party performing the tests.

H. This Order shall be cumulative of, and in addition to all statewide orders, rules and regulations affecting the drilling and production of gas and/or liquid hydrocarbons, as heretofore promulgated and when in conflict therewith shall prevail. In case of any conflict between this order and the special orders on specific fields, said special orders on specific fields shall govern.

AUTHORITY NOTE: Promulgated in accordance with R.S.30:4 et seq.

HISTORICAL NOTE: Adopted by the Department of Conservation, March 1, 1955, amended February 25, 1957, June 1, 1962, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

## Chapter 17. Commingling of Oil and Gas Production Offshore

### §1701. Scope

This Order provides rules and regulations governing the commingling and the use of methods other than gauge tanks for allocation of production, and the establishment of permissive minimum standards for the commingling of production and allocating the commingled production to the individual wells in the offshore areas of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S.30:4 et seq.

HISTORICAL NOTE: Adopted by the Department of Conservation, March 1, 1955, amended February 25, 1957, June 1, 1962, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

### §1703. Definitions

Unless the context otherwise requires, the words defined in

this Section shall have the following meanings when found in this Order:

*Deficient Wells*—with reference to this particular order, wells producing more than 25 percent BS&W, and/or incapable of producing the current monthly depth bracket allowable.

*District Manager*—the head of any one of the districts of the state and under the Office of Conservation, and as used, refers specifically to the manager within whose district the well or wells are located.

*Office*—the Office of Conservation of the State of Louisiana.

*Productivity Rate*—the rate of which the well is producing into the common storage.

*Top Allowable Wells*—proratable wells capable of producing the current monthly depth bracket allowable.

AUTHORITY NOTE: Promulgated in accordance with R.S.30:4 et seq.

HISTORICAL NOTE: Adopted by the Department of Conservation, March 1, 1955, amended February 25, 1957, June 1, 1962, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

### §1705. Order

A. From and after the effective date hereof, permission to commingle gas and/or liquid hydrocarbons and to use methods other than gauge tanks for allocation of production in the offshore areas of Louisiana may be obtained without the necessity of a public hearing in the absence of protests, as hereinafter provided and upon strict compliance with the procedure set forth herein, and upon strict compliance with the permissive minimum standards as set forth in §1705.D below.

B. The provisions of Part XIX, Subpart 6, Chapter 15, §1505.B, with reference to the filing of required data and information, shall be incorporated in this supplement order by reference.

C. Notice of the filing of the application to commingle and to use methods other than gauge tanks for the allocation of production, shall be mailed to the State Mineral Board of the State of Louisiana, and where the field or fields made subject to the application is seaward of the Zone I line as defined in the State of Louisiana - United States Agreement of October 12, 1956, a notice shall be mailed to the supervisor of the United States Geological Survey.

D. Should the application be for the approval of the use of well tests in lieu of gauge tanks, and should the application for same be approved, such testing shall be done in compliance with the permissive minimum standards as set forth herewith:

1. all top allowable wells shall be tested a minimum of four hours at least once a month to determine productivity rate;

2. deficient wells shall be tested a minimum of four hours at least twice a month to determine productivity rate;

3. wells having any erratic producing characteristics that cause variable rates of flow while producing on a continuous choke size, shall be tested a minimum of four hours at least weekly to determine productivity rate;

4. if at any time between, the regular testing periods, as outlined above, the choke size of any well is changed, the time and date of change shall be recorded and a productivity rate test conducted after the well has stabilized on the new

choke. Production allocation would be made according to these various productivity rates for the time they were in effect;

5. if at any time the choke in a well is changed because of wear, a test shall be conducted before the choke is changed and another one after the well has stabilized on the new choke. The average rate between the previous productivity rate test and the productivity rate test conducted immediately after the choke change should be used to determine production for this period only back to the first day of the current month;

6. if the producing characteristics of a well change between the regular testing periods, such as: the beginning or increase in water percentage; a change in gas-oil ratio, especially above the 2000/1 limit; or, considerable change in tubing pressure, etc., then tests shall be made at no longer than one week intervals until production again stabilizes;

7. periodic spot checks should be made by members of the office, especially on unstable wells, water producing wells, and high gas-oil ratio wells;

8. daily checks on individual well head pressures shall be recorded and maintained by the operator of each well which has been granted permission to commingle in the offshore areas provided weather permits;

9. if any operator feels that some other interval of testing is appropriate he may request an exception to the above in writing addressed to the district manager outlining his problems and suggested interval of testing. The commissioner may, upon recommendation of the district manager and his staff, grant such exception as he deems appropriate by special administrative order without a public hearing.

E. Should approval be given, the applicant shall indicate in the remarks column of each current R-1 Report that appropriate monthly well tests have been conducted. The applicant shall retain the actual reports of such tests and such reports shall be kept on file and available for inspection by any agent of the Office of Conservation or any party at interest, for a period of not less than three years.

F. The results of all tests required by this Order shall be certified as being true and correct by the party performing the tests.

G. This Order shall be cumulative of, and in addition to all statewide orders, rules and regulations affecting the drilling and production of gas and/or liquid hydrocarbons in the offshore areas of Louisiana, as heretofore promulgated and when in conflict therewith shall prevail.

**AUTHORITY NOTE:** Promulgated in accordance with R.S.30:4 et seq.

**HISTORICAL NOTE:** Adopted by the Department of Conservation, March 1, 1955, amended February 25, 1957, June 1, 1962, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

In accordance with the provisions of R.S.49:950 et seq. and R.S.30:4, notice is hereby given that the commissioner of conservation will conduct a public hearing at 9 a.m., Tuesday, April 27, 1993, in the Conservation Auditorium, located on the first floor of the State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

All interested parties will be afforded the opportunity to submit data, views, or arguments, orally or in writing at said

public hearing in accordance with R.S.49:953. Written comments will be accepted until 4:30 p.m., Wednesday, May 4, 1993 at the Office of Conservation, Engineering Division, Box 94275, Baton Rouge, LA 70804-9275, Re: Docket No. 93-123.

H. W. Thompson  
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Statewide Order 29-D**

- 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.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There will be no 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.

H. W. Thompson  
Commissioner

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Natural Resources  
Office of Conservation**

**Oil Reports (LAC 43:XIX.Chapter 9)**

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Natural Resources, Office of Conservation hereby proposes amendments to Statewide Order No. 25.

**Title 43  
NATURAL RESOURCES  
Part XIX. Office of Conservation:  
General Operations  
Subpart 3. Statewide Order No. 25**

**Chapter 9. Reporting  
§901. Scope**

An Order providing rules and regulations governing and requiring the keeping of records and the filing of reports by producers, transporters, storers, and refiners of oil, and concerning the production, transportation, storing and refining of oil in the state of Louisiana.

**AUTHORITY NOTE:** Promulgated in accordance with Act 157 of the Legislative Session of 1940.

**HISTORICAL NOTE:** Adopted by the Department of Conservation, January 1, 1941, amended September 1, 1941, March 1, 1961, April 17, 1968, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

### §903. Definitions

Unless the context otherwise requires, the words defined in this Section shall have the following meanings when found in this Order:

*Barrel or Barrel of Oil*—forty-two United States gallons of oil at a test of 60 degrees Fahrenheit, with deductions for the full percent of basic sediment, water and other impurities present, ascertained by centrifugal or other recognized and customary tests.

*Field*—the general area which is underlaid or appears to be underlaid by at least one pool or reservoir of oil as designated by monthly proration schedules issued by the Office of Conservation of the State of Louisiana.

*Lease Tank*—the tank or other receptacle into which oil is produced either directly from a well or from a well through gas separator, gun barrel or similar equipment.

*Month and Calendar Month*—the period or interval of time from 7 a. m. on the first day of any month of the calendar to 7 a. m. of the first day of the next succeeding month of the calendar.

*Person, Producer, Oil, Illegal Oil, and Product*—the meaning prescribed for each of said words as defined in R.S.30:3.

*Refiner*—every person who has any part in the control or management of any operation by which the physical or chemical characteristics of oil or products are changed, but exclusive of the operations of passing oil through separators to remove gas, placing oil in settling tanks to remove basic sediment and water, dehydrating oil, and generally cleaning and purifying oil.

*Storer*—every person as herein defined who stores, terminals, retains in custody under warehouse or storage agreements or contracts, oil which comes to rest in his tank or other receptacle under control of said storer, but excluding the ordinary lease stocks of producers.

*Transporter*—includes any common carrier by pipe line, barge, boat or other water conveyance or truck or other conveyance except railroads, and any other person transporting oil by pipe line, barge, boat or other water conveyance, or truck and other conveyance.

**AUTHORITY NOTE:** Promulgated in accordance with Act 157 of the Legislative Session of 1940.

**HISTORICAL NOTE:** Adopted by the Department of Conservation January 1, 1941, amended September 1, 1941, March 1, 1961, April 17, 1968, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

### §905. Applicability

A. The provisions of this Order shall extend and apply to all oil produced from each and every well within the state of Louisiana and all oil transported, stored, or refined within the state of Louisiana, and to every producer, transporter, storer and refiner in the state of Louisiana.

**AUTHORITY NOTE:** Promulgated in accordance with Act 157 of the Legislative Session of 1940.

**HISTORICAL NOTE:** Adopted by the Department of Conservation January 1, 1941, amended September 1, 1941, March 1, 1961, April 17, 1968, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

### §907. Form R-4

A. The Producer's Certificate of Compliance and Authorization to Transport Oil from Lease, Form R-4 Revised

or most current revision thereof, is hereby adopted and made a part of this Order by reference.

B. Each producer of oil in the state of Louisiana, and each producer of condensate from a gas well, where produced in liquid form at the wellhead by ordinary production methods in the state of Louisiana, shall execute under oath, in quadruplicate, and file with the Office of Conservation, Baton Rouge, Louisiana, on or before the 15th day of September, 1941, a Producer's Certificate of Compliance and Authorization to Transport Oil From Lease, Form R-4 Revised or most current revision thereof, setting forth fully therein the data and information indicated by such form covering each lease in the state of Louisiana from which oil or condensate are produced.

C. After the effective date hereof, whenever there shall occur a change in:

1. operating ownership of any lease,
2. well name or lease name,
3. transporter from any lease,

a new Producer's Certificate of Compliance and Authorization to Transport Oil From Lease, Form R-4 Revised or most current revision thereof, shall be executed and filed in accordance with the instructions appearing on such form; except that in the case of temporary change in transporter involving less than the allowable for one month, the producer may, in lieu of filing a new certificate, notify by letter the Office of Conservation, Baton Rouge, Louisiana, and the transporter then authorized by certificate on file with the Office of Conservation of the estimated amount of oil to be moved by the temporary transporter and the name of such temporary transporter. A copy of such notice shall also be furnished such temporary transporter. In no instance shall the temporary transporter involve any greater quantity of oil or condensate than the estimated amount shown in said notice.

D. The Producer's Certificate of Compliance and Authorization to Transport Oil From Lease, Form R-4 Revised or most current revision thereof, when properly executed by the operator and approved by the Office of Conservation, shall constitute authorization to the approved transporter to transport oil or condensate from the lease named therein and shall remain in force and effect until a change occurs, as previously outlined, or is suspended or canceled by the Office of Conservation.

E. For each drilling permit that shall be altered, amended or changed after its initial issuance, Form MD-10-R-A shall be executed and filed with the Office of Conservation, said Form MD-10-R-A being hereby declared the permanent record of the Office of Conservation for the purpose of identifying the operator of all oil or gas wells in the state of Louisiana; and it is hereby expressly provided that said Form MD-10-R-A shall be subject to the fee for alteration, change or amendment as established by Part XIX, Subpart 2 or successor regulation.

F. Where a transporter disconnects from a particular lease or ceases to remove oil therefrom and another transporter connects to such lease or begins to take oil therefrom, during a month, the transporter who ceases to take oil shall furnish to the connecting transporter a certified statement under oath, showing: the legal quantity of oil on hand 7:00 a. m. the first

day of such month; the scheduled allowable to the date disconnected; and the quantity of oil moved from that particular lease during the current month. In such case the producer shall furnish to the connecting transporter a certified statement under oath showing the lease stock on hand 7 a. m. the date of new connection. No connecting transporter shall move oil from any such lease until after it shall have received such statements, except with the written permission of the commissioner of conservation or his authorized agent.

G. Each producer is prohibited from delivering illegal oil to any transporter, and each transporter is prohibited from removing any illegal oil from producer's lease tanks. Each transporter shall maintain necessary records of lease allowables and quantities of oil removed from the leases to which he is connected, whereby he can determine the calculated quantity of legal oil on hand at the close of each calendar month with respect to such leases. The calculated quantity of legal oil on hand with respect to any lease shall be determined for each succeeding month by adding to the quantity of legally produced oil on hand at the first of the month, the scheduled allowable quantity of oil for the respective lease for the current month, as established by the commissioner of conservation, less the quantity of oil removed from the respective lease tanks during the current month. If the calculated balance so determined is less than the actual gauged quantity on hand as reported by the producer on Monthly Producer's Crude Oil and/or Condensate Report, Form R-1 Revised or most current revision thereof, the transporter shall not remove during the following month any part of the oil on hand on the first day of the month in excess of the calculated legal balance so established. If the actual quantity of oil on hand with respect to a particular lease equals or is less than the quantity of legal oil established by the above method, the transporter may remove any part or all of such quantity of oil during the current month. Where the actual quantity of oil on hand with respect to a particular lease is less than the calculated quantity of legal oil established by the above method, the transporter, in determining the quantity of legal oil for the next succeeding month, shall substitute the actual quantity on hand for the calculated quantity on hand. Where there is more than one transporter moving oil from the same lease, the producer and transporters are required to furnish to each other information as to the quantity of oil on hand, the quantity transported from lease tanks and any additional information necessary to establish to the satisfaction of each person involved the legal status of the oil produced.

**AUTHORITY NOTE:** Promulgated in accordance with Act 157 of the Legislative Session of 1940.

**HISTORICAL NOTE:** Adopted by the Department of Conservation January 1, 1941, amended September 1, 1941, March 1, 1961, April 17, 1968, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19: §909. Form R-1

A. The Monthly Producer's Crude Oil and/or Condensate Report, Form R-1 Revised or most current revision thereof, is hereby adopted and made a part of this Order by reference.

B. Each producer of oil in the state of Louisiana, and each producer of condensate from a gas well, where produced in liquid form at the wellhead by ordinary production methods or

as *Calculated Theoretical Condensate*, defined as the amount of condensate (allocated back to leases) that normally would be separated by conventional methods from natural gas well volumes flowing full stream directly to a plant without any condensate separation having been made at lease or a plant, shall furnish for each calendar month a Monthly Producer's Crude Oil and Condensate Report, Form R-1 Revised or most current revision thereof, setting forth complete information and data indicated by such forms respecting oil produced from every lease operated by said producer in the state of Louisiana, and respecting condensate produced from gas wells at the wellhead in liquid form by ordinary production methods from each lease operated by said producer in the state of Louisiana. Such report for each month shall be prepared and filed according to instructions on the form on or before the twenty-fifth day of the next succeeding month.

**AUTHORITY NOTE:** Promulgated in accordance with Act 157 of the Legislative Session of 1940.

**HISTORICAL NOTE:** Adopted by the Department of Conservation January 1, 1941, amended September 1, 1941, March 1, 1961, April 17, 1968, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19: §911. Form R-2

A. The Transporter's and Storer's Monthly Report, Form R-2 or most current revision thereof, is hereby adopted and made a part of this Order by reference.

B. Each transporter of oil within the state of Louisiana shall furnish for each calendar month a Transporter's and Storer's Monthly Report, Form R-2 or most current revision thereof, containing complete information and data indicated by such form respecting stocks of oil on hand and all movements of oil by pipeline within the state of Louisiana and all movements of oil by water craft, or by trucks or other conveyances except railroad, from leases to storers or refiners; between transporters within the state; between storers and refiners within the state.

C. Each storer of oil within the state of Louisiana shall furnish for each calendar month a Transporter's and Storer's Monthly Report, Form R-2 or most current revision thereof, containing complete information and data indicated by such form respecting the storage of oil within the state of Louisiana.

D. The transporters and storers reports for each month shall be prepared and filed according to instructions on the form, on or before the twenty-fifth day of the next succeeding month.

**AUTHORITY NOTE:** Promulgated in accordance with Act 157 of the Legislative Session of 1940.

**HISTORICAL NOTE:** Adopted by the Department of Conservation January 1, 1941, amended September 1, 1941, March 1, 1961, April 17, 1968, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19: §913. Form R-3

A. The Refiner's Monthly Report, Form R-3 or most current revision thereof, is hereby adopted and made a part of this Order by reference.

B. Each refiner of oil within the state of Louisiana shall furnish for each calendar month a Refiner's Monthly Report, Form R-3 or most current revision thereof, containing the information and data indicated by such form, respecting oil

and products involved in such refiner's operations during each month. Such report for each month shall be prepared and filed according to instructions on the form on or before the twenty-fifth day of the next succeeding month.

**AUTHORITY NOTE:** Promulgated in accordance with Act 157 of the Legislative Session of 1940.

**HISTORICAL NOTE:** Adopted by the Department of Conservation January 1, 1941, amended September 1, 1941, March 1, 1961, April 17, 1968, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19: §915. Units and Method for Calculation of Quantities of Oil in Tanks

A. All quantities included in the reports provided for in this Order shall be reported in barrels computed from 100 percent tank tables and based upon actual physical gauges.

B. All reports provided for in this Order shall be verified by affidavit in the form or forms indicated, and any reports not so verified shall not be taken as filed in compliance with this Order.

**AUTHORITY NOTE:** Promulgated in accordance with Act 157 of the Legislative Session of 1940.

**HISTORICAL NOTE:** Adopted by the Department of Conservation January 1, 1941, amended September 1, 1941, March 1, 1961, April 17, 1968, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19: §917. Record Keeping

All producers, transporters, storers and refiners within the state of Louisiana shall make and keep appropriate books and records covering their operations in Louisiana from which they may be able to make and substantiate the reports required by this Order.

**AUTHORITY NOTE:** Promulgated in accordance with Act 157 of the Legislative Session of 1940.

**HISTORICAL NOTE:** Adopted by the Department of Conservation January 1, 1941, amended September 1, 1941, March 1, 1961, April 17, 1968, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19: §919. Effect on Overall Authority of the Commissioner of Conservation

This Order shall not be taken or construed to limit or restrict the authority of commissioner of conservation to require the furnishing of such additional reports, data or other information relative to the production and processing of gas in this state as may appear to him to be necessary or desirable, either generally or specially, for the prevention of waste and the conservation of natural resources in this state; nor to limit or restrict the authority of the commissioner of conservation to waive the filing of any report or reports otherwise required hereunder in any special instance wherein the commissioner of conservation finds that such waiver is necessary to prevent undue hardship or imposition.

**AUTHORITY NOTE:** Promulgated in accordance with Act 157 of the Legislative Session of 1940.

**HISTORICAL NOTE:** Adopted by the Department of Conservation January 1, 1941, amended September 1, 1941, March 1, 1961, April 17, 1968, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

In accordance with the provisions of R.S.49:950 et seq. and R.S. 30:4, notice is hereby given that the commissioner of conservation will conduct a public hearing at 9 a.m., Tuesday, April 27, 1993, in the Conservation Auditorium, located on

the first floor of the State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

All interested parties will be afforded the opportunity to submit data, views, or arguments, orally or in writing at said public hearing in accordance with R.S.49:953. Written comments will be accepted until 4:30 p.m., Wednesday, May 4, 1993 at the Office of Conservation, Engineering Division, Box 94275, Baton Rouge, LA 70804-9275, Re: Docket No. 93-121.

H. W. Thompson  
Commissioner

#### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: OIL REPORTS

- 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.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There will be no 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.

H. W. Thompson  
Commissioner

David W. Hood  
Senior Fiscal Analyst

#### NOTICE OF INTENT

Department of Natural Resources  
Office of Conservation

Statewide Order 31-A (LAC 43:XIX.Chapter 33)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Office of Conservation hereby proposes to amend Statewide Order No. 31-A.

#### Title 43

#### NATURAL RESOURCES

#### Part XIX. Office of Conservation: General Operations

#### Subpart 14. Statewide Order No. 31-A

#### Chapter 33. Record Keeping and Report Filing

#### §3301. Scope

An Order providing rules and regulations governing and requiring the keeping of records and the filing of reports respecting the producing, taking, transporting, processing, cycling, and otherwise handling of natural gas within the state of Louisiana.

**AUTHORITY NOTE:** Promulgated in accordance with Act 157 of the Legislative Session of 1940.

**HISTORICAL NOTE:** Adopted by the Department of Conservation, September 7, 1941, amended January 1, 1942, December 1, 1955, April 17, 1968, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

### §3303. Definitions

Unless the context otherwise requires, the words defined in this Section shall have the following meanings when found in this Order:

*Field, Month, and Calendar Month*—shall have the meaning prescribed for each of said words, respectively, in Part XIX, Subpart 3, §903 promulgated by the commissioner of conservation on December 16, 1940.

*Gas Gatherer*—anyone who gathers gas other than his own in a field or from several fields for delivery to a transporter or gas processing plant.

*Person, Producer, Gas, and Products*—shall have the meaning prescribed for each of said words as defined in R.S. 30:3.

*Stripper Well*—shall have the ordinary meaning as that term is generally understood in the oil and gas industry, but shall not be construed to include naturally flowing or artificial gas-lift oil wells.

*Transporter*—shall have the ordinary meaning as that term is generally understood in the oil and gas industry, but shall not be construed to include producers operating field gathering systems and direct transportation lines to ultimate consumers.

**AUTHORITY NOTE:** Promulgated in accordance with Act 157 of the Legislative Session of 1940.

**HISTORICAL NOTE:** Adopted by the Department of Conservation, September 7, 1941, amended January 1, 1942, December 1, 1955, April 17, 1968, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

### §3305. Applicability

The provisions of this Order shall extend and apply to all gas produced from oil wells or gas wells within the state of Louisiana, excepting gas vented from stripper oil wells.

**AUTHORITY NOTE:** Promulgated in accordance with Act 157 of the Legislative Session of 1940.

**HISTORICAL NOTE:** Adopted by the Department of Conservation, September 7, 1941, amended January 1, 1942, December 1, 1955, April 17, 1968, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

### §3307. Forms R-5-P and R-5-T

A. The Monthly Producer's Natural Gas Report Form R-5-P or most current revision thereof, is hereby adopted and made a part of this Order by reference.

B. The Monthly Transporter's Natural Gas Report Form R-5-T or most current revision thereof, is hereby adopted and made a part of this Order by reference.

C. All gas produced from oil wells and from gas wells within the state of Louisiana, excepting gas vented from stripper oil wells, shall be reported monthly on said Report Forms R-5-P or most current revision thereof and R-5-T or most current revision thereof. Every producer shall make Report Form R-5-P or most current revision thereof. Where, however, gas from any well is taken by any person other than the producer, the producer may authorize such person to make the report in his name, which report shall include all gas produced from said well. Every transporter shall make Report Form R-5-T or most current revision thereof. The producer

or agent of the producer, and the transporter thus required to report shall execute under oath and file in the manner hereafter directed on or before the last day of each calendar month, Report Form R-5-P or and R-5-T respectively, or most current revision thereof, setting forth fully the data and information indicated by such forms, and shall be complete as to data covering the calendar month next preceding the date of filing. Such reports for each month shall be prepared and filed in accordance with the instructions on the forms. The first report due under this Order shall be for the calendar month of January, 1942, which shall be filed on or before the last day of February, 1942.

**AUTHORITY NOTE:** Promulgated in accordance with Act 157 of the Legislative Session of 1940.

**HISTORICAL NOTE:** Adopted by the Department of Conservation, September 7, 1941, amended January 1, 1942, December 1, 1955, April 17, 1968, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

### §3309. Form R-6

A. The Monthly Gasoline and/or Cycling Plant Report Form R-6 or most current revision thereof, is hereby adopted and made a part of this Order by reference.

B. Each operator of a gasoline plant, cycling plant, or any other plant at which gasoline, butane, propane, condensate, kerosene, oil or other liquid products are extracted from natural gas within the state of Louisiana, shall furnish for each calendar month a Monthly Gasoline and/or Cycling Plant Report Form R-6 or most current revision thereof, containing the information indicated by such form respecting natural gas and products involved in the operation of each plant during each month. Such report for each month shall be prepared and filed according to instructions on the form on or before the last day of the next succeeding month.

**AUTHORITY NOTE:** Promulgated in accordance with Act 157 of the Legislative Session of 1940.

**HISTORICAL NOTE:** Adopted by the Department of Conservation, September 7, 1941, amended January 1, 1942, December 1, 1955, April 17, 1968, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

### §3311. Affidavits

All reports provided for in this Order shall be verified by affidavit in the form or forms indicated, and any reports not so verified shall not be taken as filed in compliance with this Order.

**AUTHORITY NOTE:** Promulgated in accordance with Act 157 of the Legislative Session of 1940.

**HISTORICAL NOTE:** Adopted by the Department of Conservation, September 7, 1941, amended January 1, 1942, December 1, 1955, April 17, 1968, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

### §3313. Record Keeping

All persons required by the provisions of this Order to keep the reports provided for herein shall make and keep appropriate books and records covering their operations in Louisiana from which they may be able to make and substantiate such reports.

**AUTHORITY NOTE:** Promulgated in accordance with Act 157 of the Legislative Session of 1940.

**HISTORICAL NOTE:** Adopted by the Department of Conservation, September 7, 1941, amended January 1, 1942,

December 1, 1955, April 17, 1968, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19: §3315. **Gas Gatherer**

A. Gas gatherer, as that term is defined in §3303 above, shall report the amounts of gas handled and disposed of on Office of Conservation Monthly Producer's Natural Gas Report, Form R-5-P or most current revision thereof. The gas which has been produced in the field shall be reported on Form R-5-P or most current revision thereof under the section of the report entitled Production. The gas which has been gathered in the same field along with gas which has been gathered in nearby fields and transported to that field shall be reported on the same Form R-5-P or most current revision thereof under the section entitled Acquisitions. Indicated in this section shall be the company from whom the gas was received, the field from which the gas was produced and the amount of gas received.

B. In the event the gatherer has produced no gas in the field from which he is gathering, then he shall indicate in the production section of Form R-5-P or most current revision thereof that he has no gas production. His acquisitions in that field shall be listed in the acquisitions section.

C. The total gas production of the gas gatherer shall then be added to the total acquisitions.

D. He shall then indicate in the disposition section of Form R-5-P or most current revision thereof, the manner in which the total amount of gas produced and acquired was disposed.

**AUTHORITY NOTE:** Promulgated in accordance with Act 157 of the Legislative Session of 1940.

**HISTORICAL NOTE:** Adopted by the Department of Conservation, September 7, 1941, amended January 1, 1942, December 1, 1955, April 17, 1968, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19: §3317. **Effect on Overall Authority of the Commissioner of Conservation**

This Order shall not be taken or construed to limit or restrict the authority of the commissioner of conservation to require the furnishing of such additional reports, data or other information relative to the production and processing of gas in this state as may appear to him to be necessary or desirable, either generally or specially, for the prevention of waste and the conservation of natural resources in this state; nor to limit or restrict the authority of the commissioner of conservation to waive the filing of any report or reports otherwise required hereunder in any special instance wherein the commissioner of conservation finds that such waiver is necessary to prevent undue hardship or imposition.

**AUTHORITY NOTE:** Promulgated in accordance with Act 157 of the Legislative Session of 1940.

**HISTORICAL NOTE:** Adopted by the Department of Conservation, September 7, 1941, amended January 1, 1942, December 1, 1955, April 17, 1968, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

In accordance with the provisions of R.S. 49:950 et seq., and R.S. 30:4, notice is hereby given that the commissioner of conservation will conduct a public hearing at 9 a.m., Tuesday, April 27, 1993, in the Conservation Auditorium, located on the first floor of the State Land and Natural

Resources Building, 625 North Fourth Street, Baton Rouge, LA.

All interested parties will be afforded the opportunity to submit data, views, or arguments, orally or in writing at said public hearing in accordance with R.S. 49:953. Written comments will be accepted until 4:30 p.m., Wednesday, May 4, 1993, at: Office of Conservation, Engineering Division, Box 94275, Baton Rouge, LA 70804-9275, Re: Docket No. 93-128.

H. W. Thompson  
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: STATEWIDE ORDER 31-A**

- 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.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There will be no 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.

H. W. Thompson  
Commissioner

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Natural Resources  
Office of Conservation**

Substitute Unit Wells (LAC 43:XIX.Chapter 29)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Natural Resources, Office of Conservation hereby proposes amendments to Statewide Order No. 29-K.

**Title 43**

**NATURAL RESOURCES**

**Part XIX. Office of Conservation: General Operations**

**Subpart 12. Statewide Order No. 29-K**

**Chapter 29. Substitute Unit Wells**

**§2901. Scope**

This Order provides rules and regulations governing the unprotested applications for designation of substitute unit wells.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Adopted by the Department of Conservation, May 4, 1964, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

### §2903. Definitions

Unless the context otherwise requires, the words defined in this Section shall have the following meanings when found in this Order.

**Commissioner**—the Commissioner of Conservation of the State of Louisiana.

**District Manager**—the manager of any one of the districts of the state of Louisiana under the Office of Conservation, and, as used, refers specifically to the manager within whose district the field or fields affected by the special order, as hereinafter defined, are located.

**Interested Party**—any owner, as owner is defined in Title 30 of the Louisiana Revised Statutes of 1950, who is known to the applicant after diligent search to own an interest within the unitized sand and any person, as person is defined in Title 30 of the Louisiana Revised Statutes of 1950, other than an owner, who is known to the applicant after diligent search to own an interest in the unitized sand and who is also known to have either a consultant or an attorney representing him in conservation matters.

**Special Order**—any order of the commissioner and any amendments or supplements thereto which created the unit for which the designation of a substitute unit well is requested.

**Substitute Unit Well**—any well already drilled to, or to be drilled to, completed or recompleted in the unitized sand which in the interest of good conservation practices should be designated to take the place of and become the unit well as determined by the special order.

**Unitized Sand**—the sand covered by the special order.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Adopted by the Department of Conservation, May 4, 1964, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

### §2905. Order

A. On and after the effective date hereof the commissioner may, in the absence of protest, designate by supplemental order a substitute unit well for any unit without the necessity of a public hearing upon proper showing that such substitute unit well is desirable and in the interest of sound conservation and that the location thereof complies in all respects with applicable special and statewide orders.

B. Future applications after the effective date hereof for the designation of a substitute unit well shall be made to the commissioner with copy to the district manager and to interested parties and such application shall include the following:

1. statement of reason explaining the need or desire for the designation of the substitute unit well;
2. plat showing the unit and the location of the proposed substitute unit well;
3. list of the names and addresses of all interested parties notified of the application; and
4. an application fee established by Part XIX, Subpart 2 or successor regulation.

C. Notice of the filing of the application for designation of

a substitute unit well shall be published in the official journal of the state of Louisiana giving notice that unless a written protest is filed with the commissioner within 15 days following the publication of notice of the application, the commissioner may grant the request for the designation of the substitute unit well without the necessity of a public hearing.

D. Upon the basis of the application as hereinabove provided and the notice set forth herein, the commissioner may supplement a special order designating a substitute unit well as proposed. However, no designation of a substitute unit well shall be granted without a public hearing if, in the judgment of the commissioner, the location of the proposed substitute unit well is not in compliance with the provisions hereof or if any person protests the application by filing a written protest with the commissioner within 15 days following the publication of notice of the application. In either of the foregoing events, the application shall be set for public hearing at the election of the applicant or the commissioner.

E. This Order shall be in addition to all statewide orders, rules and regulations affecting the location, drilling, completion, or recompletion of wells as heretofore promulgated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Adopted by the Department of Conservation, May 4, 1964, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

In accordance with the provisions of R.S.49:950 et seq. and R.S.30:4, notice is hereby given that the commissioner of conservation will conduct a public hearing at 9 a.m., Tuesday, April 27, 1993, in the Conservation Auditorium, located on the first floor of the State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

All interested parties will be afforded the opportunity to submit data, views, or arguments, orally or in writing at said public hearing in accordance with R.S.49:953. Written comments will be accepted until 4:30 p.m., Wednesday, May 4, 1993 at the Office of Conservation, Engineering Division, Box 94275, Baton Rouge, LA 70804-9275, Re: Docket No. 93-127.

H. W. Thompson  
Commissioner

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: SUBSTITUTE UNIT WELLS

- 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.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There will be no 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.

H. W. Thompson  
Commissioner

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Natural Resources  
Office of Conservation**

**Termination of Units  
(LAC 43:XIX.3101 and 3105)**

In accordance with the Administrative Procedures Act, R.S. 49:950 et seq., the Department of Natural Resources, Office of Conservation hereby proposes amendments to Statewide Order No. 29-L-1.

**Title 43  
NATURAL RESOURCES**

**Part XIX. Office of Conservation: General Operations  
Subpart 13. Statewide Order No. 29-L-1  
Chapter 31. Termination of Units  
§3101. Scope**

This order establishes rules and regulations for termination of any unit established by the commissioner of conservation pursuant to the authority of Title 30 of the Louisiana Revised Statutes of 1950.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:4 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Natural Resources, Office of Conservation, LR 15:741 (September 1989)

**§3103. Definitions**

Unless the context otherwise requires, the words defined in this Section shall have the following meaning when found in this order.

**District Manager**—the manager of any one of the districts of the State of Louisiana under the Office of Conservation, and refers specifically to the manager within whose district the pool for which the unit sought to be terminated is located.

**Interested Owner**—any owner, as owner is defined in Title 30 of Louisiana Revised Statutes of 1950, who is known to the applicant after diligent search to own an interest within the pool for which the unit sought to be terminated was established.

**Interested Party**—any person, as person is defined in Title 30 of Louisiana Revised Statutes of 1950, who owns an interest in the pool for which the unit sought to be terminated was established.

**Pool**—an underground reservoir containing a common accumulation of crude petroleum or natural gas or both. Each zone of a general structure which is completely separated from any other zone in the structure is covered by the term pool.

**Represented Party**—any person, as person is defined in Title 30 of the Louisiana Revised Statutes of 1950, who is known to the applicant after diligent search to own an interest in the pool for which the unit sought to be terminated was

established and who is known to have either a consultant or attorney representing him in conservation matters.

**Unit**—all units established for a particular pool, by order of the commissioner of conservation pursuant to authority of Subsection B of Section 9 or Subsection B or C of Section 5 of Title 30 of the Louisiana Revised Statutes of 1950.

**Well**—all wells drilled within the confines of the unit for which termination is sought.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:4 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Natural Resources, Office of Conservation, LR 15:741 (September 1989), repromulgated, LR 19:

**§3105. Order**

A. On and after the effective date hereof, a supplemental order terminating any unit established by the commissioner may be issued after written application and upon proper showing in the manner provided herein, and in the absence of protest without the necessity of a public hearing, when with respect to the pool for which the unit was established, a period of one year and 90 days has elapsed without:

1. production from the pool; and
2. the existence of a well proven capable of producing from the pool; and
3. drilling, reworking, recompletion, deepening or plugging back operations having been conducted on a well to secure or restore production from the pool.

B. Each application for unit termination shall be filed with the commissioner with a copy to the district manager, each interested owner and represented party and shall include the following:

1. a plat showing the unit for which termination is being sought with each well located thereon, together with order number and effective date of the order of the commissioner establishing said unit. Each well shall be identified on such plat by operator of record, serial number and well name and number or by reference to an appropriate attachment;
2. a signed statement indicating the status of each well. Should there exist a well which has not been plugged and abandoned in accordance with Part XIX, Subpart 1, Section 137, sufficient geological, engineering, or other data with detailed explanation thereof to clearly demonstrate that said well is not capable of producing from the pool;
3. a signed statement indicating that with respect to the pool for which the unit was established, to the best of applicant's knowledge a period of one year and 90 days has elapsed without:

- a. production from the pool; and
- b. the existence of a well proven capable of producing from the pool; and
- c. drilling, reworking, recompletion, deepening or plugging back operations having been conducted on a well to secure or restore production from the pool.

4. a list of all interested owners and represented parties to whom a copy of the application has been sent;

5. an application fee established by Part XIX, Subpart 2 or successor regulation.

C. Notice of the filing of the application of unit termination shall be published in the official journal of the State of

Louisiana giving notice that unless a written protest is filed with the commissioner within the 30-day period from the date of publication of notice, the commissioner may issue a supplemental order for such unit termination. In the event written objection is filed within said 30-day period, the applicant may apply for a public hearing for consideration of the application.

D. In the event a well deemed not capable of producing from the pool on the effective date of unit termination reestablishes production from the pool, or subsequent to the effective date of unit termination a determination is made that one of the other requirements as set forth in §3105.A was not met, the procedures set forth below shall be adhered to:

1. the commissioner of conservation shall mail legal notice to the district manager, original applicant, and to all interested owners and represented parties shown on the applicant's list in addition to the publication of legal notice in the official state journal, such notice to contain an explanation of factual situation regarding the unit termination and current productive status of the pool; and

2. such notice shall provide that unless written protest is received, within 30 days from the date of publication of notice, the commissioner of conservation shall issue a supplemental order rescinding the unit termination order; and

3. in the event a written protest is timely filed, the party filing said protest shall have a period of 15 days from the date of such protest in which to file an application for a public hearing pursuant to Subsection B of Section 6 of Title 30 of Louisiana Revised Statutes of 1950 requesting an order sustaining the unit termination. If the party filing the protest fails to timely file application for public hearing the commissioner shall issue a supplemental order as deemed appropriate without a public hearing.

E. That the effective date of any supplemental order issued hereunder can not be prior to the expiration of the legal advertisement period, reference §3105.C hereof. Consequently, any activity described in §3105.A hereof, including the issuance of a permit to drill a well within the confines of the unit for which termination is sought, occurring between the date of the signed statement, reference §3105.B.3 hereof and the expiration of the legal advertisement period, shall result in application denial.

F. Any supplemental order issued hereunder approving the application shall terminate all units created for the pool and shall be filed for record as provided in Section 11.1 of Title 30 of Louisiana Revised Statutes of 1950.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:4 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Natural Resources, Office of Conservation, LR 15:741 (September 1989), amended, LR 19:

A public hearing will be conducted at 9 a.m., Tuesday, April 17, 1993, in the Conservation Auditorium, located on the first floor of the State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

All interested parties will be afforded an opportunity to submit data, views, or arguments, orally or in writing at said public hearing in accordance with R.S. 49:953. Written comments will be accepted until 4:30 p.m., Wednesday, May

4, 1993 at the following address: Office of Conservation, Engineering Division, Box 94275, Baton Rouge, LA 70804-9275; Re: Docket Number 93-128.

H. W. Thompson  
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: TERMINATION OF UNIT**

- 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.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There will be no 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.

H. W. Thompson  
Commissioner

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Natural Resources  
Office of Conservation**

Tubingless Completions (LAC 43:XIX.Chapter 27)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Natural Resources, Office of Conservation hereby proposes amendments to the Statewide Order No. 29-J.

**Title 43**

**NATURAL RESOURCES**

**Part XIX. Office of Conservation:**

**General Operations**

**Subpart 11. Statewide Order No. 29-J**

**Chapter 27. Tubingless Completions**

**§2701. Scope**

This Order provides rules and regulations governing unprotested applications in the use of tubingless completions in the state of Louisiana.

**AUTHORITY NOTE:** Promulgated in accordance with R.S.30:4 et seq.

**HISTORICAL NOTE:** Adopted by the Department of Conservation, March 1, 1961, amended May 1, 1963, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

**§2703. Definitions**

Unless the context otherwise requires, the words defined in this Section shall have the following meanings when found in this Order.

**District Manager**—the head of any one of the districts of the state of Louisiana under the Office of Conservation, and, as used, refers specifically to the manager within whose district the field or fields are located.

**Office**—the Office of Conservation of the State of Louisiana.

**Tubingless Completion**—the completion of any well so as to permit the passage of production from one separate underground source through one production casing set in the well.

**AUTHORITY NOTE:** Promulgated in accordance with R.S.30:4 et seq.

**HISTORICAL NOTE:** Adopted by the Department of Conservation, March 1, 1961, amended May 1, 1963, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

**§2705. Order**

A. From and after the effective date hereof, permission to complete and produce wells without the use of tubing may be obtained from the district manager without the necessity of a public hearing in the absence of protests, and upon strict compliance with the procedure set forth herein.

B. No permission to complete and produce wells without the use of tubing will be granted without a public hearing unless and until the data and information required by the district manager shall have been filed in his office; said filings to be made in duplicate and to include the following information:

**APPLICATION FOR TUBINGLESS COMPLETION  
IN THE \_\_\_\_\_ FIELD.**

Date: \_\_\_\_\_ Serial No.: \_\_\_\_\_  
 Field Name: \_\_\_\_\_ Parish: \_\_\_\_\_ Dept. Dist: \_\_\_\_\_  
 Operator: \_\_\_\_\_ Lease: \_\_\_\_\_ Well No.: \_\_\_\_\_

1. This application is for:
  - a. A proposed well
  - b. A well now being drilled
  - c. A well now drilled to total depth
2. The following facts are submitted:
  - a. Name of reservoir:
  - b. Approximate top of pay section:
  - c. Approximate bottom of pay section:
  - d. Approximate perforations:
  - e. Type of production (oil or gas):
  - f. Reservoir pressure: \_\_\_\_\_ psig at \_\_\_\_\_ feet subsea.
  - g. Reservoir pressure gradient: \_\_\_\_\_ psi per foot (from above).
  - h. Anticipated method of production following initial completion (flowing or artificial lift):
    1. Electric Log does not indicate any commercial productive sand above proposed top of cement.
3. The following are attached:
  - a. Diagrammatic sketch of proposed tubingless completion installation.
  - b. Flat showing location of well.
4. Has the district manager of the Office of Conservation granted tubingless completion in this field prior to this application? \_\_\_\_\_
5. Does all geological and engineering data now available indicate that this well and/or pool contains limited reserves to the extent that a normal completion is not feasible from the standpoint of economics? \_\_\_\_\_

6. List all other operators in the field where this well is located together with correct mailing address of each and evidence that each such operator has approved the tubingless completion applied for:

7. Is the fluid to be produced conducive to corrosion to the extent that any resulting corrosion will destroy the effective seal of the production casing during the producing life of this well?

8. If the answer to Item 7 above is Yes, what steps are proposed to combat or circumvent this corrosion problem?

\_\_\_\_\_  
Operator  
By \_\_\_\_\_

Date Approved: \_\_\_\_\_  
\_\_\_\_\_  
District Manager

**C E R T I F I C A T E**

This is to certify that, to the best of my knowledge and belief, the information contained in this application is true and correct.

Signed \_\_\_\_\_

Title \_\_\_\_\_

Representing \_\_\_\_\_

Form-T.C.-1

C. If an applicant for a tubingless completion installation is unable to obtain the approval of all of the other operators in the field then such an applicant must apply for a public hearing following the usual 10-day advertisement period after furnishing a list of all known parties, including operators and royalty owners, affected by the application, all in accordance with Title 30 of the Louisiana Revised Statutes of 1950, as amended.

D. All approved applications shall be subject to the applicant's conforming with the following requirements:

1. **Conductor Pipe.** The use and removal of conductor pipe during the drilling of any oil or gas well shall be at the option of the operator. Conductor pipe is that pipe ordinarily used for the purpose of supporting unconsolidated surface deposits.

2. **Surface and Intermediate Casing.** All fresh water sands shall be cased off by the surface or first intermediate casing in accordance with provisions of Part XIX, Subpart 1.

3. **Producing Oil String**  
 a. Producing or oil string is that casing used for the purpose of segregating the horizon from which production is obtained and affording a means of communication between such horizon and the surface.

b. The producing string of casing shall consist of new or reconditioned casing tested at mill tent pressure or at 1.25 times the maximum anticipated bottomhole pressure, whichever is greater. The producing string of casing shall be set at a sufficient depth to cut off all gas formations above the oil-saturated horizon in which the well is to be completed. The position of the oil horizon shall be determined by coring, testing or electrical logging, or other satisfactory method, and the producing string of casing shall be bottomed and cemented at a point below the gas/oil contact, if determinable and practicable. The producing string of casing shall be of sufficient size and completed with the proper amount of tension so as to allow the running of conventional bottomhole

pressure bombs, temperature survey units and all instruments of similar nature to the depth of the producing horizon.

c. Cement shall be by the pump and plug method, or another method approved by the office. Sufficient cement shall be used to fill the calculated annular space behind the casing to such a point as, in the opinion of the district manager, local conditions require to protect the producing formations and all other oil and gas formations occurring above, but in every case, no less cement shall be used than the calculated amount necessary to fill the annular space to a point 500 feet above the top producing zone. The calculated amount of cement required shall be determined by a hole caliper survey or 1.5 times the theoretical volume required to fill this annular area.

d. The amount of cement to be left remaining in the casing, until the requirements of §2705.D.3.e below have been met, shall be not less than 20 feet. This shall be accomplished through the use of a float collar or other approved or practicable means, unless a full-hole cementer, or its equivalent, is used.

e. Cement shall be allowed to stand a minimum of 12 hours under pressure and a minimum total of 24 hours before initiating test or drilling plug in the producing or oil string. *Under pressure* is complied with if one or more float valves are employed and are shown to be holding the cement in place, or when other means of holding pressure are used. When an operator elects to perforate and squeeze or to cement around the shoe, he may proceed with such work after 12 hours have elapsed after placing the first cement.

f. Before drilling the plug in the producing string of casing in wells drilled to 3,000 feet or less, the casing shall be tested with a pressure equivalent to 1,500 psi surface pressure applied with water in the casing, and in wells drilled deeper than 3,000 feet, the casing shall be tested with a pressure equivalent to 3,000 psi surface pressure applied with water in the casing. If, at the end of 30 minutes, the pressure gauge shows a drop of 10 percent of the test pressure or more, the operator shall be required to take such corrective measures as will insure that the producing string of casing is so set and cemented that it will hold said pressure for 30 minutes without a drop of more than ten percent of the test pressure on the gauge.

g. If the commissioner's agent is not present at the time designated by the operator for inspection of the casing tests of the producing string, the operator shall have such tests witnessed, preferably by an offset operator. An affidavit of the test, on the form prescribed by the Office of Conservation, signed by the operator and witness, shall be furnished to the district office of the Office of Conservation shown that the test conformed satisfactorily to the above mentioned regulations before proceeding with the completion. If test is satisfactory, normal operations may be resumed immediately.

h. If the test is unsatisfactory, the operator shall not proceed with the completion of the well until a satisfactory test has been obtained.

i. A temperature survey shall be run in the producing string prior to perforating if returns were lost during cementing or unusual circumstances were noted during the

primary cementing operation to assure all interested parties that the cement has been displaced a sufficient height outside the producing casing.

j. If a kill string is recommended by the district manager for the prevention of underground waste and the operator does not concur, such requirement pertaining to the installation of a kill string shall be resolved by the conservation commissioner and his staff after due consideration and review. The conservation commissioner and his staff shall also determine the minimum setting depth, size, and quality of the kill string, if required.

k. No permit to make a tubingless completion in a corrosive or extreme pressure (gradient in excess of .5 psi per foot of depth or surface tubing pressure in excess of 4,500 psig) field shall be granted unless preventive measures for the corrosion or extreme pressure problems have been resolved and approved by the district manager.

E. This Order shall be cumulative of and in addition to all Statewide Orders, rules and regulations affecting the drilling and production of gas and/or liquid hydrocarbons heretofore promulgated, and when anything in this Order is in conflict therewith, then the provisions of this Order shall govern. In case of conflict between this Order and any special orders issued on specific fields, said special orders on specific fields shall govern.

AUTHORITY NOTE: Promulgated in accordance with R.S.30:4 et seq.

HISTORICAL NOTE: Adopted by the Department of Conservation March 1, 1961, amended May 1, 1963, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 19:

In accordance with the provisions of R.S.49:950 et seq. and R.S. 30:4, notice is hereby given that the commissioner of conservation will conduct a public hearing at 9 a.m., Tuesday, April 27, 1993, in the Conservation Auditorium, located on the first floor of the State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

All interested parties will be afforded the opportunity to submit data, views, or arguments, orally or in writing at said public hearing in accordance with R.S.49:953. Written comments will be accepted until 4:30 p.m., Wednesday, May 4, 1993 at the Office of Conservation, Engineering Division, Box 94275, Baton Rouge, LA 70804-9275, Re: Docket No. 93-126.

H. W. Thompson  
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: TUBINGLESS COMPLETIONS**

- 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.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There will be no 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.

H. W. Thompson  
Commissioner

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Social Services  
Office of Family Support**

**Food Stamps (LAC 67:III.1992, 1993)**

The Department of Social Services, Office of Family Support, proposes to amend the Louisiana Administrative Code, Title 67, Part III, Subpart 3, Food Stamps.

Pursuant to United States Department of Agriculture Waiver Numbers 920506 and 920107, the department proposes to extend the validity period of the Food Stamp Program issuance documents.

**Title 67**

**SOCIAL SERVICES**

**Part III. Office of Family Support**

**Subpart 3. Food Stamps**

**Chapter 19. Certification of Eligible Households**

**Subchapter J. Determining Household Eligibility and Benefit Levels**

**§1992. Issuing Benefits**

A. State Office ATP Issuing Procedures. The regular monthly Authorization to Purchase (ATP) cards will be mailed on 14 mailing dates. Mail codes which identify the mailing sequence will be computer-assigned to all households.

B. ATP Card Expiration Dates. Regular ATP cards assigned mail codes 11 through 14 will expire the month following their month of issuance. All ATP cards that are issued on, or after, the fifteenth day of a month will also expire the following month. These expiration dates are subject to federal approval of annual waiver requests.

AUTHORITY NOTE: Promulgated in accordance with 7 CFR 274.2 (c)(1) and 274.3.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 18:1268 (November 1992), amended LR 19:

**§1993. Replacement of Benefits**

A. - D. ...

E. REPEALED

AUTHORITY NOTE: Promulgated in accordance with F. R. 54:6989 et seq., 7 CFR 273.10.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Eligibility Determinations, LR 15:629 (August 1989), amended by the Department of Social Services, Office of Family Support, LR 19:

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 April 26, 1993, in the second floor auditorium, 755 Third Street, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

Gloria Bryant-Banks  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: FOOD STAMPS**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The estimated cost to state government for implementation of the proposed action includes the printing of manual revisions which inform staff of this administrative change. Chapters 5 and 12 will each require the printing of a cover memo plus two pages. The Financial Assistance Manual will require on-line revision to one section and printing of a cover memo and one page. Total anticipated costs for printing and distribution are \$172.20.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule will have no effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There are no costs to any persons or non-governmental groups. No economic benefit is expected to any non-governmental group.

Economic benefits to food stamp recipients are expected since an increased number of ATP cards will have an extended expiration date. However, a benefit amount cannot be anticipated as recipients are not required to report the inability to execute an ATP card due to expiration.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposal will have no impact on competition and employment.

Howard L. Prejean  
Assistant Secretary

David W. Hood  
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Social Services
Office of Family Support

Individual and Family Grant Program
(LAC 67:III.6501, 6502)

The Department of Social Services, Office of Family Support, proposes to amend the Louisiana Administrative Code, Title 67, Part III, Subpart 10, Individual and Family Grant Program. This change is necessary to amend the maximum grant and flood insurance amounts in the Individual and Family Grant (IFG) Program subsequent to annual federal adjustments.

Text may be viewed in its entirety in the Emergency Rule Section of the February, 1993, issue of the Louisiana Register.

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 April 26, 1993 in the second floor auditorium, 755 Third Street, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

Gloria Bryant-Banks
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: INDIVIDUAL FAMILY SUPPORT

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The maximum grant amount and the value of required flood insurance for certain disaster victims increases by \$400, but since each disaster is unique and unpredictable, no costs can be anticipated. Costs to state government can only be determined after the fact. There is no cost or savings to local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change has no effect on revenue collection.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There are no estimated costs or benefits to persons or non-governmental groups. In the event of disaster, there will be economic benefits to individuals eligible for assistance from the IFG Program and a cost for the increase in insurance, but these cannot be predicted.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition and employment.

Howard L. Prejean
Assistant Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Social Services
Office of the Secretary

Child Care Providers (LAC 67:I.103)

The Department of Social Services, Office of the Secretary proposes to adopt the following rule in the Child Care and Development Block Grant Program effective June 20, 1993.

Title 67

SOCIAL SERVICES

Part I. Office of the Secretary

Chapter 1. Child Care Assistance Program

§103. Child Care Providers

\*\*\*

D. A quality incentive will be paid to each child care provider that achieves NAEYC certification. The incentive will be paid once each calendar quarter, and will be equal to 10 percent of all payments received by that provider from the certificate portion of the Child Care and Development Block Grant for services provided during the prior calendar quarter.

\*\*\*

F. The Child Care Assistance Program will provide cash assistance to child care providers to pay for repairs and improvements that are necessary to comply with DSS licensing or registration requirements. The program will pay for one-half of the cost of such a repair or improvement, up to the following maximums, which are based on the capacity of the child care provider.

Table with 2 columns: Number of Children, Maximum Grant. Rows include categories like 'Up to 20', '21-40', '41-60', '61-80', '81-100', '101-120', and 'Over 120' with corresponding grant amounts from \$50 to \$350.

A provider can receive no more than one such grant in any fiscal year. To apply, the provider must submit an application form along with verification that the repair or improvement is needed to meet DSS licensing or registration requirements and an estimate of the cost of the repair or improvement.

\*\*\*

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

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 18:288 (March 1992), amended LR 18:1269 (November 1992), LR 19:

§104. Payment

\*\*\*

D. Payments to providers will be a percentage of either the provider's actual charge or the state maximum rate for authorized services, whichever is less. In no case will payment be made for absences of more than 10 working days by a child in any calendar month. Payment will also not be made for an extended closure by a provider of more than four consecutive days in any calendar month.

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

**HISTORICAL NOTE:** Promulgated by the Department of Social Services, Office of the Secretary, LR 18:288 (March 1992), amended LR 18:1269 (November 1992), LR 19:

**Comments:** Interested persons may submit written comments by April 27, 1993 to the following address: William Ludwig, Deputy Secretary, Department of Social Services, Box 3776, Baton Rouge, LA, 70821. He is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on the proposed rule will be held on April 27, 1993 in the second floor auditorium, 755 Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at said hearing.

Gloria Bryant-Banks  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: CHILD CARE PROVIDERS**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no fiscal impact resulting from this proposed rule, as it simply makes a specific plan for the expenditure of funds previously reported in the implementation of the Child Care and Development Block Grant.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no impact 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)**

In federal fiscal year 92/93, the Child Care and Development Block Grant allocated to Louisiana \$23,623,963 (of which 75 percent, or \$17,717,972, can be expended by the Child Care Assistance Program). It is anticipated that allocations in future years will be approximately the same. The total funds allocated to Louisiana will not be changed. Child care facilities that need repairs or improvements in order to meet licensing or registration requirements will be able to receive grants of up to \$350 for this purpose once in each fiscal year; policy is being issued regarding payments to providers when a child is absent from care or a facility is closed.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed action may have the effect of increasing competition and employment, by assisting facilities in the process of starting business. However, because the grants are limited to a maximum of \$350 in any fiscal year, it is unlikely that the effect will be significant.

William Ludwig  
Deputy Secretary

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Transportation and Development  
Board of Registration of Professional Engineers and  
Land Surveyors**

Engineering Branches (LAC 46:LXI.902, 1103)

In accordance with R.S.49:950, et seq., notice is hereby given that the Board of Registration for Professional Engineers and Land Surveyors intends to amend LAC 46:LXI.902 and 1103 as follows:

**Title 46  
PROFESSIONAL AND OCCUPATIONAL  
STANDARDS  
Part LXI. Professional Engineers and Land Surveyors  
Subpart 1. Rules  
Chapter 9. Branches of Engineering  
§902. Branches Added**

\* \* \*

- B. Environmental - 1993
- C. Control Systems - 1993

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:693.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 17:273 (March 1991), amended LR 19:

**§1103. Other Curricula**

\* \* \*

D. Related technology curricula shall be those four-year technology curricula which correspond to the approved branches of engineering listed in §901 and §902 which are approved by the board. Such curricula shall be accredited by the Technology Accreditation Commission of the Accreditation Board for Engineering and Technology (TAC/ABET) or equivalent to such curricula.

\* \* \*

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:693.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:113 (May 1979), amended 7:647 (December 1981), LR 10:805 (October 1984), LR 19:

Interested persons may submit written comments or offer amendments to the proposed rules to Paul L. Landry, P. E., Board of Registration for Professional Engineers and Land Surveyors, 1055 St. Charles Avenue, Suite 415, New Orleans, LA 70130, at any time prior to June 3, 1993. The board proposes to consider and take action on the adoption of this rule at a meeting in its office at 11 a.m. on June 7, 1993.

Paul L. Landry, P. E.  
Executive Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: ENGINEERING BRANCHES**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no estimated costs and/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.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There are no estimated effects on competition and employment.

Paul L. Landry, P. E.  
Executive Secretary

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Transportation and Development  
Office of Real Estate**

**Right-of-Way Disposal Fee (LAC 70:XVII.301)**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Transportation and Development intends to adopt the following rule entitled "Disposal of Excess Highway Right-of-Way," in accordance with the provisions of R.S. 48:221.

**Title 70**

**DEPARTMENT OF TRANSPORTATION  
AND DEVELOPMENT  
Part XVII. Real Estate**

**Chapter 3. Disposal of Excess Highway Right-of-Way by Department of Transportation and Development §301. Policy**

A. It shall be the policy of the Department of Transportation and Development to require a \$100 processing fee from any person or entity desiring to purchase state-owned properties. When a request for purchase is received, an application form will be sent to the requestor requiring the \$100 processing fee, together with acquisition data, map or survey, and other pertinent information concerning the desired property. If the property in question is approved for disposal, this \$100 processing fee will be credited toward the purchase price of the property. In the event the disposal is not approved or a sale is not consummated, the \$100 processing fee is non-refundable.

B. Purpose. The requirement of a processing fee is necessary to cover the cost of research and processing involved in disposal of immovable property.

  
 EDWIN W. EDWARDS  
GOVERNOR

STATE OF LOUISIANA  
 DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT  
 P. O. Box 94245  
 Baton Rouge, Louisiana 70804-9245

  
 JUDGE W. P. PATIN  
SECRETARY

Dear \_\_\_\_\_:

Thank you for your letter expressing interest in excess property owned by the Department of Transportation and Development.

Please complete the attached application, entitled "Request To Dispose Of Excess Right Of Way," and return it to the Department with the required documentation and a processing fee of \$100, in the form of cashier's check, certified check, or money order. The fee is required to cover research and processing expenses incurred by the Department and is non-refundable, if the property is not approved for disposal or if a sale is not consummated. However, if the property is available for sale by the Department and a sale is consummated, the processing fee will be credited toward the purchase price at the time of closing.

As soon as we receive the required documentation and processing fee from you, we will process your request and advise you of the Department's determination concerning the disposal of this property.

Sincerely,

\_\_\_\_\_  
Real Estate Agent

Attachment

AN EQUAL OPPORTUNITY EMPLOYER  
A DRUG FREE WORKPLACE

**REQUEST TO DISPOSE OF EXCESS RIGHT OF WAY  
LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT**

I. Applicant

NAME \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_

(A/C) \_\_\_\_\_ (A/C) \_\_\_\_\_

HOME PHONE \_\_\_\_\_ BUSINESS PHONE \_\_\_\_\_

Were you the owner of the property when it was acquired by the Department? (Check one)  Yes  No

---

II. Copy of Act of Sale whereby DOTD acquired property.

III. Legal description of the property which you are requesting disposal of:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(On the reverse side, provide a sketch of the property you believe to be excess, indicating any property you own adjacent to desired property.)

---

IV. List the name, address and telephone number of all abutting owners to the property which may be excess (show the location of these ownerships on the sketch on reverse side.)

Owner: _____	Owner: _____
_____	_____
Owner: _____	Owner: _____
_____	_____

Upon completion of all Sections of this application, please mail to:

REAL ESTATE SECTION  
DOTD  
P. O. BOX 94245  
BATON ROUGE, LA 70804-9245

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Estimated cost to affected persons is \$100 per applicant.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

Jude W. P. Patin  
Secretary

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Transportation and Development  
Office of Weights and Standards**

**Litter Tickets (LAC 73:I.701)**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt the following rule entitled "Enforcement of Litter Violations," in accordance with the provisions of R.S. 25:1111 (H) and R.S. 32:389.

**Title 73**

**DEPARTMENT OF TRANSPORTATION  
AND DEVELOPMENT**

**Part I. Weights and Standards**

**Chapter 7. Enforcement of Litter Violations**

**§701. Purpose**

Pursuant to the adoption of Act 327 of the 1992 Regular Session of the Louisiana Legislature, the Office of Weights and Standards Police within the Department of Transportation and Development, in cooperation with the Office of State Police within the Department of Public Safety, adopts the following rules to implement the provisions of said act.

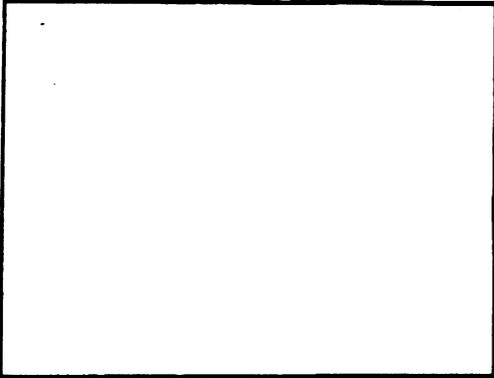
AUTHORITY NOTE: Promulgated in accordance with R. S. 25:1111 (H) and R. S. 32:289.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Weights and Standards, LR 19:

**§703. Form of Ticket**

The forms of the tickets which will be issued for violation of R. S. 25:1111 (H) and R. S. 32:289 are as follows:

N



(Depict the location, i.e., 2 miles east of the intersection of US 91 and SR 31 on SR 31 and other information which would be helpful.)

Provide any additional information you believe is relevant: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

AUTHORITY NOTE: Promulgated in accordance with R. S. 48:221.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 19:

All interested persons so desiring shall submit oral or written data, views, comments, or arguments no later than 30 days from the date of publication of this notice of intent to: James M. Dousay, Real Estate Administrator, Department of Transportation and Development, Box 94245, Baton Rouge, LA 70804-9245, phone (504) 379-1736.

Jude W.P. Patin  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: RIGHT-OF-WAY DISPOSAL FEE**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Implementation costs will be negligible. Implementation could discourage all but serious inquiries, thereby saving DOTD processing costs in connection with frivolous inquiries.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

DOTD averages 30 requests a year. If application fee is implemented, DOTD would receive fewer requests, but could collect approximately \$1,500 per year. (The bulk of these fees would be applied against purchase prices if sales are transacted.)

OFFICE OF STATE POLICE

COMPLAINT-AFFIDAVIT

The undersigned being duly sworn upon his oath deposes and says  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ at \_\_\_\_\_ M.

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_

DOB \_\_\_\_\_ Occupation \_\_\_\_\_

Employer \_\_\_\_\_ City/State \_\_\_\_\_

Race \_\_\_\_\_ Sex \_\_\_\_\_ Ht. \_\_\_\_\_ Wt. \_\_\_\_\_ Hair \_\_\_\_\_ Eyes \_\_\_\_\_ Age \_\_\_\_\_

Op. Lic. No./ Class ( ) \_\_\_\_\_ State \_\_\_\_\_  PICKED UP FOR BOND

Unlawfully Motor Veh. \_\_\_\_\_ State \_\_\_\_\_  
Operated Reg. No. \_\_\_\_\_ Year \_\_\_\_\_

Make/Model \_\_\_\_\_ Body \_\_\_\_\_  
Year \_\_\_\_\_ Type \_\_\_\_\_ Color \_\_\_\_\_

Upon a Public Highway (Location) \_\_\_\_\_  
MP # \_\_\_\_\_

Committed the Following Offense: R.S. \_\_\_\_\_

Speeding \_\_\_\_\_ MPH in a \_\_\_\_\_ MPH Zone No. \_\_\_\_\_  
Radar \_\_\_\_\_

Other Violation (Describe) \_\_\_\_\_

JUVENILE  ACCIDENT  PD  PI  FATAL  COMPACT STATE

The undersigned further states that he has just and reasonable grounds to believe and does believe that the person named above committed the offense herein set forth, contrary to law of the State of Louisiana in such case made and provided and against the peace and dignity of the same

SIGNATURE AND RANK

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

NOTARY OR EX-OFFICIO NOTARY

Court Appearance:

Date \_\_\_\_\_ Time \_\_\_\_\_ AM  
PM Ph \_\_\_\_\_

at \_\_\_\_\_  
I understand the terms and conditions of this citation and promise to appear at the time and place shown above. Failure to appear will be cause for the suspension of my driving privileges and the imposition of an additional fine by the Louisiana Department of Public Safety.

Signed By \_\_\_\_\_  
THIS SIGNATURE IS NOT AN ADMISSION OF GUILTY

NAME (Last) (First)

(Middle Initial)

LA. DEPT. OF TRANSPORTATION AND DEVELOPMENT

Acts: Weights & Standards Office  
P.O. Box 94042, Baton Rouge, LA. 70804-9042

VIOLATION TICKET  
DOTD 03-44-0699 (REV. 2/89)

Issued the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ at \_\_\_\_\_ m

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

OWNER \_\_\_\_\_

ADDRESS \_\_\_\_\_

OPER. LIC. NO./ CLASS ( ) \_\_\_\_\_ ST. \_\_\_\_\_ DEPOSITED IN  LIEU OF PAYMENT

VEH. YEAR MAKE/TYPER VIN NO. \_\_\_\_\_

VEH. LIC. YEAR/STATE/NO. \_\_\_\_\_ APP.  TYPE

LOCATION HWY. & PARISH N E S W \_\_\_\_\_ COMMODITY CODE

R.S. NO. VIOLATION \_\_\_\_\_ CODE \_\_\_\_\_

TIRE SIZE \_\_\_\_\_ NO. OF AXLES \_\_\_\_\_ G.V.W. \_\_\_\_\_

S. Axle \_\_\_\_\_ Axle \_\_\_\_\_ Axle \_\_\_\_\_ Axle \_\_\_\_\_ Axle \_\_\_\_\_

FINE \$ \_\_\_\_\_ PAID BY \_\_\_\_\_ NO. \_\_\_\_\_

CASH - THIS VIOLATION TICKET IS YOUR CASH RECEIPT.

I PROTEST THIS TICKET. PERMIT NO. \_\_\_\_\_

REMARKS: \_\_\_\_\_

Signature of Driver

Officer

OTHER VIOLATIONS \_\_\_\_\_

D.L. NO. \_\_\_\_\_ Officer \_\_\_\_\_

(Valid for 30 days)

According to Louisiana Revised Statute 32:389, paragraphs 4 (a), (b) and (c) and 5:

"Any owner or driver resisting the payment of the penalty found due, or the enforcement of any provision of this Part in relation thereto, shall pay the amount of the penalty assessed to the Weights and Standards police officer, state policeman or other person designated in a license receipt and shall give this officer, state policeman or person notice at the time of payment of his intention to file suit for the recovery of such penalty."

"Any owner or driver who pays an assessed penalty under protest in accordance with the provisions of this Section shall have a period of ninety days after the date of payment to institute a civil suit against the department to recover the penalty so paid."

"The right to sue for recovery of a penalty paid under protest shall afford a legal remedy and right of action in any state district court for a full and complete adjudication of any questions arising in the enforcement of a penalty respecting the legality of any penalty assessed or the method of enforcement thereof. Any such suit may be instituted either in the parish in which the violation occurred, the domicile of vehicles, provided the domicile is within the state of Louisiana, or in East Baton Rouge Parish. In any such suit, service of process shall be made on the Department, through the Secretary. The department shall be a necessary and proper party defendant in any such suit."

"No court of this state shall issue any process whatsoever to restrain the collection of any penalty assessed by the department pursuant to this Part."

If a driver's license has been deposited in lieu of immediate payment of the fine, payment should be made as soon as possible; however, in the event it is not received by this office located in the Weights and Standards Police Headquarters' Building at 1201 Capitol Access Road, Baton Rouge, Louisiana within 30 days, your license will be forwarded to the Motor Vehicle Division, Dept. of Public Safety, Baton Rouge, Louisiana for suspension, revocation and cancellation; and the vehicle license plate will be removed until the fine is paid.

If you desire to mail in your payment, attach this ticket to your **CASHIER'S CHECK, CERTIFIED CHECK OR MONEY ORDER MADE PAYABLE TO: D.O.T.D.** and mail to the Weights and Standards Enforcement and Vehicle Permits Administrator, Dept. of Transportation and Development, P.O. Box 94042, Baton Rouge, Louisiana 70804-9042. In order to allow for the return of the license by mail before the expiration of your temporary operator's permit, it is suggested that payment be mailed within 14 days.

In the event payment of the fine is not received by the Weights and Standards Police Office, 1201 Capitol Access Road, Baton Rouge, Louisiana within 30 days, your license will be forwarded to the Motor Vehicle Division, Dept. of Public Safety for suspension, revocation, and cancellation.

**AUTHORITY NOTE:** Promulgated in accordance with R. S. 25:1111 (H) and R. S. 32:289.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Office of Weights and Standards, LR 19:

### §705. Collection

A. The fine will be a civil penalty in the amount set forth in the Act, said fine to be collected by the respective agencies and to be deposited and disbursed as set forth in the Act.

B. Previous violations will be computed by the issuing agency and the information will be shared between agencies.

**AUTHORITY NOTE:** Promulgated in accordance with R. S. 25:1111 (H) and R. S. 32:289.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Office of Weights and Standards, LR 19:

All interested persons so desiring shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this notice of intent to: Steven F. Kirby, Acting Weights and Standards Enforcement and Vehicle Permits Administrator, Department of Transportation and Development, Box 94042, Baton Rouge, LA 70804-9042, phone (504) 377-7100

Jude W. P. Patin  
Secretary

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: LITTER TICKETS

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no costs associated with implementation of this rule. Existing personnel will be utilized and the violation ticket forms are already on hand.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is estimated that there will be revenue generated by the state, however, it is not possible to estimate the amount.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Those who litter will be fined and the monies will enable DOTD to better maintain roadside cleanliness.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition or employment anticipated.

Jude W. P. Patin  
Secretary

David W. Hood  
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

Black Bass on Eagle Lake (LAC 76:VII.169)

The Louisiana Wildlife and Fisheries Commission hereby advertises its intent to adopt the following rule on black bass (*Micropterus spp.*) on Eagle Lake located east of the Mississippi River in Madison Parish, Louisiana.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sports and Commercial Fishing  
§169. Black Bass Regulations, Eagle Lake

The size regulation for black bass (*Micropterus spp.*) on Eagle Lake located east of the Mississippi River in Madison Parish, Louisiana is as follows:

It shall be unlawful to take or possess, while on the water or while fishing in the water, black bass less than 14 inches total length on Eagle Lake, located east of the Mississippi River in Madison Parish, Louisiana. This rule will expire at midnight, April 2, 1995.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6 (25)(a), 325 (C), 326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 19: ( 1993).

Interested persons may submit written comments on the proposed rule to Bennie Fontenot, Administrator, Inland Fish Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., Wednesday, May 12, 1993.

Bert H. Jones  
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES

RULE TITLE: EAGLE LAKE BLACK BASS 14" MINIMUM  
SIZE LIMIT

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule will have no implementation costs. Enforcement of the proposed rule will be carried out using existing staff. Madison Parish enforcement agents are presently employed to patrol Eagle Lake as part of their duties.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF  
STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule will have no effect on revenue collections of state and local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO  
DIRECTLY AFFECTED PERSONS OR NON-  
GOVERNMENTAL GROUPS (Summary)

The proposed rule will effect no changes in estimated costs and/or economic benefits to directly affected persons.

IV. ESTIMATED EFFECT ON COMPETITION AND  
EMPLOYMENT (Summary)

The proposed rule will have no immediate effect on competition and employment in this state.

Frederick J. Prejean  
Undersecretary

David W. Hood  
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

Commercial Snapper Limits (LAC 76:VII.335)

The secretary of the Department of Wildlife and Fisheries hereby gives notice of intent to promulgate a rule establishing possession limits for commercial harvest of red snapper, as part of the existing rule for daily take, possession, and size limits for reef fishes set by the commission. Authority for adoption of this rule is included in R.S. 56:6(25)(a) and 56:326.3.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery  
§335. Daily Take, Possession and Size Limits Set by  
Commission, Reef Fish

A. The Louisiana Wildlife and Fisheries Commission does hereby adopt the following rules and regulations regarding the harvest of snapper, grouper, sea basses, jewfish, and amberjack within and without Louisiana's territorial waters:

Species	Recreational Bag Limits
1. Red Snapper	7 fish per person per day
2. Queen, mutton, schoolmaster, blackfin, cubera, gray, dog, mahogany, silk, yellowtail snappers, and wenchman	10 fish per person per day (in aggregate)
3. All groupers	5 fish per person per day (in aggregate)
4. Greater amberjack	3 fish per person per day

B. All persons who do not possess a permit issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for the Gulf of Mexico Reef Fish resources are limited to the recreational bag limit.

C. A person subject to a bag limit may not possess during a single day, regardless of the number of trips or the duration of a trip, any reef fish in excess of the bag limits.

D. For charter vessels and headboats as defined in Federal Regulations 50 CFR Part 641 as amended by FR Vol. 55, No. 14, there will be an allowance for up to two daily bag limits on multi-day trips provided the vessel has two licensed operators aboard as required by the U.S Coast Guard for trips of over 12 hours, and each passenger is issued and has in possession a receipt issued on behalf of the vessel that verifies the length of the trip.

E. Those persons possessing a permit issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for the Gulf of Mexico Reef Fish resources, who do not possess a red snapper endorsement on that permit are limited to a daily take and possession limit of 200 pounds per vessel.

F. Those persons possessing a permit issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for the Gulf of Mexico Reef Fish resources,

who do possess a red snapper endorsement on that permit are limited to a daily take and possession limit of 2000 pounds per vessel.

G. Subsection E and F above are effective until midnight, December 31, 1993.

H. Species	Minimum Size Limits
1. Red Snapper	13 inches total length
2. Gray, mutton and yellowtail snapper	12 inches total length
3. Lane and vermillion snapper	8 inches total length
4. Red, gag, black, yellowfin and nassau grouper	20 inches total length
5. Jewfish	50 inches total length
6. Greater amberjack	28 inches fork length (recreational) 36 inches fork length (commercial)
7. Black seabass	8 inches total length

I. Federal regulations 50 CFR Part 641 as amended by FR Vol. 55, No. 14, defines charter vessels and headboats as follows:

1. *Charter vessel*—a vessel whose operator is licensed by the U.S. Coast Guard to carry six or fewer paying passengers and whose passengers fish for a fee. A charter vessel with a permit to fish on a commercial quota for reef fish is under charter when it carries a passenger who fishes for a fee, or when there are more than three persons aboard including operator and crew.

2. *Headboat*—vessel whose operator is licensed by the U.S. Coast Guard to carry seven or more paying passengers and whose passengers fish for a fee. A headboat with a permit to fish on a commercial quota for reef fish is operating as a headboat when it carries a passenger who fishes for a fee, or when there are more than three persons aboard including operator and crew.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 56:6(25)(a), 56:326.1 and 326.3.

**HISTORICAL NOTE:** Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:539 (June 1990), amended LR 19:

Interested persons may submit written comments on the proposed rule to Harry Blanchet, Marine Fish Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., Monday, May 10, 1993.

Bert H. Jones  
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: TRIP LIMITS FOR COMMERCIAL RED  
SNAPPER FISHERY**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no state or local governmental implementation costs.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenues to any state or local governmental units from the proposed rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There will be costs of an undetermined magnitude to persons presently harvesting red snapper who would be restricted in their efficiency due to the proposed limits. Economic benefits, also of an undetermined magnitude would accrue to fishermen as a result of an extended commercial season for red snapper, with concomitant increases in dockside prices. Direct costs to the fishermen for permits and fees would not be affected by the proposed rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Persons permitted by NMFS for the harvest of red snapper would be protected from competition by persons not permitted in the fishery. Employment for persons permitted in the fishery, and their employees, would be extended over more of the year, as a result of the increased length of the season.

Fredrick J. Prejean, Sr.  
Undersecretary

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

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

1993-94 Hunting Regulations

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate rules and regulations governing the hunting of resident game birds and game quadrupeds. A synopsis of said rule is attached to and made part of this notice of intent.

**Summary of 1993-94 Resident Game Hunting Season  
Dates and Bag Limits**

Quail:	Nov. 25 - Feb. 28—Daily Bag Limit 10, Possession 20
Pheasant:	Nov. 25 - Dec. 19 (Cock Pheasant Only)—Daily Bag Limit 2, Possession 4
Squirrel:	Oct. 2 - Jan. 30—Daily Bag Limit 8, Possession 16
Rabbit:	Oct. 2 - Feb. 28—Daily Bag Limit 8, Possession 16
Deer:	Dates Vary - See Schedule Below—Bag Limit: One per day, 6 per season by all methods of taking
Archery:	Oct. 1 - Jan. 20
Muzzleloader:	Dec. 6 - Dec. 10 (Areas 1-5, 7) Nov. 29 - Dec. 3 (Area 6)

Area 1 - 59 days	Days
Nov. 20 - Dec. 5	16 (still hunt only)
Dec. 6 - 10	5 (still hunt, muzzleloader only)
Dec. 11 - Jan. 6	27 (with or without dogs)
Jan. 7 - 17	<u>11</u> (still hunt only) 59
Area 2 - 68 days	Days
Oct. 30 - Dec. 5	37 (still hunt only)
Dec. 6 - 10	5 (still hunt, muzzleloader only)
Dec. 11 - Jan. 5	<u>26</u> (with or without dogs) 68
Area 3 - 68 days	Days
Oct. 30 - Dec. 5	37 (still hunt only)
Dec. 6 - 10	5 (still hunt, muzzleloader only)
Dec. 11 - Jan. 5	<u>26</u> (still hunt only) 68
Area 4 - 51 days	Days
Nov. 20 - Dec. 5	16 (still hunt only)
Dec. 6 - 10	5 (still hunt, muzzleloader only)
Dec. 11 - Jan. 9	<u>30</u> (still hunt only) 51
Area 5 - 14 days	Days
Nov. 20 - 28	9 (still hunt only)
Dec. 6 - 10	<u>5</u> (still hunt, muzzleloader only) 14
Area 6 - 59 days	Days
Nov. 20 - 28	9 (still hunt only)
Nov. 29 - Dec. 3	5 (still hunt, muzzleloader only)
Dec. 4 - Jan. 17	<u>45</u> (with or without dogs) 59
Area 7 - 67 days	Days
Oct. 30 - Nov. 7	9 (still hunt only)
Nov. 20 - 28	9 (still hunt only)
Dec. 6 - 10	5 (still hunt, muzzleloader only)
Dec. 11 - Jan. 23	<u>44</u> (with or without dogs) 67

Turkey - 1994 Season Dates Vary - See Schedule Below -  
Limit: One per day, 3 per season

Area A	Days
March 26 - April 24	30
Area B	
March 19 - April 24	37
Area D	
April 9 - April 24	16
Area E	
March 26 - April 3	9

CITATION: None - Changes annually

AUTHORITY NOTE: Promulgated in accordance with R.S.  
56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 19:

A complete copy of the proposed regulations can be obtained from the Office of the State Register, Room 512, 1051 North Third Street.

Public hearings will be held at regularly scheduled Louisiana Wildlife and Fisheries Commission meetings from April through July. Additionally, interested persons may submit written comments relative to the proposed rule until May 28, 1993 to Hugh A. Bateman, Administrator, Wildlife Division, Box 98000, Baton Rouge, LA 70898.

Bert H. Jones  
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: 1993-94 Hunting Regulations**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Establishment of hunting regulations is an annual process. The cost of implementing the proposed rules, aside from staff time, is the production of the regulation pamphlet. Anticipated cost of printing this pamphlet will be \$25,000-\$30,000.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Projected hunting license fee collections for FY 93-94 will be approximately \$4.7 million. Failure to adopt rule changes would result in no hunting season being established and a loss of these revenues.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

Hunting in Louisiana generates in excess of \$325,000,000 annually through the sale of outdoor related equipment, associated items and other economic benefits. Figures are based on the 1985 National Survey of Fish and Wildlife Associated Recreation.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There is no method by which this department can estimate the effects of hunting regulations on employment or competition statewide.

Frederick J. Prejean, Sr.  
Undersecretary

David W. Hood  
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

Terrebonne Barrier Islands Refuge  
(LAC 76:III.321)

The secretary, Louisiana Department of Wildlife and Fisheries does hereby give notice of intent to promulgate a rule establishing regulations governing the management and use of the Terrebonne Barrier Islands Refuge as set by the Louisiana Wildlife and Fisheries Commission. Authority for adoption of this rule is included in R.S. 56:6(18), 56:761 and 56:785.

The text of this proposed rule may be viewed in its entirety in the Emergency Rule Section of this issue of the *Louisiana Register*.

Interested persons may submit written comments on the proposed regulations to Johnnie Tarver, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., May 12, 1993.

Bert H. Jones  
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: TERREBONNE BARRIER ISLANDS

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Very little costs to state and no costs to local governmental units; only costs to state will be in the form of increased patrols in the area and placement of appropriate signs to prohibit trespass that will be absorbed by the department.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Not applicable, no effect on state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

No costs and/or economic benefits to directly affected persons or non-governmental groups will occur.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Not applicable, no effect on competition and employment will be noted.

Frederick L. Prejean, Sr.  
Undersecretary

David W. Hood  
Senior Fiscal Analyst

POTPOURRI

POTPOURRI

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

Public Hearing Date Correction

The Department of Health and Hospitals hereby advises that the public notice which appeared in eight newspapers on February 26, 1993 regarding the per diem reimbursement methodology change for inpatient psychiatric services contained an erroneous date for the public hearing on this matter. The correct public hearing date scheduled to address this change in reimbursement methodology is Tuesday, April 27, 1993.

J. Christopher Pilley  
Secretary

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 69 claims in the amount of \$176,006.65 were received in the month of January, 1993. Two claims in the amount of \$7,732 were paid and six claims were denied.

Loran coordinates of reported underwater obstructions are:

28805	46764	Plaquemines
28547	46857	Jefferson
27235	46938	Vermilion
27181	46938	Vermilion
27650	46890	St. Mary
27796	46860	Terrebonne
27019	46949	Vermilion
27153	46943	Vermilion
27051	47004	Cameron
27639	46929	St. Mary
27938	46835	Terrebonne
27380	46967	Vermilion
28146	46841	Terrebonne
29098	46917	Orleans
27734	46869	Terrebonne
27498	46905	Iberia
27492	46920	Iberia
26628	46978	Cameron
27045	47005	Cameron

28345	46828	Lafourche
27997	46832	Terrebonne
27816	46862	Terrebonne
27907	46824	Terrebonne
27503	46985	Vermilion
28640	47013	Jefferson
28942	46761	St. Bernard
27019	46952	Vermilion

A list of claimants, and amounts paid, may be obtained from Martha A. Swan, Administrator, Fishermen's Gear Compensation Fund, Box 94396, Baton Rouge, LA 70804, or by telephone (504) 342-0122.

John F. Ales  
Secretary

**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 48 claims in the amount of \$127,372.02 were received in the month of February, 1993. Twenty-Five claims in the amount of \$67,972.56 were paid and three claims were denied.

Loran coordinates of reported underwater obstructions are:

28677	46869	Jefferson
28995	47038	St. Bernard
27895	46835	Terrebonne
27902	46833	Terrebonne
29363	89182	St. Bernard
27030	46946	Cameron
26644	46978	Cameron
28134	46828	Terrebonne
28251	46815	Lafouche
26672	46976	Cameron
27578	46918	St. Mary
27735	46885	Terrebonne
28518	46854	Jefferson

A list of claimants, and amounts paid, may be obtained from Martha A. Swan, Administrator, Fishermen's Gear Compensation Fund, Box 94396, Baton Rouge, LA 70804, or by telephone (504) 342-0122.

John F. Ales  
Secretary

**POTPOURRI**

Department of Revenue and Taxation  
Tax Commission

1992 Ratio Study

Pursuant to R.S. 47:1837 the following is the result of the Tax Commission's measurement of the level of appraisal and/or assessment and the degree of uniformity for Residential (Whole Property) Ratio Study for the year 1992. This data shall constitute prima facie evidence of the uniformity or lack of uniformity with constitutional and/or statutory requirements of each parish in the state.

PARISH	MEAN (%)	MEDIAN (%)	COEFFICIENT OF DISPERSION (%)
ACADIA	9.6	9.8	7.4
ALLEN	9.8	9.8	2.8
ASCENSION	9.3	9.2	10.3
ASSUMPTION	10.2	10.0	7.4
AVOUELLES	10.3	10.0	8.0
BEAUREGARD	9.6	9.7	9.2
BIENVILLE	9.0	9.2	10.1
BOSSIER	9.6	9.8	8.2
CADDO	10.0	9.9	10.2
CALCASIEU	9.5	9.0	14.2
CALDWELL	9.5	9.6	6.3
CAMERON	10.1	10.0	6.5
CATAHOULA	10.1	10.0	6.0
CLAIBORNE	10.1	10.0	9.8
CONCORDIA	9.9	9.8	4.9
DESOTO	11.2	11.0	17.3
EAST BATON ROUGE	9.9	10.0	0.9
EAST CARROLL	9.9	9.7	5.3
EAST FELICIANA	9.8	9.7	15.4
EVANGELINE	10.2	9.9	7.9
FRANKLIN	10.0	10.0	6.5
GRANT	9.7	9.9	6.6
IBERIA	10.0	10.0	0.8
IBERVILLE	9.9	10.0	1.8
JACKSON	10.0	10.0	5.0
JEFFERSON	9.9	10.0	0.1
JEFFERSON DAVIS	9.9	10.1	5.8
LAFAYETTE	10.0	9.4	13.6
LAFOURCHE	10.0	10.0	7.5
LASALLE	10.0	10.0	2.2
LINCOLN	10.3	10.0	4.3
LIVINGSTON	9.1	9.4	9.8
MADISON	9.8	9.7	6.9
MOREHOUSE	10.1	10.0	4.1
NATCHITOCHE	10.7	10.3	15.6
OUACHITA	9.8	9.8	5.4
PLAQUEMINES	10.0	10.0	8.5
POINTE COUPEE	10.3	10.0	10.4
RAPIDES	10.0	10.0	6.9
RED RIVER	11.5	11.0	12.6
RICHLAND	10.0	10.0	1.3
SABINE	9.4	9.2	16.2
ST. BERNARD	10.0	10.0	6.3
ST. CHARLES	10.0	10.0	0.8
ST. HELENA	10.8	11.0	15.7
ST. JAMES	9.3	9.7	9.3
ST. JOHN THE BAPTIST	9.8	10.0	2.4
ST. LANDRY	10.1	9.6	9.2
ST. MARTIN	10.3	10.0	9.5
ST. MARY	9.8	9.8	15.7
ST. TAMMANY	9.1	9.0	5.4

TANGIPIAHOA	9.7	9.7	5.9
TENSAS	9.9	9.6	5.0
TERREBONNE	9.6	9.8	9.1
UNION	9.8	10.0	6.5
VERMILION	10.3	10.0	8.1
VERNON	10.1	9.9	9.0
WASHINGTON	8.9	9.1	16.8
WEBSTER	10.1	10.0	2.5
WEST BATON ROUGE	9.9	10.0	3.3
WEST CARROLL	9.7	9.4	6.6
WEST FELICIANA	9.4	9.4	13.2
WINN	9.9	10.0	5.4

**Malcolm B. Price, Jr.**  
**Chairman**

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