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# Executive Orders

## EXECUTIVE ORDER BR 89 - 23

WHEREAS, in the response to the medical malpractice insurance crisis which became manifest in 1975 with the ever increasing cost of medical malpractice insurance coverage and the unavailability of coverage due to the threatened exodus of all medical malpractice insurance carriers from the State of Louisiana, the Legislature of Louisiana enacted Act 817, the Medical Malpractice Act; and

WHEREAS, by the enactment of Act 817 of 1975, the Legislature of Louisiana intended to encourage the prompt settlement of valid medical malpractice claims and the abandonment of invalid claims; and

WHEREAS, the Patient's Compensation Fund was established as an integral part of Act 817 of 1975; and

WHEREAS, the Legislature of Louisiana in 1975 provided the procedure for those health care providers qualified under Act 817 to fund through individual medical malpractice insurance surcharge contributions to the Patient's Compensation Fund; and

WHEREAS, the balance of the Patient's Compensation Fund for the protection of the patients of the State of Louisiana presently exceeds \$30 million; and

WHEREAS, the Legislature established the medical review panel process to provide a body of experts assembled to evaluate the patient's claim and to provide the courts and the parties with an expert medical opinion; and

WHEREAS, during the thirteen and one-half years of Louisiana experience under Act 817 of 1975, the medical malpractice claims filed under the provisions are reaching full maturation; and

WHEREAS, health care providers of the state have identified and recognized certain aspects of the Medical Malpractice Act are in need of study and review to adequately assure the protection of all patients of Louisiana; and

WHEREAS, the integrity of the concept and the actuarial soundness of the Patient's Compensation Fund to assure a continuing source of compensation for patient claims arising out of medical malpractice must be maintained; and

WHEREAS, both the legal and medical professions of the state desire to continue to support the expressed legislative goals of prompt resolution of medical malpractice claims and the continued availability of professional medical services to the people of Louisiana; and

WHEREAS, it is in the best interest of the people of our state to undertake this worthy pursuit;

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

SECTION 1. That there shall be a Governor's Commission on Medical Malpractice.

SECTION 2. The purpose of the commission shall be to study problems related to professional medical liability in Louisiana in order to assure the adequate protection of all medical patients and shall make proposals for legislation to the Governor prior to the first day of March of 1990.

SECTION 3. The commission shall be composed of the following members:

- a. The president of the Louisiana State Medical Society or his designee.
- b. The secretary of the Department of Health and Hospitals or his designee.
- c. Three medical doctors.
- d. Three attorneys.

SECTION 4. The governor shall appoint the chairman and vice-chairman of the Task Force.

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 July, 1989.

Buddy Roemer  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

## EXECUTIVE ORDER BR 89 - 24

WHEREAS, the Port of Lake Charles is vital to the economy of Louisiana and especially to the city of Lake Charles and surrounding areas; and

WHEREAS, the need exists to make the Port of Lake Charles more competitive with ports located in Texas and in attracting satellite commercial and industrial businesses and to aid in the economic development of Lake Charles and surrounding areas; and

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

SECTION 1. That there shall be a governor's Task Force on Economic Development at the Port of Lake Charles.

SECTION 2. That the Task Force shall be charged with the responsibility to review, evaluate and recommend to the governor how the port may improve its competitive position in its business activities including its relationship with the rail industry and the switching charges imposed by said industry, and shall make a report to the governor no more than 90 days from the issuance of this executive order.

SECTION 3. The Task Force shall be composed of the following members:

- a. Two members of the House Transportation, Highways, and Public Works Committee;
- b. Two members of the Senate Transportation, Highways, and Public Works Committee;
- c. One representative of the Port of Lake Charles;
- d. Two representatives of the rail industry;
- e. One representative of the shipping customers of the port.

SECTION 4. The governor shall appoint the chairman and vice-chairman of the Task Force.

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 July, 1989.

Buddy Roemer  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

#### EXECUTIVE ORDER BR 89 - 25

WHEREAS, the Department of Transportation and Development is exempt from the Louisiana Professional, Personal, Consulting, and Social Services Procurement Code (R.S. 39:1481-1526); and

WHEREAS, the secretary of the Department of Transportation and Development has authority to select contractors for professional and consulting services contracts without any overview from the Division of Administration, Office of Contractual Review, and no administrative relief for unsuccessful vendors; and

WHEREAS, the Office of Contractual Review provides for a central depository for such contracts and the Division of Administration has administrative oversight of contracting activity throughout the executive branch of state government, except that it does not have such oversight authority over the Department of Transportation and Development; and

WHEREAS, Senate Bill Number 686 of the 1989 Regular Session proposed to statutorily grant authority to the secretary of the Department of Transportation and Development to select such contractors for projects under consideration, without any administrative remedies or oversight by the Division of Administration; and

WHEREAS, it is the policy of this administration that contracts should be selected under the most objective and competitive process available while providing for administrative relief and oversight by the Division of Administration; and

WHEREAS, the better process for contracting available at this time appears to be the Professional, Personal, Consulting and Social Services Procurement Code, and that therefore the Department of Transportation and Development should be subject to said Code;

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

SECTION 1: The Louisiana Department of Transportation and Development shall utilize all provisions established in the Louisiana Professional, Personal, Consulting and Social Services Procurement Code to acquire all services for professional and/or consulting services required by the department, to include the selection process and the review of the contracts by the Office of Contractual Review in 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 25th day of July, 1989.

Buddy Roemer  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

# Policy and Procedure Memoranda

## POLICY AND PROCEDURE MEMORANDUM

Office of the Governor  
Division of Administration

### Title 4 ADMINISTRATION

#### Part V. Policy and Procedure Memorandum

#### Chapter 37. Incentive Awards Program PPM No. 71

PPM 71 is rescinded in its entirety. The PPM will be revised and reissued in October to conform with changes to Part IV of Chapter 1 of Title 39 of the Louisiana Revised Statutes comprised of R.S. 39:366.1 through 39:366.6, made during the 1989 Regular Session of the Legislature.

Dennis Stine  
Commissioner

## Emergency Rules

### DECLARATION OF EMERGENCY

#### Department of Economic Development Licensing Board for Contractors

Whereas the State Licensing Board for Contractors (hereinafter referred to as the "board") finds that an imminent peril to the public health, safety, and welfare requires the adoption of emergency rules, the board adopts on this second day of August, 1989, the following emergency rules. Act 559, House Bill 1243, will become effective on September 4, 1989. The emergency rules are necessary to bring this board's rules in line with new legislation.

### Title 46

#### PROFESSIONAL AND OCCUPATIONAL STANDARDS Part XXIX. Contractors

#### Chapter 1. General Provisions

#### §101. Contractor's Record Keeping; Specialty Classification

A. IT SHALL BE THE RESPONSIBILITY of licensed contractors to maintain adequate records at all times to show compliance with the licensure requirements of all subcontracts and subcontractors. Such records shall be made available to the board's inspectors at all reasonable times. The failure to maintain adequate records or the failure to furnish copies of such records

within 72 hours notice thereof shall constitute a violation of this rule.

B. In addition to those specialty classifications listed as subclassifications in R.S. 37:2156.2, the definition also includes specialty work as follows, but is not limited thereto: Oil and gas well drilling and storage; directional drilling, X-ray of wells; water well drilling; cathodic protection; environmental control systems; solar energy, nuclear energy; mining; furnishing and installing permanent building fixture; building restoration work; carpentry work; dumb waiters; elevators and escalators; glazing; site development; waterproofing; construction management; owner acting as own contractor which will be for rent, sale, public use or public assembly; public address systems, communications lines and systems; sound systems; alarm systems; control systems; instrumentation and calibration; industrial and commercial maintenance; demolition with or without explosives; industrial painting, coating and sandblasting; refractory work.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2163.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Licensing Board for Contractors, November 1974, amended LR 8:135 (March 1982), amended by the Department of Economic Development, Licensing Board for Contractors, LR 15:

### **Chapter 3. Licenses**

#### **§301. Requirements**

All applications for contractor's license shall contain the information required on the forms which are available at the offices of the State Licensing Board for Contractors, 7434 Perkins Road, Baton Rouge, LA 70808. Application shall be time-dated when received and shall be considered at the next regularly scheduled meeting of the board, provided the application is completed with a financial statement, references, fees, federal employer identification number, properly noticed and provided all examination requirements have been met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2163.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Licensing Board for Contractors, November 1974, amended LR 1:401 (September 1975), LR 3:11 (January 1977), LR 8:136 (March 1982), amended by the Department of Economic Development, Licensing Board for Contractors, LR 15:

#### **§303. Requirements**

Repealed

#### **§311. Reciprocity**

Any applicant applying for a license who desires that any portion of the law be waived shall cause the State Licensing Board of his domiciliary state to certify in writing that such board shall grant a Louisiana domiciliary that same waiver of such laws in that state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37: 2150-2163.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Licensing Board for Contractors, November 1974, amended LR 8:137 (March 1982), repealed and adopted LR 15:

### **Chapter 5. Examination**

#### **§505. Additional Classifications**

A. A licensed contractor may add additional classifications to his license at any time provided:

1. The request for additional classification(s) is in writing;
2. The required additional license fee of \$50 and a \$25

examination fee are paid; and the qualifying party successfully passes the examination.

3. Additions or changes to an existing license shall become effective after completion of the above requirements and upon board approval at the next regularly scheduled board meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2163.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Licensing Board for Contractors, November 1974, amended LR 8:136 (March 1982), LR 11:341 (April 1985), LR 15:

#### **§507. Initial Applicants**

A. All initial applicants shall be required to take and successfully pass Part I of the board's examination and Part II where there exists a written or oral examination for same.

B. The qualifying party shall submit his application for approval at least 10 days prior to taking the examination. The qualifying party shall list all prior affiliations with a licensed contractor(s) and shall disclose whether or not he has been involved in sanctions levied against such contractor(s).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2163.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Licensing Board for Contractors, November 1974, amended LR 8:136 (March 1982), LR 15:

#### **§509. Exemption From Examination**

A. A CONTRACTOR WHO is a subsidiary of a currently licensed contractor and who is making application for a license in the same classifications as that of the currently licensed contractor shall not be required to take an examination on the subject for which said subsidiary contractor is seeking a license, with the approval of the board, provided that the holders of a majority of the stock in the subsidiary contractor are the same as the holders of the majority of stock in the currently licensed contractor, and further provided that the individual who was designated as the qualifying party at the time a license was originally issued to the currently licensed contractor remains in the employ of the currently licensed contractor at the time of the application for license by the subsidiary contractor.

B. A LICENSED FIRM, making application for a subsidiary license for the same classification(s) as those in which the licensed firm has qualified may be exempt from taking of an examination, provided that the qualifying party on record with the State Licensing Board for Contractors for the licensed firm making application for a subsidiary license is the same as that of the parent company, and further provided that no person shall be allowed to be the qualifying party for more than one company and two subsidiaries. If more than two subsidiaries are formed or acquired by a parent company, a separate qualifying party shall be registered with the board for each two additional subsidiary companies. It is further provided that any subsidiaries qualifying under the terms of this Section shall not be permitted to assume the position of a parent company or firm for the purpose of forming additional subsidiaries.

C. A QUALIFYING PARTY MAKING application for a license as an individual or stockholder for a corporation may be exempt from taking another examination for the same classification for which he has previously taken and passed, subject to approval by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2150-2163.

HISTORICAL NOTE: Promulgated by the Department of

Commerce, Licensing Board for Contractors, November 1974, amended LR 8:136 (March 1982), LR 15: .

Eddie Doucet  
Executive Director

## **DECLARATION OF EMERGENCY**

### **Department of Economic Development Office of the Secretary**

#### **Division of Minority and Women's Business Enterprise**

The Division of Minority and Women's Business Enterprise is exercising the emergency provisions of the Administrative Procedure Act, R.S. 49:953B to amend LAC 19:I. 303 relative to certification procedures for women-owned businesses, to be effective July 10, 1989.

### **Title 19**

## **CORPORATIONS AND BUSINESS**

### **Part I. Office of Women's Business Enterprise**

#### **Chapter 3. Certification**

##### **§303. Procedure**

A. Companies must complete all portions of the certification materials and return them as specified in the following Subsections in order to be considered for certification under the women's set-aside program.

B. The following documents plus any specified attachments constitute the certification materials required from women-owned companies interested in providing goods, services or supplies under R.S. 39:1551-1755.

1. Certification Resumé (Form #DA 3302: Revised 4/85) which must be completed and returned to the Department of Economic Development, Division of Minority and Women's Business Enterprise, Box 94185, Baton Rouge, LA 70804-9185. The following attachments must accompany the Certification Resumé when it is submitted:

a. legal ownership documents (articles of incorporation, partnership agreements, stock ownership/distribution agreements), financial statements of the company which indicate the ownership of major assets as well as the principal stockholders in the corporation (stock certificates), company balance sheets, federal income (business) tax statements for the past three years (or as applicable), state and city licenses (whichever applicable), a copy of the bank signature card for the business, resumé of corporate shareholders and employees, organizational chart, equipment/building ownership and/or rental documents, supplier contract and relationship between distributor and prime contractor (if applicable), and any additional legal documents that would reflect ownership and control;

b. all information requested on the Certification Resumé must be supplied, and the document itself must be notarized as indicated prior to submittal;

c. Requests for a waiver of certain requested information in §303.B.1.a not applicable to certain business structures must be accompanied by a justification statement.

C. Misrepresentation of any of the information submitted is in violation of Act 713.

D. For women vendors interested in providing professional, personal or consulting services under R.S. 39:1481-1526 or who are interested in construction contract work in connection

with public works projects under R.S. 38:2184-2317, the following documents plus specified attachments shall constitute the required certification materials:

1. Certification Resumé (Form #DA 3302 Revised 4/85) plus attachments as specified in §303.B.1.a above;

2. A listing, on company letterhead, of the subject areas of expertise of the vendor company; resumé of key personnel; and a list describing previous work done in each subject area with sufficient identification of the client with a contact person (name, title, business address, telephone number) for each client listed, so that references might be obtained.

3. All of the above materials must be submitted directly to the Division of Minority and Women's Business Enterprise for certification of these vendors.

E. Newly established businesses (operating less than one year) and potential businesses seeking interim certification for the purpose of obtaining a loan through the Louisiana Economic Development Corporation should submit a business plan with a cover letter requesting a waiver for documents that do not apply in §303.B and C above.

F. The Louisiana Department of Transportation and Development will continue to certify, in accordance with its own procedures, women-owned business contractors who wish to perform work under Chapter 1 of Title 48. The Division of Minority and Women's Business Enterprise will accept such certifications as equivalent to its own.

G. Additional documents/information may be requested of applicants upon review of their applications.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 39:1731-1738.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Division of Administration, Office of Women's Business Enterprise, LR 10:790 (October 1984), amended by the Department of Economic Development, Division of Minority and Women's Business Enterprise, LR 15:

Comments in writing should be directed to Angelisa M. Harris, Executive Director, Division of Minority and Women's Business Enterprise, Department of Economic Development, Box 94185, Baton Rouge, LA 70804-9185.

Angelisa M. Harris  
Executive Director

## **DECLARATION OF EMERGENCY**

### **Department of Economic Development Office of the Secretary**

#### **Division of Minority and Women's Business Enterprise**

The Division of Minority and Women's Business Enterprise is exercising the emergency provisions of the Administrative Procedure Act, R.S. 49:953B to amend LAC 19:III 505 relative to certification procedures for minority-owned businesses, to be effective July 10, 1989.

### **Title 19**

## **CORPORATIONS AND BUSINESS**

### **Part III. Minority Business Enterprises**

#### **Chapter 5. Certification Procedures**

##### **§505. Procedure**

A. Companies must complete all portions of the certification materials and return them as specified in the following sub-

sections in order to be considered for certification under the minority set-aside program.

B. The following documents plus any specified attachments constitute the certification materials required from minority-owned companies interested in providing goods, services or supplies under R.S. 39:1551-1755.

1. Certification Resumé (Form #DA 3302: Revised 4/85) which must be completed and returned to the Department of Economic Development, Division of Minority and Women's Business Enterprise, Box 94185, Baton Rouge, LA 70804-9185. The following attachments must accompany the Certification Resumé when it is submitted:

a. legal ownership documents (articles of incorporation, partnership agreements, stock ownership/distribution agreements), financial statements of the company which indicate the ownership of major assets as well as the principal stockholders in the corporation (stock certificates), company balance sheets, federal income (business) tax statements for the past three years (or as applicable), state and city licenses (whichever applicable), a copy of the bank signature card for the business, resumé of corporate shareholders and employees, organizational chart, equipment/building ownership and/or rental documents, supplier contract and relationship between distributor and prime contractor (if applicable), and any additional legal documents that would reflect ownership and control;

b. birth certificates indicating racial heritage must be provided for all minority vendors for which certification is being sought, regardless of the type of business structure;

c. all information requested on the Certification Resumé must be supplied, and the document itself must be notarized as indicated prior to submittal;

d. a waiver may be requested for documents information in §505.B.1.a not applicable to certain business structures when accompanied by a justification statement in the application package.

C. Misrepresentation of any of the information submitted is in violation of Act 713.

D. For minority vendors interested in providing professional, personal or consulting services under R.S. 39:1481-1526 or who are interested in construction contract work in connection with public works projects under R.S. 38:2184-2317, the following documents plus specified attachments shall constitute the required certification materials:

1. certification resumé (Form #DA 3302 Revised 4/85) plus attachments as specified in §505.B.1.a above;

2. a listing, on company letterhead, of the subject areas of expertise of the vendor company; resúmes of key personnel; and, a list describing previous work done in each subject area with sufficient identification of the client with a contact person (name, title, business address, telephone number) for each client listed, so that references might be obtained;

3. all of the above materials must be submitted directly to the Division of Minority and Women's Business Enterprise for certification of these vendors.

E. Newly established businesses (operating less than one year) and potential businesses seeking interim certification for the purpose of obtaining a loan through the Louisiana Economic Development Corporation a business plan should be submitted with a cover letter requesting a waiver for documents that do not apply in §505.B and C above.

F. The Louisiana Department of Transportation and Development will continue to certify, in accordance with its own procedures, minority-owned business contractors who wish to

perform work under Chapter 1 of Title 48. The Division of Minority and Women's Business Enterprise will accept such certifications as equivalent to its own.

G. Additional documents/information may be requested of applicants upon review of their applications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11: 343-344 (April 1985), amended by the Department of Economic Development, Division of Minority and Women's Business Enterprise, LR 15:

Comments in writing should be directed to Angelisa M. Harris, Executive Director, Division of Minority and Women's Business Enterprise, Department of Economic Development, Box 94185, Baton Rouge, LA 70804-9185.

Angelisa M. Harris  
Executive Director

## DECLARATION OF EMERGENCY

### Department of Economic Development Office of the Secretary

#### Division of Minority and Women's Business Enterprise

The Division of Minority and Women's Business Enterprise is exercising the emergency provisions of the Administrative Procedure Act R.S. 49:953B to amend LAC 19:III.701 to include recertification procedures in accordance with R.S. 39:1738, effective July 10, 1989.

### Title 19

## CORPORATIONS AND BUSINESS

### Part III. Minority Business Enterprises

#### Chapter 7. Recertification Procedure

##### §701. Annual Recertification

A. Certification to participate in the women's set-aside program shall be valid for one calendar year. Thirty days prior to expiration of any woman-owned business certification, DMWBE will notify the firm that recertification has become due.

B. Vendors wishing to participate in the women's set-aside program must submit a notarized Affidavit of Recertification, which may be obtained from DMWBE, along with any other missing documents according to the provisions specified in LAC 19:I.303.

C. It is the responsibility of the business owner to notify the office in writing of any changes in ownership or location of the business or telephone number during the certification calendar year, which begins on the date of certification.

D. Changes in commodities or services for which the vendor wishes to receive bids must be submitted via letter from the vendor to both State Central Purchasing and DMWBE.

##### §703. Failure to Recertify

Women business enterprises which make no effort at recertification as of one month from the recertification notification date shall be deleted from the active vendor files and shall be ineligible to participate in the state programs for women business owners and/or any set-aside awards until such time as recertification has been completed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1731-1738.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Minority Business Enterprises, LR 11:344 (April 1985), amended by the Department of Economic Development, Division of Minority and Women's Business Enterprise, LR 15:

Angelisa M. Harris  
Executive Director

## DECLARATION OF EMERGENCY

### Department of Economic Development Real Estate Appraisal Subcommittee

The Louisiana Certified Real Estate Appraisal Subcommittee has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B to adopt the following rule to be effective August 20, 1989.

Adoption of emergency rules at this time is necessary to provide guidelines for course acceptance toward meeting the educational requirements as stipulated in the Appraisal Law.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part LXVII. Real Estate

#### Subpart 2. Appraisers

#### Chapter 101. Authority

##### §10101. Adoption

A. The rules and regulations of the Appraisal Subcommittee of the Louisiana Real Estate Commission contained herein have been adopted pursuant to and in compliance with R.S. 37:3391 et seq. and any violation of these rules or regulations shall be sufficient cause for any disciplinary action permitted by law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3391-3412.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, Real Estate Appraisal Subcommittee, LR 15:

#### Chapter 103. Certification

##### §10301. Applications

###### A. Application for Examination

Applications may be submitted for an initial residential or general appraiser examination prior to satisfying the experience requirement for certification. The applicant has three years from the date of passing the exam to complete the certification.

###### B. Requirements for Processing

Applications for examination must be notarized and accompanied by the prescribed fees.

###### C. Receipt of Applications

Every application must be received by the deadline set by the subcommittee. The responsibility for timely submission of applications rests solely with each individual applicant.

###### D. Admittance Ticket

Upon complying with the above requirements, an applicant shall be issued an admittance authorization. An applicant must present his authorization and photographic evidence of the applicant's identity before he may take the examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3391-3412.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, Real Estate Appraisal Subcommittee, LR 15:

##### §10303. Examination

###### A. Failure to Appear

Any applicant who fails to appear for an examination shall forfeit all fees. The executive director of the subcommittee may waive the second payment of such fees if it is demonstrated that factors beyond the control of the applicant prevented his appearance at the initially scheduled examination.

###### B. Disqualification

Any applicant who is disqualified, for any reason, from an examination shall forfeit all fees. He may reapply to take a subsequent examination, provided that he again remits all prescribed fees and obtains the approval of the subcommittee.

###### C. Failure

Any applicant who takes and fails to pass his initial examination shall forfeit all examination fees. He may reapply to take a subsequent examination, provided he remits a new examination fee and obtains a new admittance authorization to take the subsequent examination.

###### D. Partial Failure

Any applicant who takes an examination and passes only the uniform portion(s) or only the state portion shall be required to retake only that portion he failed to pass.

###### E. Reference Materials

Applicants may use silent non-printing calculating devices during examinations. Applicants may not have in their possession or utilize any reference material during examinations. Any applicant having in his possession or utilizing any reference material during an examination shall be immediately disqualified and asked to leave the examination center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3391-3412.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, Real Estate Appraisal Subcommittee, LR 15:

##### §10305. Fees

###### A. Payment of Fees

1. All fees must be made payable to the Louisiana Real Estate Commission by certified monies or cash.

2. The application will be accompanied by the appropriate fees as specified in R.S. 51:3407.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3391-3412.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, Real Estate Appraisal Subcommittee, LR 15:

##### §10307. Basic Education Requirement for Certification

###### A. Approved Courses

Appraisal courses required for the securing of a designation by organizations which are approved national appraisal organizations by the subcommittee shall be approved on an hourly basis for the appropriate Louisiana certification. Through June 30, 1990, the subcommittee may accept for credit toward the education requirement for appraisal certification those courses required for securing a designation offered by appraisal organizations registered with the Louisiana Real Estate Commission as approved continuing education vendors, or organizations that are members of the Appraisal Foundation.

###### B. Standards for Acceptance of Coursework

1. Beginning July 1, 1990, the subcommittee will consider for credit toward the educational hours for residential or general appraisal certification in Louisiana coursework obtained from those national appraisal organizations meeting the following minimum standards:



a. At least two years of prior appraisal experience before designation.

b. At least 60 classroom hours of specialized appraisal valuation instruction. Credit for course requires passing of nationally designed uniform exams.

c. Narrative demonstration appraisal consistent with the standards of Section 3410 of the law as part of required exams for designation.

d. Requires a personal interview as part of designation process.

e. Adherence to Standards of Professional Practice, equivalent to those defined in the Louisiana Appraisal Certification Act, for all members with disciplinary procedures for removing designation of violating members.

f. Ethics seminar of at least six classroom hours available to members and either required for designation or as part of voluntary continuing education recertification.

g. Voluntary continuing education for recertification in addition to the minimum 60 hours organization requirement.

h. (Organization Requirement) Proof of members in at least two-thirds states along with a permanent office site for the national organization.

i. Other criteria for selection and retention of members as deemed appropriate by the Appraisal Certification Subcommittee.

#### C. Coursework Obtained From Non-Approved Appraisal Organizations

Effective July 1, 1990, the subcommittee will consider, on an individual basis, appraisal coursework obtained from appraisal organizations not meeting the provisions of §109.3. Each determination shall be based on the merits of course content.

##### D. Proof of Course Hours

Proof of appraisal course hours shall be provided and the appropriate hours reported by the applicant in accordance with reporting requirements required by the subcommittee.

##### E. Continuing Education Coursework

Seminars and short courses offered by approved national appraisal organizations may be approved for continuing education credit. The hours approved shall be those indicated on copies of the uniform continuing education or equivalent form issued by the sponsoring organization. The applicant shall elect to classify these hours as residential or general appraisal hours. The subcommittee will review seminars and courses not required for designation by national appraisal organizations individually.

##### F. Acceptance of University/College Appraisal Courses

1. Through June 30, 1990, the subcommittee may accept for credit toward the education requirement for appraisal certification those appraisal courses offered by colleges and universities approved by the Louisiana Real Estate Commission.

2. Real estate appraisal courses at universities accredited by the American Assembly of Collegiate Schools of Business as of January 1, 1989, shall count as education hours with the 45 hours credit for semester length courses and 33 hours credit for quarter length courses.

a. Each university shall identify the appropriate course by residential or general category including a course number with catalogue description and course outline.

b. An academic transcript supplied by the university shall be proof of attendance.

c. Non-credit or short course offered by an approved university on real estate valuation shall count for education credit, but must be individually identified to the subcommittee by the university. Applicants must provide the subcommittee with proof

of attendance, hours and category (general or residential) of coursework.

##### G. Other University Appraisal Courses

Real estate appraisal courses taught by other universities with four-year undergraduate degree programs will be individually reviewed for approval by the subcommittee. To be considered, the real estate appraisal course must have been offered for the past five years. A course outline, typical text and typical enrollments by offering shall be provided to the subcommittee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3391-3412.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, Real Estate Appraisal Subcommittee, LR 15:

#### §10309. Applicant Filing

##### A. Course Log

Applicant identifies on a log the course name, site, date attended, appropriate category (either general or residential), hours, sponsoring organization.

##### B. Courses Assigned by Category

Courses for securing a national designation shall be assigned to the category in which the designation is assigned. All other courses shall be assigned a category by the subcommittee.

##### C. Proof of Attendance

Proof of attendance or award of designation shall be provided by the applicant.

##### D. Prior Coursework Required

It is the applicant's responsibility to be prepared and knowledgeable in the content areas described in the exam outline for each certification. Prior completion of all coursework is required as a prerequisite for taking the exam.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3391-3412.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, Real Estate Appraisal Subcommittee, LR 15:

#### §10311. Experience Criteria

##### A. Approved Appraisals

Only appraisals which meet the standards of professional practice as specified in the Louisiana Appraisal Certification Law shall be acceptable for experience credit.

##### B. Appraisals for Specific Agencies

1. Appraisals prepared for the following agencies shall be deemed to have met the standards of professional practice as defined in the Appraiser Law:

a. Appraisals for first mortgage underwriting for federally chartered or insured mortgage institutions such as savings and loans and commercial banks.

b. Appraisals accepted for first mortgage underwriting by agencies of the U.S. Government such as the Veterans Administration, Federal Housing Administration, Federal National Mortgage Association, or Farmer's Home Administration. Appraisal criteria for other federal, state and local agencies shall be reviewed by the subcommittee and guidelines for approval issued.

##### C. Experience Proof by Affidavit

For experience, individuals may count other appraisals which they swear by affidavit meet § 3410 of the Appraiser Law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3391-3412.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, Real Estate Appraisal Subcommittee, LR 15:

**§10313. Residential Certification Minimum Experience**

**A. Points Required Per Year**

Each year of experience shall require proof of completion of at least 100 points of approved appraisals. A total of 200 points is required for residential certification.

**B. Residential Appraisals Counted**

Only appraisals of single-family, one to four unit residential property, or vacant sites for single-family or farm/timber acreage which included the valuation of a single-family house(s) shall count as residential experience.

**C. Two Years Experience**

A minimum of two-calendar years experience shall be required for certification. All experience points cannot be earned in one calendar year.

**D. Time Allowed For Meeting Experience**

The experience requirement must be met over the five years preceding the application for certification. At least 40 points of experience credit must be earned in any one year to receive credit for any appraisal experience in that year.

**E. Residential Appraisal Points**

Residential appraisal points shall be awarded as follows:

- 1. one unit dwelling 1 point  
(including a site)
- 2. two to four unit dwelling 2 points
- 3. residential lot (1-4 family) 1/2 point
- 4. residential subdivision sites 1/2 point  
(NOT TO EXCEED FIVE POINTS) per lot
- 5. appraisal instruction of an approved residential course of 20 classroom hours or more 4 points  
(NOT TO EXCEED 16 POINTS PER YEAR)
- 6. farm or timber acreage suitable for a house site less than 10 acres 1 point  
10 to 100 acres 2 points  
over 100 acres 3 points
- 7. all other unusual structures, submitted to Subcommittee for determination herein items 1 to 4 and 6 1/2 to 5 points  
acres, acreage which are much larger or more complex than typical properties described
- 8. residential appraisal textbook submitted to Subcommittee for determination (NOT TO EXCEED 20 POINTS PER YEAR) 10 points
- 9. residential journal articles in journals of approved national appraisal organizations (NOT TO EXCEED 20 POINTS PER YEAR) 10 points

The cumulative points from items 5, 8 and 9 shall not exceed 50 percent of the cumulative residential points.

- 10. review of appraisals shall be worth 20 percent of the points awarded to the appraisal.

**F. Appraisal Affidavits**

1. Proof of appraisal affidavit will be submitted by the applicant as a notarized affidavit to include subject property address (street, lot, square, subdivision, parish) date of appraisal report, property type (including units, lots, acres), gross building area, and client (name, contact person, address and telephone number), purpose of report with a tally of the points being requested by the applicant and any other information deemed appropriate by the subcommittee.

2. Verification of experience can include any or all of:

- a. Client verification of report at discretion of the subcommittee.

B. Submission of selected reports to the subcommittee upon request as part of certification process where the report remains the property of the appraiser.

c. Field inspection of all reports identified by the applicant at their offices during normal business hours.

3. Statement specifying the applicant agrees to R.S. 37:3399(D) shall appear prominently on the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3391-3412.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, Real Estate Appraisal Subcommittee, LR 15:

**§10315. General Certification Experience**

**A. Points Required Per Year**

Each year of experience shall require proof of completion of at least 100 points of appraisals. A total of 300 points is required for general certification.

**B. Residential Experience Limited**

No more than one year of residential experience shall be applied for credit toward a general certification.

**C. Three Years Experience Required**

Three years experience shall be required for a general certification, of which at least two years experience shall be on non-residential property.

**D. Time Deadline For Meeting Requirement**

The experience requirement must be met in the five year period prior to certification. At least 40 points of experience credit must be earned in any one year to receive credit for appraisal experience in that year.

**E. General Appraisal Points**

General appraiser points shall be awarded as follows:

- 1. Apartments
  - 5 - 20 units 4 points
  - 21 - 100 units 8 points
  - over 100 units 10 points
- 2. Hotels/Motels
  - 50 or fewer units 6 points
  - 51 - 150 units 8 points
  - over 150 units 10 points
- 3. Meeting, conference or auditorium
  - 20,000 square feet or less 4 points
  - over 20,000 square feet 6 points
- 4. Industrial or warehouse building
  - 20,000 square feet or less 4 points
  - over 20,000 square feet 8 points
  - over 100,000 square feet and multiple tenant 10 points
- 5. Office buildings
  - 10,000 square feet or less 6 points
  - 10,001 square feet or more 8 points
  - 10,001 square feet or more and multiple tenants 10 points
- 6. Condominium residences with income approach to value
  - 5 to 30 units 6 points
  - 31 or more units 10 points
- 7. Retail buildings
  - 10,000 square feet or less 6 points
  - over 10,000 square feet, single tenant 8 points
  - over 50,000 square feet and multiple tenant 10 points

8. Acreage of non-residential land for commercial or multiple family use
  - less than 10 acres 3 points
  - 100 acres or more 6 points
  - 100 acres or more with income approach to value 8 points
9. Timber or farm acreage
  - 100 to 200 acres 3 points
  - over 200 acres 6 points
  - over 200 acres with income approach to value 8 points
10. All other unusual structures or which are much larger or more complete than the typical properties described herein
  - submitted to Subcommittee for determination items (a) - (i) 1 to 15 points
11. Reviews of appraisals shall be worth 20 percent of the points awarded to the appraisal
12. Appraisal instruction of an approved general course, 20 classroom hours or more in length (NOT TO EXCEED 20 POINTS PER YEAR) 10 points
13. Appraisal textbook authorship in general appraisal topics (NOT TO EXCEED 20 POINTS PER YEAR)
  - submitted to Subcommittee for determination 10 points
14. General field journal articles in journal of an approved national appraisal organization (NOT TO EXCEED 20 POINTS PER YEAR) 10 points

The cumulative points from items 12, 13 and 14 shall not exceed 50 percent of the cumulative general points.

15. No more than 40 percent of the cumulative points may be earned from any one category items (a) - (j). The applicant may request the waiver of this requirement for unique depth of experience in a single area.

#### F. Appraisal Affidavits

1. Proof of appraisals affidavit will be submitted by the applicant as a notarized affidavit to include subject property address (street, lot, square, subdivision, parish), date of appraisal report, property type (including units, lots, acres) gross building area, and client (name, contact person, address and telephone number, purpose of report, with a tally of the points being requested by the applicant and any other information deemed necessary by the subcommittee.)

2. Verification of experience can include any or all of:

- a. Client verification of report at discretion of the subcommittee;
- b. Submission of selected reports to the subcommittee upon request as part of certification process where the report remains the property of the appraiser;
- c. Field inspection of all reports identified by the applicant at their offices during normal business hours.

3. Statement specifying the applicant agrees to §3399 D of the Appraisal Law shall appear prominently on the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3391-3412.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, Real Estate Appraisal Subcommittee, LR 15:

#### §10317. Reviewers

A. Separate Form for Reviews

Reviews shall be identified on a separate listing all the information in item six plus the purpose of the review and agency supervisor for the unit requesting the review (address and telephone number).

#### B. Points Associated with Review

Twenty percent of the points associated with report shall be awarded to the reviewer.

#### C. Review Requirements

The review must meet the requirements listed below.

1. In reviewing an appraisal, an appraiser must observe the following specific guidelines:

- a. identify the report being reviewed, the real estate and real property interest being appraised, the effective date of the opinion in the report being reviewed, and the date of the review;
- b. identify the scope of the review process to be conducted;
- c. form an opinion as to the adequacy and relevance of the data and the propriety of any adjustments to the data;
- d. form an opinion as to the appropriateness of the appraisal methods and techniques used and develop the reasons for any disagreements;
- e. form an opinion as to the correctness and appropriateness of the analyses, opinions, and/or conclusions in the report being reviewed and develop the reasons for any disagreement.
- f. state in the letter of transmittal whether or not exterior or interior building inspections were made and, if so, when and by whom;

g. the review must be in writing and include items a - f.

2. In reporting the results of an appraisal review, an appraiser must:

- a. disclose the nature, extent, and detail of the review process undertaken;
- b. disclose the information that must be considered in Paragraphs 1.a and b.
- c. set forth the opinions, reasons, and conclusions required in Paragraphs 1.c, d and e.

No pertinent information shall be withheld.

3. In reviewing an appraisal and reporting the results of that review, an appraiser must separate the review function from any other function.

#### D. Maximum Points for Review

No more than 20 points for reviewing in any one year shall be awarded as experience credit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3391-3412.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, Real Estate Appraisal Subcommittee, LR 15:

#### §10319. Co-signed Reports, Reviews, Articles and Textbooks

##### A. Prorata Number of Points

The prorata number of points of each co-signed report, review, article and textbook shall be awarded to each signer of the report.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3391-3412.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, Real Estate Appraisal Subcommittee, LR 15:

Jane Moody  
Executive Director

**DECLARATION OF EMERGENCY**

**Board of Elementary and Secondary Education**

Revised Certification Fee Schedule

The State Board of Elementary and Secondary Education, at its meeting of July 27, 1989, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R. S. 49:953B and approved the revised certification fee schedule as follows:

**CERTIFICATION FEE SCHEDULE**

ALL CERTIFICATION FEES ARE NONREFUNDABLE

**INITIAL CERTIFICATION APPLICATION FEE**

TEACHING CERTIFICATES	\$55
Type C certificate	
Temporary certificate (initial certificate only)	
Emergency permit	
Temporary employment permit	
ANCILLARY CERTIFICATE	\$50
VTIE	\$50
ADDITIONAL CERTIFICATION ENDORSEMENTS/ TRANSACTIONS	\$25
Additional Endorsement to Certificate	
Higher Certificate	
Name Change	
Adding Degree	
Extension	
Written evaluations (Limit Two)	
APPEAL EVALUATION	\$25
DUPLICATE CERTIFICATE	\$15
COPIES OF MATERIAL IN FOLDER	\$ 5
Letters - per letter	
Transcripts - each university	
NTE scores	
BULLETIN 746, Louisiana Standards for State Certification of School Personnel	
Part A- Teachers, administrators and ancillary personnel	\$12
Part B- Vocational-technical personnel	\$ 6
CERTIFIED CHECK or MONEY ORDER to be made payable to the Louisiana Department of Education	
FEE VALID FOR ONE YEAR PENDING COMPLETION OF TRANSACTION OR REQUEST	
EFFECTIVE DATE: SEPTEMBER 1, 1989	
This emergency adoption is necessary in order for the fee schedule to be in place for September 1, 1989.	

Em Tampke  
Executive Director

**DECLARATION OF EMERGENCY**

**Board of Elementary and Secondary Education**

Extend Board Policy 3.01.70.v(37) to July 1, 1991

The State Board of Elementary and Secondary Education, at its meeting of July 27, 1989, exercised those powers

conferred by the emergency provisions of the Administrative Procedure Act, R. S. 49:953B and approved an extension of the BESE policy for hiring full-time/part-time noncertified school personnel with the exception of Speech, Language, and Hearing Specialists, and for it to remain in effect until July 1, 1991.

This emergency adoption is necessary in order to allow local school systems adequate time to consider individuals for employment during the 1989-90 school year.

Em Tampke  
Executive Director

**DECLARATION OF EMERGENCY**

**Board of Elementary and Secondary Education**

Revised Requirements for Special Education  
Certification Classifications

The State Board of Elementary and Secondary Education, at its meeting of July 27, 1989, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B and adopted the following revised requirements for special education certification classifications as proposed by the State Department of Education.

The holder of a valid Louisiana teaching certificate may have an area of special education certification (mild/moderate, severe/profound, hearing profound, visually impaired, or academically gifted) added to this certificate by completing the following requirements: Effective August 20, 1989

MILD/MODERATE (1-12)

A. A valid Louisiana teaching certificate

B. A minimum of 18 semester hours from the specialized academic education requirements for mild/moderate certification listed below:

1. General Knowledge . . . . . 3 semester hours
  - a. Introduction to Education of Exceptional Children . . . . . 3 semester hours
  - b. Introduction to Mild/Moderate . . . . . 3 semester hours
2. Methods and Materials . . . 6 semester hours including (Methods of teaching students with learning and behavior problems)
  - a. Methods of Teaching Students with Learning and Behavior Problems (must include training in prevocational/vocational skills) . . . . . 3 semester hours
  - b. Methods of Designing and Assessing Materials for Mild/Moderate . . . . . 3 semester hours
  - c. Methods of Teaching Basic Subjects to Mild/Moderate . . . . . 3 semester hours
3. Management . . . . . 6 semester hours
  - a. Behavioral Approach to Managing the Mild/Moderate . . . . . 3 semester hours
  - b. Humanistic Approaches to Managing the Mild/Moderate . . . . . 3 semester hours
  - c. Behavior Management . . . . . 3 semester hours
  - d. Methods of Classroom Organization and Management . . . . . 3 semester hours
4. Assessment and Evaluation . . . . . 3 semester hours
  - a. Practicum in Tests and Measurements (emphasizing informal testing) . . . . . 3 semester hours
- C. A practicum in mild/moderate . . . 3 semester hours

OR

A one-year internship for college credit in mild/moderate with supervision provided by faculty in the college of education.

OR

Three years of successful teaching experience in mild/moderate

NOTE: The secondary teacher of mild/moderate students who is to award Carnegie Units must be certified in the subject area(s) in which Carnegie Units are awarded.

SEVERE/PROFOUND (1-12)

A. A valid Louisiana teaching certificate

B. A minimum of 21 semester hours from the specialized academic education requirements for severe/profound certification listed below:

- 1. General Knowledge . . . . . 3 semester hours
  - a. Introduction to Education of Exceptional Children . . . . . 3 semester hours
  - b. Introduction to Education of the Severe/Profound . . . . . 3 semester hours
- 2. Methods and Materials . . . . . 9 semester hours
  - a. Curriculum for Severe/Profound . . 3 semester hours
  - b. Instructional Strategies for Severe/Profound (must include training in prevocational/vocational skills) . . . . . 3 semester hours
  - c. Methods of working with Paraprofessionals and Medical and Related Service Personnel/Health and Safety Procedures/Parental Involvement . . . . . 3 semester hours
- 3. Management . . . . . 3 semester hours
  - a. Learning and Classroom Behavior Principles of Severe/Profound, including 30 contact hours of field experiences . . . . . 3 semester hours
  - b. Behavior Management . . . . . 3 semester hours
- 4. Assessment and Evaluation . . . . . 3 semester hours
  - a. Practicum in Tests and Measurements (emphasizing informal testing) . . . . . 3 semester hours
- 5. Communication Strategies Appropriate for the Severe/Profound . . . . . 3 semester hours
- C. A practicum in severe/profound . . 3 semester hours

OR

A one-year internship or college credit in severe/profound with supervision provided by faculty in the college of education

OR

Three years of successful teaching experience in severe/profound.

HEARING IMPAIRED

A. A valid Louisiana teaching certificate

B. A minimum of 24 semester hours from the specialized academic education requirement for hearing impaired certification listed below:

- 1. General Knowledge . . . . . 6 semester hours
  - a. Introduction to Education of Exceptional Children . . . . . 3 semester hours
  - b. Foundations of Education of the Hearing Impaired . . . . . 3 semester hours
- 2. Language/Communication Development . . . . . 15 semester hours
  - a. Language Development for Hearing Impaired (including linguistic principles in language acquisition of normal hearing children and hearing impaired children) . . . . 3 semester hours
  - b. Speech Development for Hearing Impaired (must include speech reading) . . . . . 3 semester hours

- c. Introduction to Audiology and Auditory Training . . . . . 3 semester hours
- \*d. Sign Communication I . . . . . 3 semester hours
- \*e. Sign Communication II . . . . . 3 semester hours
- 3. Curriculum and Instruction . . . . . 3 semester hours
  - a. Instructional Strategies/Curriculum Adaptations for Hearing Impaired (must include training in prevocational/vocational skills) . . . . . 3 semester hours
  - C. A practicum in hearing impaired . . 3 semester hours

OR

A one-year internship for college credit in hearing impaired with supervision provided by faculty in the college of education

OR

Three years of successful teaching experience with the hearing impaired at the level of certification (elementary or secondary)

\*The individual achieving a rating of Survival on the Sign Language Proficiency Interview/Sign Communication Proficiency Interview may substitute that rating for Sign Communication I.

\*\*The individual achieving a rating of Intermediate Plus on the SLPI/SCPI may substitute the rating for Sign Communication I and Sign Communication II.

NOTE: Certification is awarded at the level of the regular teaching certificate held by the applicant.

VISUALLY IMPAIRED

A. A valid Louisiana teaching certificate

B. A minimum of 21 semester hours from the specialized academic education requirement for visually impaired certification listed below:

- 1. General Knowledge . . . . . 6 semester hours
  - a. Introduction to Education of Exceptional Children . . . . . 3 semester hours
  - b. Introduction to Education of Visually Impaired . . . . . 3 semester hours
- 2. Methods and Materials . . . . . 3 semester hours
  - a. Instructional Strategies for Visually Impaired (must include training in prevocational/vocational skills) . . . . . 3 semester hours
- 3. Visual Impairments . . . . . 9 semester hours
  - a. Low Vision and Its Educational Implications . . . . . 3 semester hours
  - \*b. Braille . . . . . 3 semester hours
  - c. Orientation and Mobility for Visually Impaired Students . . . . . 3 semester hours
- 4. Assessment and Evaluation Introduction to Educational Screening, Assessment and Evaluation, or Tests and Measurements . . . . . 3 semester hours
- C. A practicum in visually impaired . . 3 semester hours

OR

A one-year internship for college credit in visually impaired with supervision provided by faculty in the college of education

OR

Three years of successful teaching experience with the visually impaired at the level of certification (elementary, secondary, preschool).

\*Library of Congress Literary Braille certification will fulfill this requirement.

**NOTE:** Certification is awarded at the level of the regular teaching certificate held by the applicant.  
The secondary teacher of the visually impaired who is to award Carnegie Units must be certified in the subject area(s) in which Carnegie Units are awarded.

**ACADEMICALLY GIFTED EDUCATION**

- A. A valid Louisiana teaching certificate
- B. A master's degree from a regionally accredited institution of higher education
- C. A minimum of 21 semester hours of credit as follows:
  - 1. Nine semester hours of graduate credit in the teaching area in which the teacher is certified to teach. Advanced methods courses in the subject areas will also be accepted for elementary certified teachers
  - 2. Twelve semester hours of credit involving the following course content areas including (a) and (b) below:
    - a. Characteristics/Study of Gifted Individuals
    - b. Methods of Teaching the Gifted
    - c. Curriculum Development for the Gifted
    - d. Interpretation of Assessment Data on the Gifted
    - e. Techniques of Counseling the Gifted
    - f. Research
    - g. Creative Thinking and Problem Solving
    - h. Introduction to Education of Exceptional Children
  - D. Three semester hours in a practicum involving academically gifted students

OR

A one-year internship for college credit in academically gifted with supervision provided by faculty in the college of education

OR

Three years of successful teaching experience in academically gifted.

**NOTE:** Academically gifted certification will be valid only in the teaching area(s) in which one is certified.  
The secondary teacher of academically gifted students who is to award Carnegie Units in the secondary subject area(s) must be certified in the subject area(s) in which Carnegie Units are awarded.  
**EXCEPTION:** Elementary and secondary teachers who are also certified in academically gifted may offer approved special education elective (enrichment) courses at either the elementary or secondary level.

**Child Search Coordinator Certification**

Child Search Coordinators must be certified or licensed as a teacher, social worker, guidance counselor, school psychologist, psychologist, speech therapist, or other related special education field and:

- 1. Must possess a master's degree;
- 2. Must have at least six hours in special education; and
- 3. Must have three years of experience in the certified or licensed area.

Persons who were functioning as Child Search Coordinators prior to September 1, 1989 and are certified/licensed special education personnel are not bound by these requirements, and will be certified, provided they are recommended for continuation employment by the parish supervisor/director of special education and approved by the superintendent of the LEA.

This emergency adoption is necessary in order for the revised policy to be in place for the upcoming school year.

Em Tampke  
Executive Director

**DECLARATION OF EMERGENCY**

**Board of Elementary and Secondary Education**

**Extension of Temporary Employment Permits**

The State Board of Elementary and Secondary Education, at its meeting of July 27, 1989, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B and extended the Temporary Employment Permit until July 1, 1991.

This emergency adoption is necessary in order to allow local school systems adequate time to consider individuals for employment during the 1989-90 school year.

Em Tampke  
Executive Director

**DECLARATION OF EMERGENCY**

**Office of the Governor  
Division of Administration**

The Division of Administration under the authority granted by R. S. 39:231, has determined that it is necessary to exercise the emergency provisions of R.S. 49:953B. to amend Title 4, Part V, Policy and Procedure Memoranda, Chapter 15, General Travel Regulations P.P.M. No. 49, 4:V.1537, 1539, 1541. Under this authority, the commissioner of administration may add or delete cities from high cost or extra high cost areas when it is in the best interest of the state. The effective date of these amendments is August 9, 1989.

**Chapter 15. General Travel Regulations - PPM No. 49  
Subchapter G. Reimbursement for Transportation,  
Lodging, Meals and Other Expenses  
§1537. Lodging and Meals**

**A. Meals Only (Including Tips)**

Except as provided in Subchapter C, §1511.D, travelers may be reimbursed up to the following amounts for meals:

Breakfast	\$4
Lunch	\$5
Dinner	\$9
	\$18

B. Travelers may be reimbursed for meals according to the following schedule:

1. Breakfast: When travel begins at/or before 6 a.m. on the first day of travel, or extends beyond 9 a.m. on the last day of travel, and for any intervening days.

2. Lunch: When travel begins at/or before 10 a.m. on the first day of travel, or extends beyond 2 p.m. on the last day of travel, and for any intervening days.

3. Dinner: When travel begins at/or before 4 p.m. on the first day of travel, or extends beyond 8 p.m. on the last day of travel and for any intervening days.

C. In-state and Out-of-state Lodging

1. In-state Areas

Except as provided in §1511.D, travelers may be reimbursed actual expenses for lodging not to exceed \$40 (plus tax) per day and meals may be reimbursed at the \$18 cost level to all cities in Louisiana with the exception of New Orleans which is reimbursable at actual expenses not to exceed \$55 (plus tax) per day and meals at the \$26 high cost level. Receipts from a bona fide hotel or motel for lodging shall be submitted and attached to the travel voucher.

2. Out-of-state Areas

Except as provided in §1511.D, travelers may be reimbursed actual expenses for lodging not to exceed \$55 (plus tax) per day, excluding those cities listed in high cost and extra high cost areas and meals may be reimbursed at the \$26 high cost level in accordance with same schedule in §1539.A. Receipts from a bona fide hotel or motel for lodging shall be submitted and attached to the travel voucher.

**§1539. Lodging and Meals in High Cost and Extra High Cost Areas**

A. Meals Only (Including Tips)

1. Except as provided in Subchapter C, §1511.D, travelers on official state business in high cost areas as designated in Subchapter G, §1539.E, may be reimbursed up to the following amounts for single meals, or a total of \$26 per day. (Receipts not required)

Breakfast	\$ 5
Lunch	\$ 7
Dinner	<u>\$14</u>
	\$26

2. Travelers may be reimbursed for meals according to the same schedule as that in Subchapter G, §1537.B.

B. High Cost Lodging Areas

Except as provided in §1511.D, travelers may be reimbursed actual expenses for lodging not to exceed \$80 (plus tax) per day for the following cities: Boston, Massachusetts; Chicago, Illinois; Los Angeles, California; Philadelphia, Pennsylvania; San Francisco, California. The inclusion of suburbs of these cities as high cost areas shall be determined by the department head on a case-by-case basis.

C. Extra High Cost Lodging Areas

Except as provided in §1511.D, travelers may be reimbursed actual expenses for lodging not to exceed \$95 (plus tax) for the following cities: New York, New York and Washington, D.C. Receipts from a bona fide hotel or motel for lodging shall be submitted and attached to the travel voucher. The inclusion of suburbs of these cities as extra high cost areas shall be determined by the department head on a case-by-case basis.

**§1541. Out-of-State Conferences Lodging and Meals**

A. Meals only (Including Tips)

Except as provided in Subchapter C, §1511.D, travelers may be reimbursed up to \$26 per day for meals according to the same schedule in §1539.A.

B. Except as provided in §1511.D, travelers may be reimbursed actual expenses for conference lodging not to exceed \$80 (plus tax) per day for any hotel property out-of-state. Receipts from a bona fide hotel or motel for lodging shall be submitted and attached to the travel voucher.

C. Delete in its entirety.

Dennis Stine  
Commissioner of Administration

**DECLARATION OF EMERGENCY**

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provisions of the Administrative Procedure Act, R.S. 49:953 B to adopt the following rule in the Medicaid (Title XIX) Program.

**SUMMARY**

The Medicare Catastrophic Coverage Act of 1988 (Public Law 100-360) mandates that Medicaid state agencies implement provisions to expand coverage for all persons aged sixty-five years and over, as well as disabled persons, who are Medicare Part A eligible (whether or not they currently have Part A coverage): and who meet certain income and resource criteria. The Medicare Catastrophic Coverage Act (MCCA) mandated an implementation date of January 1, 1989, unless a delay was requested by the state to permit time for necessary legislation, and such request was approved by the Health Care Financing Administration (HCFA). The basis for approval for delays in implementation was dependent upon the necessity for state legislation to avoid conflict with existing laws. A delay based on lack of funding was specifically precluded. Louisiana requested a delay based on a legal interpretation that Louisiana law prohibited deficit spending and implementation of MCCA would result in deficit spending. Thus, legislation to repeal the prohibition on deficit spending or to grant exception to the agency to permit deficit spending was needed. However, Louisiana's request was denied by HCFA as HCFA categorized the needed legislation as an appropriation issued and determined it was not eligible for delay under the provisions of P.L. 100-360. Therefore, the Medicaid agency was advised that it must implement the provisions of MCCA no later than March, 1989.

This rule is necessary to ensure compliance with mandated federal regulations and laws and to avoid sanctions from HCFA. The rule shall be effective July 29, 1989. This rule was previously adopted under Emergency Rulemaking provisions of R.S. 49:953 B effective March 28, 1989 and published in the *Louisiana Register* Vol. 15, No. 4, on April 20, 1989.

**RULE**

The Medicaid Program shall implement the provisions of the Medicare Catastrophic Coverage Act of 1988 to expand coverage for certain persons aged sixty-five years and over, as well as disabled persons, who:

- 1) are eligible for Medicare Part A coverage;
- 2) have incomes less than 85 percent of the federal poverty level (in Calendar Year 1989);
- 3) have countable resources worth less than twice the level allowed for Supplemental Security Income (SSI) applicants; and
- 4) meet the general nonfinancial requirements or conditions of eligibility for Medical Assistance (i.e. filing of application, residency, citizenship, assignment of rights, etc.).

The annual income limit for 1989 for one individual would be \$5,083, while that for a couple would be \$6,817. The resource amount allowed in 1989 may not exceed \$4,000 for an individual or \$6,000 for couple.

Medicaid benefits provided to eligible individuals differ depending on which of the two categories noted below that the

## DECLARATION OF EMERGENCY

### Department of Public Safety and Corrections Office of Motor Vehicles

person would qualify for based on eligibility for Medicaid in another category of assistance (i.e. SSI, Medically Needy, or Long Term Care eligible). These categories and their benefits are outlined below:

1. DUAL QMB ELIGIBLES are individuals who: are over age 65 or disabled; are eligible for Medicare A; meet the income and resource limits noted above; and are eligible for Medicaid in another category (i.e. SSI, Medically Needy, or Long Term Care). Benefits for these individuals include:

- a. payment of Medicare Part A premium if not eligible for "free" premium as a result of work history;
- b. payment of Medicare Part B premium;
- c. payment of Medicare deductibles and co-insurance for all Medicare covered services; and
- d. payment of services covered by Medicaid which are not covered by Medicare.

2. QUALIFIED MEDICARE BENEFICIARIES (OMB Only) are individuals who: are over age 65 or disabled; are eligible for Medicare Part A; meet the income and resource limits noted above; and are otherwise not eligible for Medicaid under any other category of assistance. Benefits for these individuals are the same as those noted above for Dual eligibles with the exception of payment for Medicaid only services (d.). QMBs are only eligible for Medicare cost-sharing expenses; not other Medicaid benefits outside of Medicare coverage.

Those services for which an individual is eligible as either a Dual eligible or Qualified Medicare Beneficiary shall be denoted on the Medicaid identification card issued to these individuals. Currently eligible recipients for whom Medicaid will pay the Medicare Part A premium become eligible for Medicare Part A effective July 1, 1989, provided they enroll by March 31, 1989.

Providers of service to these eligibles have the right to accept the patient as Medicare only, QMB only, or as a Dual (Medicare/Medicaid) eligible, but must advise the patient as to his payment status to ensure that the patient is aware of his potential liability for payment of the services. If a provider accepts a patient as a QMB only, and accepts Medicare assignments, he may not bill the patient for any difference between his charge for the services and Medicare's allowable rate for the service. If a provider does not accept Medicare assignment for treating a QMB only, he may bill the patient for the difference between his charge for the service(s) and Medicare's allowable rate for the service. In either instance, for a QMB only, the provider may not bill the patient for any difference between the Medicare deductible or co-insurance amount and the amount paid by Medicaid for these Medicare cost-sharing benefits. In the case of Dual eligibles, as Medicaid requires that Medicare assignment be accepted in order to bill Medicaid, no amount may be charged to the patient for any difference between billed charges and the combined payment of Medicare and Medicaid. Medicaid reimbursement for deductible and co-insurance amounts shall not exceed the state maximum payment for the service. Medicaid only covered services provided to Dual eligibles shall be reimbursed in accordance with current payment standards. All providers of service must be duly enrolled Medicaid providers whether billing for Dual eligibles or QMBs only. Providers choosing to bill only for QMBs should denote this on their enrollment forms, but will not be permitted to bill for Dual eligibles or Medicaid only patients.

David L. Ramsey  
Secretary

The Regular Session of the Louisiana Legislature by Act No. 151 of 1989 has amended and reenacted R.S. 47:505(B) which requires motor vehicle dealers to remove and destroy license plates upon transfer of previously owned vehicles. Further, House Concurrent Resolution No. 6 of the Second Extraordinary Session of 1989, requires changes in administrative regulations with regard to dealer license plates.

The law will become effective on or about September 11, 1989 and the legislative will cannot be accomplished without administrative implementation of these rules. Further, although the program is anticipated to ultimately generate revenue, start-up funds will be required.

For all of the above reasons the Department of Public Safety and Corrections, Office of Motor Vehicles declares this emergency and implements these rules to administer the program as follows.

The Department of Public Safety and Corrections, Office of Motor Vehicles, in accordance with R.S. 49:953B declares this an emergency rule to meet the deadline required for this rule to be in effect.

LAC 55:III

License Plates Removed and Destroyed by Dealers  
R.S. 47:505(B)

The Department of Public Safety and Corrections, Office of Motor Vehicles, proposes to adopt the following regulations relative to the removal and destruction of license plates by dealers. R.S. 47:505(B) requires dealers to remove and destroy license plates from previously owned vehicles upon transfer of the vehicle to the dealer.

In accordance with the requirements of House Current Resolution Number 6 of the Second Extraordinary Session of 1989, a new type of dealer license plate has been authorized. This will be called the dealer cardboard tag and should fill in any gaps in the law previously encountered as between metal dealer plates and T-markers.

The following procedures will apply to new and used Louisiana motor vehicle dealers, effective September 11, 1989:

#### Removal

1. The dealer must remove the license plate immediately upon transfer of the motor vehicle from the transferrer to the dealer.

#### Plate Destruction and Exceptions

2. Destruction of the license plate must take place prior to the forwarding of the invoice, registration certificate, sales tax and other necessary documents on a transfer file for purpose of re-registration of the vehicle. However, if a used vehicle is purchased and not taken in trade, the monthly report (DPSMV 4251) must be submitted and must be preceded by destruction of the plate as evidenced on said report.

A. Exceptions: Some types of license plates are exempt from the requirement of destruction. The exempt plates stay with the original owner and should be removed by the owner or dealer but should not be destroyed. An example of this type of plate would be a prestige, handicap, or apportioned plate. For a complete list of the exempt plates see Schedule A. For purposes of trade in situations only, an exempt plate (listed in Schedule A) should be transferred by the dealer from the trade in vehicle to the newly purchased vehicle.



Definition of Plate Destruction

3. Destruction shall mean at a minimum, the severance of the license plate into two parts rendering it useless.

Dealer Notification to Office of Motor Vehicles

4. After transfer of the vehicle to the dealer and destruction of the license plate, the dealer invoice must be sent to the Office of Motor Vehicles along with other documents for purposes of re-registration. The license plate number and VIN must be shown on the invoice transferring same to dealer. The dealer invoice will be presumptive evidence of destruction of the plate, unless the plate is of the type which is exempt from destruction (see Schedule A).

A. In cases where the dealer does not send the invoice, evidence of the destruction of plate must be submitted on the monthly report form (DPSMV 4251) no later than the fifth of the month. However, there must be an affirmative indication on the form of the date each plate was destroyed.

Metal Dealer Plates and Cardboard Tags for Dealers

5. The rules in regard to the issuance of metal dealer license plates have not been changed. See Section V. Policy Procedure Statement No. 5.

6. Each dealer holding a current dealer number may issue cardboard tags which may only be used by such dealer or his employees for the following purposes: (a) to demonstrate or cause to be demonstrated his unregistered vehicles to prospective buyers only for the purpose of sale including allowing a prospective buyer to operate such vehicle in the course of demonstration with or without the presence of a salesman. (b) to transport or cause to be transported unregistered vehicles from the dealer's place of business to any other place of business for commercial purposes other than retail sale or lease. However, this tag does not permit the hauling of cargo for hire or hauling of commercial cargo.

A. Said cardboard dealer tags must contain the dealer business name and number as determined by the appropriate commission regulating said dealer, and be of a form and size as determined by the Office of Motor Vehicles. Dealers must contact the Office of Motor Vehicles to obtain sample printing specifications prior to the purchase of tags from the printing source chosen by the dealer.

B. Said tags will be valid if used as described by this rule. However, the Office of Motor Vehicles reserves the right to cancel and recall any cardboard tag illegally issued or improperly used. Further, the Office of Motor Vehicles for good cause shown may prohibit a dealer from the use, purchase, ordering or printing of future tags.

7. These regulations shall be effective on and after September 11, 1989.

SCHEDULE A

The following plates are exempt for the law requiring destruction of license plates. These plates stay with the owner of a vehicle which is traded in to a dealer.

- |                                 |                          |
|---------------------------------|--------------------------|
| 1. Apportioned                  | 12. Handicapped Ham      |
| 2. Prestige (personalized)      | 13. Handicapped Farm     |
| 3. Congressional Medal of Honor | 14. Handicapped Prestige |
| 4. Street Rod                   | 15. Handicapped Public   |
| 5. Ex-Prisoner of War           | 16. Hearing Impaired     |
| 6. University                   | 17. Honorary Consul      |
| 7. Public Service Commission    | 18. Prestige Antique     |
| 8. Ham Operator                 | 19. National Guard       |
| 9. Handicapped                  | 20. Prestige Motorcycle  |
| 10. Handicapped Commercial      | 21. Grotto               |
| 11. Handicapped Dealer          | 22. Shriner              |

- |                         |                            |
|-------------------------|----------------------------|
| 23. Private Shriner     | 28. Pearl Harbor Survivor  |
| 24. Disabled Veteran    | 29. Volunteer Fire Fighter |
| 25. U.S. Reserve Forces | 30. Retired Fireman        |
| 26. U.S. Veteran        | 31. Retired Law Officer    |
| 27. Retired Veteran     |                            |

John Politz  
Assistant Secretary

DECLARATION OF EMERGENCY

Department of Social Services  
Office of Eligibility Determinations

The Department of Social Services, Office of Eligibility Determinations, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953-B to adopt the following rule in the Aid to Families with Dependent Children (AFDC) and Refugee Cash Assistance (RCA) and Food Stamp Programs.

The Office of Eligibility Determinations received a waiver from the Department of Health and Human Services to exempt from the monthly reporting and retrospective budgeting requirements all cases in the AFDC and RCA Programs. An emergency rule is necessary as the implementation of the waiver could reduce the error rate and thereby reduce the possibility of federal fiscal sanctions.

RULE

The following rules are hereby repealed:

1. "Monthly Reporting in AFDC and RCA Programs", Vol. 11, No. 12, December 20, 1985 page 1146.
2. "Monthly Reporting in Food Stamps", Vol. 13, No. 9, September 20, 1987, page 498.
3. "Monthly Reporting in the RCA Program", Vol. 15, No. 7, July 20, 1989.

Effective September, 1989, monthly reporting and retrospective budgeting will no longer be required in the AFDC, RCA and Food Stamp Programs. Eligibility and payment amount will be computed prospectively for all cases.

May Nelson  
Secretary

DECLARATION OF EMERGENCY

Department of Social Services  
Office of Eligibility Determinations

The Department of Social Services, Office of Eligibility Determinations, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B to adopt the following rule in the Food Stamp Program.

Emergency rulemaking is necessary because federal regulations as published in the *Federal Register* of Wednesday, June 7, 1989, Vol. 54, No. 108, pages 24510-24531 mandate an effective date of July 1, 1989.

RULE

The following revisions are effective July 1, 1989.

1. Definition of Elderly or Disabled Person  
Two categories are added to the definition of an elderly or

## DECLARATION OF EMERGENCY

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

disabled person. These categories are: (1) Recipients of interim Assistance benefits pending the receipt of Supplemental Security Income or (2) Recipients of disability - related medical assistance benefits under Title XIX of the Social Security Act, (for example, Medically Needy or Extended Medicaid).

#### II. Verification

##### A. Notice of Required Verification

The Office of Eligibility Determinations has the responsibility to assist households in obtaining required verification provided the household is cooperating as specified in C-1300. The Notice of Redetermination (OFS-18MR), The Action Taken on Your Food Stamp Case (FSP-13A), and the Client Contact Letter (OFS-18C) are being revised to include a statement to this effect. The household must still be informed in writing of the verification that must be submitted in order to be certified for benefits.

##### B. Household Cooperation

A household shall not be determined to be ineligible when a person outside of the household fails to cooperate. Individuals identified as nonhousehold members under C-140 shall not be considered as individuals outside the household.

##### C. Verification at Recertification and During the Certification Period

Do not verify the following items at recertification or during the certification period if the source has not changed or the amount has not changed by more than \$25:

1. income, or
2. total medical expenses or,
3. actual utility expenses,

Do not verify other unchanged information. Verify the above information if it is incomplete, inaccurate, inconsistent, or outdated.

#### III. Resources

##### A. Farm Property

Continue to exclude as a resource for one year from the date the household member stops farming property that is essential to the self-employment of a household member engaged in farming.

##### B. Licensed Vehicles

Continue to exclude as a resource for one year from the date the household member stops farming licensed vehicles which have been previously used by a self-employed household member engaged in farming but are no longer used over 50 percent of the time in farming because the household member stopped farming.

#### IV. Income

Do not count as income vendor or in-kind payments which would normally be excluded as income but are converted in whole, or in part, to a direct cash payment under the approval of a federally authorized demonstration project (including demonstration projects created by waiver of the provision of federal law).

Expenses covered by an excluded vendor payment which is converted to a direct cash payment under the approval of a federally authorized demonstration project is not a deductible household expense.

May Nelson  
Secretary

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:953(B), notice is hereby given that the Board of Trustees of the State Employees Group Benefits Program intends to amend language in the Plan Document of Benefits as necessitated by the Tax Reform Act of 1986 adding Section 89 (k) to the Internal Revenue Code, as follows:

1. Add definitions GG and HH to Article 1, Section 1:

GG. The term Board of Trustees as used herein shall mean the entity created and empowered to administer the State Employees Group Benefits Program in accordance with the provisions of R.S. 42:871 et seq.

HH. The term Health Maintenance Organization (HMO) as used herein shall mean any legal entity which has received a certificate of authority from the Louisiana Commissioner of Insurance to operate as a health maintenance organization in Louisiana.

2. To describe Employer Contributions to the Plan, add Section V to Article 1:

##### V. Contributions

Pursuant to the provisions of R.S. 42:851 the State of Louisiana may contribute up to 50 percent of the premium cost. As of October 1, 1989, the state contributes 50 percent of the monthly premium cost for the Comprehensive Medical Plan and the Life Insurance Plan, and up to 50 percent of the monthly cost of a Health Maintenance Organization Option, not to exceed the contribution to the Comprehensive Medical Plan.

3. To describe the HMO option and annual open enrollment procedures, add Subsection (G) to Section II of Article 2:

##### G. Health Maintenance Organization (HMO) Option

In lieu of participating in the Comprehensive Medical Plan, employees and retirees may elect coverage under an approved Health Maintenance Organization (HMO) operating within the zip code area of such persons' home residence. As of October 1, 1989, approved HMOs by geographic service area are as follows: CIGNA Health Plan of North Louisiana in Shreveport; Ochsner Health Plan, Community Health Network of Louisiana, Inc., and Gulf South Health Plan in Baton Rouge; and Maxicare of Louisiana, Ochsner Health Plan, and Principal Health Care of Louisiana, Inc. in New Orleans.

New employees may elect to participate in an HMO during their initial period of eligibility in accordance with the effective date and eligibility provisions of Article 2, Section II. Additionally, each HMO shall hold an annual open enrollment period in April for coverage effective date of July 1 for employees and retirees electing to enter or leave the HMO. Transfer of coverage from the State Employees Group Benefits Program to the HMO or vice-versa shall only be allowed during this annual open enrollment period, for an effective date of July 1. Transfer of coverage shall also be allowed as a consequence of the employee's being transferred into or out of the HMO geographic service area, with an effective date of the first of the month following transfer.

4. Amend Article 3, Section I (H), second paragraph add:

"... in a licensed medical facility..."

When a mental or nervous condition and/or substance abuse requires the covered person to be confined as a resident patient in a licensed medical facility which does not otherwise

meet the definition of hospital as defined in Article 1, Section I (R), the program will pay 50 percent of all eligible expenses, (subject to the limitations contained in the Schedule of Benefits) including those of a physician, following the satisfaction by the covered person of a separate \$300 deductible. This deductible will be in addition to any deductible amounts required under any other provision of this contract.

5. Add Subsection I, to Section I, Article 3:

1. Continuation of Benefits for Certain Illnesses

Pursuant to the provisions of R.S. 42:851.6 effective June 26, 1989, any covered person who was receiving benefits for an illness which: (a) did not arise from alcohol or substance abuse; (b) commenced prior to and has continued without interruption since January 1, 1987; (c) requires either inpatient confinement or supervised residential confinement; (d) is certified by a physician to be permanent and irreversible; and (e) is further certified by a physician to necessitate a lifetime of inpatient care or supervised residential care in a licensed facility shall be reimbursed for eligible medical expenses incurred on or after June 26, 1989, in accordance with the plan of benefits as set forth in the plan document in effect as of January 1, 1987.

6. To recognize that the UR services are being performed by August International Corporation, amend Article 3, Section III, Subsections B and C:

III. Utilization Review

B. Pre-Admission Certification (PAC) and Continued Stay Review (CSR) refer to the process used to certify the medical necessity and length of any hospital confinement as a registered bed patient. PAC and CSR are performed pursuant to a contract between the Board of Trustees and August International Corporation (AIC). PAC should be requested by plan members or plan member's dependents through the treating physician for each inpatient hospital admission.

C. PAC shall include a second surgical opinion when required by AIC. Such second surgical opinion shall be rendered by a physician approved by AIC and the cost for the second opinion will be covered at 100 percent. AIC may, at its option, require a third opinion which will be covered at 100 percent. Benefits provided for a second or third surgical opinion shall be subject to applicable limitations of the fee schedule.

7. To recognize the means by which a plan may be terminated, amend Article 4, Section XVII:

XVII. Contract Amendments or Termination

The State of Louisiana, Board of Trustees of the State Employees Group Benefits Program has the statutory responsibility of providing health and accident and death benefits for covered persons to the extent that funds are available for such benefits. The board specifically reserves to itself the unilateral right to terminate or amend the eligibility and benefit provisions of its contracts from time to time as it may deem necessary to prudently discharge its duties. Any such termination or modifications shall be promulgated subject to the applicable provisions of law, and nothing contained herein shall be construed to guarantee or vest benefits for any participant, whether active or retired.

8. To indicate the means of contacting the administrator for further information, add Section XVII to Article 4:

XVII. Plan Information

All documents and other contracts referenced herein are available for inspection upon request at the offices of the State Employees Group Benefits Program, located at 5825 Florida Blvd., Baton Rouge, LA 70806.

Additional information about the plan may be obtained by writing to James D. McElveen, Ph.D., Executive Director for the

State Employees Group Benefits Program at Box 44036, Capitol Station, Baton Rouge, LA 70804.

9. Remove second paragraph of Article 4, Section II, "Deadline for Filing Claims."

"Failure to furnish notice ... as soon as was reasonably possible."

10. Amend third paragraph of the Letter to Plan Members from the Chairman of the Board of Trustees, by deleting reference to equal sharing in the premium. Add paragraph reciting specific Section 89 requirements.

The program provides you and your dependents adequate health insurance protection at a reasonable premium in light of the health care available and the cost thereof at this time. The program operates entirely on the premiums received with the state sharing with you the premium charges. Administrative costs are kept low and \$.95 of every premium dollar is returned to the plan members in benefits paid.

The benefits provided through the program are maintained exclusively for the benefit of active and retired employees and their dependents. These individuals' rights under the program are legally enforceable.

11. To describe eligibility provisions for participation by legislative assistants, substitute the following for Subsection (E) to Section II of Article 1 and change the current Subsection (E) to Subsection (F):

E. Legislative Assistants

In accordance with the provisions of R.S. 24:31.5(D), legislative assistants shall be eligible to participate in the program, provided (a) they are employed on a full-time basis as defined by Article 1, Section 1(E) and (b) have at least one year experience or receive at least eighty percent of the total compensation as such assistants. Except as otherwise provided herein, all other eligibility provisions of Article 1, Section II shall apply.

James D. McElveen  
Executive Director

## DECLARATION OF EMERGENCY

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:953(B) and 49:967 of the Administrative Procedure Act and under authority of R.S. 56:115, the Louisiana Wildlife and Fisheries Commission at its regular scheduled meeting on August 4, 1989 in Baton Rouge, Louisiana adopted the following hunting seasons, bag limits, and shooting hours for migratory birds:

A declaration of emergency is necessary to conform with the time constraints established by the U. S. Fish and Wildlife Service in the *Federal Register*, Volume 54, No. 107, pg. 24290-24293.

Dove:

September 2-10

October 14-November 12

December 9-January 8

The daily bag limit is 12 with a possession limit after opening day of 24.

Snipe:

November 11-February 25

The daily bag limit is 8 with a possession limit after opening day of 16.

Woodcock:

December 9-February 11

The daily bag limit is 5 with a possession limit after opening day of 10.

Rail:

November 18-January 20

The daily bag limit is 15 Clapper and King in the aggregate and a possession limit of 30 after opening day; 25 Sora and Virginia in the aggregate and possession limit is the daily bag limit.

Gallinule:

November 18-January 20

The daily bag limit is 15 with a possession limit of 30 after opening day.

Ducks and Coot:

West Zone:	East Zone
Nov. 18-Dec. 4	Nov. 18-Nov. 23
Dec. 26-Jan. 7	Dec. 15-Jan. 7

Duck Limits:

The daily bag limit of ducks is 3, and may include no more than 2 mallards (no more than 1 of which may be a female), 2 wood ducks, 1 black duck, 1 redhead, and 1 pintail. Canvasback may not be taken at any time.

Merganser Limits:

The daily bag limit of mergansers is 5 of which only 1 may be a hooded merganser. The possession limit is 10 with only 2 hooded mergansers.

Coot Limits:

The daily bag and possession limits of coots are 15 and 30, respectively.

Geese: Statewide (West and East Zone)

Season Dates	Daily		
	Bag Limit	Possession Limit	
Nov. 18-Dec. 4	7	14	(WHITE FRONT, SNOW GOOSE, BLUE GOOSE)
Dec. 15-Feb. 5			(WHITE FRONT, SNOW GOOSE, BLUE GOOSE)
Feb. 6-Feb. 14			(SNOW AND BLUE GOOSE ONLY)

The daily bag limit is 7 in the aggregate of Blue, Snow, or White-fronted geese of which not more than two may be white-fronted. Possession limit is twice the daily bag limit.

Shooting Hours:

Dove: One-half hour before sunrise to sunset; EXCEPT on the opening weekend of each split (Sept. 2-3, Oct. 14-15, and Dec. 9-10) when shooting hours will be 12 Noon until sunset.

All other migratory birds: One-half hour before sunrise to sunset.

This declaration will be in effect for 120 days beginning on September 2, 1989.

Virginia Van Sickle  
Secretary

### DECLARATION OF EMERGENCY

#### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

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

which allows the Louisiana Wildlife and Fisheries Commission to use those emergency procedures to set oyster seasons, and with R.S. 56:433, which allows the commission to designate what parts or portions of the natural reefs may be fished for oysters, the commission sets the 1989/90 oyster harvest season in the following manner:

1. The Public Oyster Seed Grounds, and the Hackberry Bay, Bay Junop and Bay Gardene Oyster Seed Reservations will open one-half hour before sunrise September 6, 1989;

2. The Public Oyster Seed Grounds and the Oyster Seed Reservations will close one-half hour after sunset September 15, and remain closed until they reopen one-half hour before sunrise October 16, 1989;

3. The secretary of the Department of Wildlife and Fisheries is authorized to take emergency action if necessary, to close areas where oyster mortalities are occurring or to delay the season or close areas where significant spat catch has occurred with good probability of survival;

4. The Sister Lake Oyster Seed Reservation and the shell plant in American (California) Bay will be closed for the 89/90 oyster season;

5. Bedding will not be allowed in sacks or any type of container, but will consist of shovelling back on the deck of the vessel;

6. For the 89/90 oyster season only, no more than 10 percent loose shell with no oyster on them will be allowed in the bedding operations or seed oyster loads on all the public oyster seed grounds and public oyster seed reservations;

7. For the 89/90 oyster season only, no water pumps will be allowed to load boats on the Public Oyster Seed Grounds or Oyster Seed Reservations;

8. No managerial action is taken for the Calcasieu and Sabine Lake tonging areas at this time; seasons for these areas will be addressed at a subsequent commission meeting;

9. Public notice of any opening, delaying of or closing of a season will be given at least 72 hours prior to such action.

Virginia Van Sickle  
Secretary

### DECLARATION OF EMERGENCY

#### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and pursuant to R.S. 56:497, the Louisiana Wildlife and Fisheries Commission does hereby set the 1989 Fall Inshore White Shrimp Season to open in Shrimp Management Zones 1, 2 and 3 at 6 a.m. on August 21, 1989. Also, the secretary of the Department of Wildlife and Fisheries will be authorized to delay or close the 1989 Fall Inshore White Shrimp Season, by public notice in accordance with R.S. 56:497.3, in any area or zone when biological and technical data indicates the need to do so.

Virginia Van Sickle  
Secretary

**DECLARATION OF EMERGENCY**

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

In accordance with the emergency provisions of R.S.49:953(B), the Administrative Procedure Act, R.S.49:967 which allows the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons and R.S.56:325.3 which established an annual quota for spotted seatrout; the Louisiana Wildlife and Fisheries Commission hereby declares an emergency and adopts the following rule:

**EMERGENCY RULE**

Pursuant to R.S.56:325.3 the closure of the commercial fishery for spotted seatrout is hereby extended until midnight, August 31, 1989.

The purchase, barter, trade or sale of spotted seatrout taken from Louisiana waters during the closure is prohibited.

The commercial taking or landing of spotted seatrout in Louisiana, whether caught within or without the territorial waters of Louisiana during the closure is prohibited.

Effective with the closure, no vessel possessing or fishing any seine, gill net, trammel net, or hoop net shall have spotted seatrout aboard the vessel, whether caught within or without the waters of the state.

Pursuant to R.S.56:322 and effective with the closure, the legal commercial mesh size for all gill nets, trammel nets and seine nets used in saltwater areas of the state, other than strike nets, shall be a minimum of four and one-half inches stretched and a person shall have in possession or use aboard a vessel no more than two strike nets.

Nothing shall prohibit the possession of fish legally taken prior to the closure and all commercial dealers possessing spotted seatrout taken legally prior to the closure shall maintain appropriate records in accordance with R.S.56:306.4.

Virginia Van Sickle  
Secretary

# Rules

**RULE**

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

In accordance with the provisions of the Administrative Procedure Act (R. S. 49:950 et seq.), and R.S. 3:1433, the Department of Agriculture and Forestry amended the following rules and regulations.

**Title 7**

**AGRICULTURE AND ANIMALS**

**Part XIII. Seeds**

**Chapter 87. Rules and Regulations Pursuant to the Louisiana Seed Law**

**Subchapter B. General Seed Certification Requirements**

**§8871. Hybrid Seed Corn Certification Standards**

- C. Field Standards
- 2. Isolation Requirements

Fields in which commercial hybrid corn is being produced must be so located that the female parent is not less than 660 feet in all directions from other corn of a different kernel color or type (sweet, pop, flint, white, red, etc.).

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 8:572 (November, 1982), amended LR 9:197 (April, 1983), repealed and readopted LR 12:825 (December, 1986), amended LR 13:156 (March, 1987), LR 15: (August, 1989).

**§8777. Okra Seed Certification Standards**

- A. Field Standards

Factor	Foundation	Registered	Certified
Other varieties	None	None	1 per 1,250 plants

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 8:572 (November, 1982), amended LR 9:197 (April 1983), repealed and readopted LR 12:825 (December, 1986), amended LR 13:156 (March 1987), LR 13:232 (April 1987) amended LR 15: (August, 1989).

**§8779. Onion Bulbs and Seed Certification Standards**

- A. Field Standards

Factor	Foundation	Registered	Certified
Varietal mixtures and off-type plants		.50%	.50%

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 8:575 (November 1982), amended LR 9:200 (April 1983), LR 10:737 (October 1984), repealed and readopted LR 12:825 (December 1986), amended LR 15: (August 1989).

**§8783. Rice Seed Certification Standards**

- B. Field Standards

Factor	Breeder	Foundation	Registered	Certified
Noxious weeds:				
Red Rice (including Black Hull rice) & Spearhead	None	None	None	2 plants per acre

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 8:576 (November 1982), amended LR 9:201 (April 1983), LR 9:754 (November 1983), LR 10:495 (July 1984), repealed and readopted LR 12:825 (December 1986), amended LR 13:157 (March 1987), LR 13:233 (April 1987), amended LR 15: (August 1989).

**§8801. Soybean Seed Certification Standards**

- A. Field Standards

Factor	Breeder	Foundation	Registered	Certified
Noxious Weeds:				
Purple Moonflower ( <i>Ipomoea turbinata</i> )	None	None	2 plants per acre	5 plants per acre

Balloon Vine

(*Cardiospermum halicacabum*)

None	None	2 plants*	5 plants*
		per acre	per acre

\*To be changed to zero plants per acre effective July 1, 1990.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 8:585 (November 1982), amended LR 9:203 (April 1983), repealed and readopted LR 12:825 (December 1986), amended LR 15: (August 1989).

Bob Odom  
Commissioner

## RULE

### Department of Economic Development Board of Certified Public Accountants

In accordance with R. S. 49:950 et seq., the Administrative Procedure Act, notice is given that the State Board of Certified Public Accountants of Louisiana amended the following rules.

#### Title 46

#### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part XIX. Certified Public Accountants

#### Chapter 7. Requirements for Continuing Professional Education

#### §701. Basic Requirements

A. Each licensee shall participate in at least one-hundred-twenty hours of continuing professional education every three years. However, for the three-year period ended December 31, 1982, only 60 hours shall be required and, for the three-year period ending December 31, 1985, only ninety hours shall be required. The hours of a licensee to whom (B)(2) applies shall be reduced pro rata for the compliance period containing his effective date.

##### B. Effective date

1. As to any licensee who was licensed as of January 1, 1980, the effective date of these requirements shall be January 1, 1980.

2. As to any licensee who obtains his initial license after January 1, 1980, the effective date of these requirements shall be January 1, of the following year.

##### C. Compliance period

1. The first compliance period for continuing professional education shall be the three-year period ended December 31, 1982, and subsequent compliance periods shall end on December 31 each third year thereafter.

2. Election to maintain records on other than calendar year (fiscal year).

a. A licensee may elect to maintain records of continuing professional education on a "fiscal year." In such case, the continuing education requirements must be completed in the fiscal year ended within the last year of the compliance period. Also in such case, a licensee may claim credit for qualifying programs completed in the part of the fiscal year falling in the calendar year prior to the effective date applicable to him, if proper records of participation in such programs are maintained in accordance with §711 below.

b. Once a calendar or fiscal year has been established, a change therein may be made only with the approval of the board, which approval shall be based on a pro rata of the requirements having been completed during any months that are not included in a three-year period as a result of the change. The board, may, at its discretion, permit a change where such pro rata of the requirements has not been completed, if it is agreed that such additional continuing education requirements will be completed by a stated future date.

D. A certified public accountant who wishes to reenter practice after having allowed his license to lapse must present proof, documented in a form satisfactory to the board, that he has satisfied the requirements for continuing professional education for the preceding period as specified by (A).

E. For good cause shown, the board may at its sole discretion issue a temporary license to an applicant and provide a specified period of time within which to satisfy the required continuing professional education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:75.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Certified Public Accountants, LR 6:4 (January 1980), amended LR 9:208 (April 1983), LR 15: (August 1989).

#### §703. Standards for Programs

##### A. Program development

1. The program should contribute to the professional competence of the participants.

2. The stated program objectives should specify the level of knowledge the participants should have obtained or level of knowledge he should be able to demonstrate upon completing the program.

3. The education and/or experience prerequisites for the program should be stated.

4. Programs should be developed by individual(s) qualified in the subject matter.

5. Program content should be current.

6. Programs should be reviewed or evaluated by a qualified person(s) other than the preparer(s) to ensure compliance with the above standards.

##### B. Program presentation

1. Participants should be informed in advance of objectives, prerequisites, experience level, content, advance preparation, teaching methods, and continuing professional education credit.

2. Instructors or discussion leaders should be qualified with respect to program content and teaching method used.

3. Program sponsors should encourage participation only by individuals with appropriate education and/or experience.

4. The number of participants and physical facilities should be consistent with the teaching method(s) specified.

5. Programs should include some means of evaluating quality.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:75.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Certified Public Accountants, LR 6:4 (January 1980), amended LR 9:208 (April 1983), LR 15: (August 1989).

#### §705. Programs which Qualify

A. The overriding consideration in determining whether a specific program qualifies as acceptable continuing education is that it be a formal program of learning which contributes directly

to the professional competence of an individual licensed to practice as a certified public accountant.

B. Accredited university or college courses.

1. Credit courses. Each semester hour credit shall equal fifteen hours toward the requirement. A quarter hour credit shall equal ten hours.

2. Non-credit short courses. Credit allowable for such courses shall be determined by the board.

C. Formal correspondence or other individual study programs which require registration and provide evidence of satisfactory completion will qualify as set forth in 709(B)(1) of this Part.

D. Continuing education programs qualify if they meet the above standards and if:

1. An outline of the program is prepared in advance and preserved.

2. The program is at least one hour (fifty minute period) in length.

3. The program is conducted by a qualified instructor.

4. A record of registration and attendance is maintained.

E. The following programs are deemed to qualify provided the above are met:

1. Professional development programs of recognized national and state accounting organizations.

2. Technical sessions at meetings of recognized national and state accounting organizations and their chapters.

3. Formal organized in-firm educational programs.

4. Programs of other recognized organizations (accounting, industrial, professional, etc.).

F. The board may look to recognized state or national accounting organizations for assistance in interpreting the acceptability of and credit to be allowed for individual courses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:75.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated LR 6:5 (January 1980), amended LR 15: (August 1989).

#### **§707. Subjects which Qualify**

A. The following general subject matters are acceptable so long as they contribute to the professional competence of the individual licensee:

1. Accounting and Auditing - This field of study includes accounting and financial reporting subjects, pronouncements of authoritative accounting principles issued by the standard-setting bodies having recognized authority, and any other related subject generally related to an audit examination, review, or compilation of the financial records leading to a written accountant's report.

2. Client Advisory Services - This field of study deals with all client advisory services provided by professional accountants. It includes management advisory services, personal financial planning services, services provided by consultant practitioners, engagement management techniques which deal with planning, organizing and controlling any phase of individual financial or business activity, and the designing, implementing, and evaluating of related operating systems.

3. Taxation - Taxation is a field of study dealing with tax return preparation, tax planning, tax research, estates and trusts, employee benefit plans, and other areas that relate specifically to planning and compliance with respect to the tax laws of governmental entities.

4. Management - This field of study emphasizes the specific management needs of accountants, i.e., financial manage-

ment, practice management, and management planning.

5. Economics - Economics is the field of study concerned chiefly with the way society chooses to employ its limited resources, which have alternative uses, to produce goods and services for present and future consumption.

6. Business Law - This is the field of study of that portion of the law and legal system dealing with contracts, agency, bailment, sales contracts, transfer of title, warranties, commercial paper, partnerships, corporations, trusts, mortgages, bankruptcy, property, and community property.

7. Personal Development - Personal Development is the field of study which includes self-management and management of others both inside and outside of the business environment. It includes issues of quality of life, interpersonal relationships, self-assessment, personal improvement, public relations, communications and writing skills.

8. Professional Ethics - Professional Ethics includes the study of codes of professional ethics applicable to all CPA registrants and their effect on business decisions.

B. Areas other than those listed above may be acceptable if the licensee can demonstrate that they contribute significantly to his professional competence. The responsibility for substantiating that a particular program is acceptable and meets the requirements rests solely upon the licensee.

C. Special Rules

1. Subsection A shall include those courses related to the specific computer application and specific industry issues of the subject matter.

2. For purposes of categorizing courses, a course shall be categorized in its entirety based on the majority of its content.

3. Courses which have product sales as their underlying content shall not qualify for CPE credit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:75.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated LR 6:5 (January 1980), amended LR 15: (August 1989).

#### **§709. Credit Hours Granted**

A. Class hours

1. Only class hours or the equivalent (and not student hours devoted to preparation) will be counted.

2. Continuing education credit will be given for whole hours only, with a minimum of 50 minutes constituting one hour. As an example, 100 minutes of continuous instruction count for two hours; however, more than 50 minutes but less than 100 minutes of continuous instruction would count only for one hour. For continuous conferences and conventions, when individual segments are less than 50 minutes, the sum of the segments will be considered equal to one total program.

3. Any one-day program will qualify for eight hours of credit if its timing is such that its class hours require participants to be absent from their work for a normal working day. Travel time cannot be claimed. The eight hours must be reduced by any hours not in attendance.

B. Individual study program

1. The amount of credit to be allowed for correspondence and formal individual study programs (including taped study programs) is to be recommended by the program sponsor based upon one half the average completion time under appropriate "field tests." Licensees claiming credit for such correspondence or formal individual study courses are required to obtain evidence of satisfactory completion of the course from the program

sponsor. Credit will be allowed in the renewal period in which the course is completed.

2. The board will not approve any program that does not offer sufficient evidence that the work has actually been accomplished.

C. Service as lecturer, discussion leader, speaker

1. Credit for one hour of continuing professional education will be granted for each hour completed as an instructor or discussion leader to the extent it contributes directly to the individual's professional competence and provided the program would qualify for credit under these rules. No credit will be granted for repetitious presentations of a group program.

2. In addition, an instructor or discussion leader may claim up to two hours of credit for advance preparation for each teaching hour awarded in (C)(1) above, provided the time is actually devoted to preparation.

3. The maximum credit for teaching and preparation cannot exceed fifty percent of the three-year requirements under these rules.

D. Published articles, books, etc.

1. Credit for published articles and books will be awarded in an amount determined by a board representative provided the writing contributes to the professional competence of the licensee. The board and author shall mutually approve this representative.

2. CPAs requesting this service will be charged a fee: the fee to be negotiated and agreed upon prior to the engagement.

3. The maximum credit for preparation of articles and books cannot exceed twenty-five percent of the three-year requirements under these rules.

4. Credit, if any, will be allowed only after the article or book is published.

E. Committee meetings, dinner and luncheon meetings, firm meetings

1. Credit will be awarded for participation in committee meetings, dinner and luncheon meetings, etc. provided the program portion thereof meets the other requirements of these rules.

2. Credit will be awarded for firm meetings or meetings of management groups if they meet the requirements of these rules. Portions of such meetings devoted to administrative and firm matters cannot be included.

F. CPE credit for reviewers.

Credit will be granted for actual time expended reviewing reports of the board's positive enforcement programs up to a maximum of 16 credit hours per year as approved by the state board's program coordinator provided the reviewer completes and returns the assigned checklist(s). The effective date of this rule applies only to reports assigned January 1, 1986 and thereafter.

G. Special Limitations and Requirements

1. Personal Development courses cannot exceed twenty percent of the total qualifying CPE.

2. All reporting periods shall include at least four hours of Professional Ethics.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:75.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated LR 6:5 (January 1980), amended LR 11:757 (August 1985), LR 15: (August 1989).

#### **§711. Maintenance of Records and Control**

A. Each licensee shall maintain records of continuing ed-

ucation in which he has participated showing:

1. Sponsoring organization.
2. Location of course.
3. Title and/or description of content.
4. Dates attended.
5. Certification of attendance.
6. Hours claimed.

B. Practitioners, partners, or shareholders and employees of a firm of certified public accountants will not be required to maintain the above records personally if the firm has a policy of maintaining such records for its members and professional employees and does maintain the records required herein for the required time and reports to each person at least once each year a summary, which includes the information in (A) above, of the continuing education file on that person.

C. Each sponsoring organization shall maintain records of programs sponsored which shall show:

1. That the programs were developed and presented in accordance with the standards set forth in §703 above. If a program is developed by one organization and sponsored by another, the sponsoring organization shall not be responsible for program development standards and related record maintenance if:

a. It has reviewed the program and has no reason to believe that program development standards have not been met, and

b. It has on record certification by the developing organization that the program development standards have been met and that the developing organization will maintain the required records relative thereto.

2. Dates of program presentations.

3. Instructor(s) and participants.

D. Records required under this rule shall be maintained for five years and shall be made available to the board or its designee(s) for inspection at the board's request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:77.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Certified Public Accountants, LR 6:5 (January 1980), amended LR 15: (August 1989).

Mildred M. McGaha, CPA  
Executive Director

### **RULE**

#### **Department of Economic Development Board of Certified Public Accountants**

In accordance with R.S. 49:950 et seq., The Administrative Procedure Act, notice is given that the State Board of Certified Public Accountants of Louisiana amended LAC 46:XIX.1303, so that, as amended, said section shall read and provide as follows:

#### **§1303. Educational Requirements**

A. To be eligible for examination and certification by and under the auspices of the board, an applicant shall possess a baccalaureate degree, duly conferred by a university or college recognized and approved by the board, with concentration in the area of accounting, at either the graduate or undergraduate level, evidenced by award of credit for satisfactory completion of



the following courses and credit hours, according to whether such courses and credits are taken and awarded on a semester or quarter basis:

Undergraduate Level Courses	Credit Hours	
	Semester	Quarter
Elementary Accounting	3	4
Intermediate Accounting	6	8
Advanced Accounting	3	4
Cost Accounting	3	4
Income Tax Accounting	3	4
Auditing	3	4
Accounting Elective	3	4
Commercial Law (as it affects accountancy)	3	4
Graduate Level Courses		
Intermediate Accounting	3	4
Advanced Accounting	3	4
Cost Accounting	3	4
Income Tax Accounting	3	4
Auditing	3	4
Accounting Elective	3	4
Commercial Law (as it affects accountancy)	3	4

A course described as "Legal Environment of Business," emphasizing consumer protection and the regulatory environment, is not recognized as equivalent to nor does it satisfy the specified Commercial Law or Accounting Elective requirements at either the undergraduate or graduate level.

B. In the event that the applicant's degree does not reflect the credit hours in the courses prescribed by Paragraph A of this Section, the board may, on good cause shown by the applicant, allow the substitution of other courses that, in the board's judgment, are substantially equivalent to any of such prescribed courses or to the credit hours prescribed therefor. Documentation of good cause for any such requested substitution shall be submitted by the applicant to the board upon affidavit sworn to and subscribed by the applicant and an officer of the university, college or other educational institution where the course to be substituted was taken. Such affidavit shall set forth a course description of the course sought to be substituted and a comparison of the content of such course to that of the course for which substitution is requested.

C. If the applicant's degree does not reflect the credit hours in the courses prescribed by Paragraph A of this Section, an applicant may become eligible for examination and certification by and under the auspices of the board by having otherwise taken and completed the courses required by this rule and received credit for satisfactory completion thereof awarded by an accredited university, college, vocational or extension school recognized and approved by the board.

D. With respect to the course requirements specified by Paragraphs A and B of this Section, the board does not recognize credit received for courses granted on the basis of advanced placement examination (such as CLEP, ACT or similar examinations). To be recognized by the board, the course credits specified by Paragraph A of this Section shall have been awarded pursuant to satisfactory completion of a course requiring personal attendance at classes in such course.

E. An applicant who does not meet the course requirements specified by Paragraph A of this Section but who has, as of the date of application, been engaged in the practice of public accounting on the professional staff of a firm of certified public accountants for a period of not less than four years during the 10

years immediately preceding the date of application, shall nonetheless be deemed eligible for examination by and under the auspices of the board provided that:

1. he has successfully completed at least one course in the course areas enumerated by Paragraph A of this Section:

2. if such courses were taken at the undergraduate level, he has successfully completed not less than 27 semester hours, or 36 quarter hours, in accounting and commercial law; and

3. each such course was completed at an accredited university, college, vocational or extension school recognized and approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:78.

HISTORICAL NOTE: Adopted by the Department Commerce, Board of Certified Public Accountants, January 1974, promulgated LR 6:6 (January 1980), amended LR 11:757 (August 1985), LR 13:13 (January 1987), amended LR 15: (August 1989).

Mildred M. McGaha, CPA  
Executive Director

## RULE

### Department of Economic Development Board of Certified Public Accountants

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the State Board of Certified Public Accountants has amended Paragraph 1 of Subsection A of §1703 of the rules, LAC 46:XIX.1703.A.1, effective November 1, 1989.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS Part XIX. Certified Public Accountants

#### Chapter 17. Qualifications For Licensing §1703. Qualifying Accounting Experience; Nature of Practice

A. The professional experience requisite to licensing may be obtained:

1. by employment as a staff accountant by a licensed, practicing certified public accountant or by a firm of certified public accountants who are licensed to practice public accounting under the laws of any state:

a. on a full-time basis for a period of not less than two years; or

b. on a part-time basis for not less than 4,160 hours begun and completed in not less than two nor more than four years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:79, R.S. 37:77, and R.S. 37:75.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, amended LR 4:223 (June 1978), LR 6:7 (January 1980), LR 9:208 (April 1983), LR 15:403 (May 1989), and LR 15: (August 1989).

Mildred M. McGaha, CPA  
Executive Director

## RULE

### Department of Economic Development Board of Certified Public Accountants

In accordance with R. S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the State Board of Certified Public Accountants of Louisiana adopted Chapter 20, Sections 2001, 2003, 2005, 2007 and 2009 and to amend Section 2101.A of the Rules, LAC 46:XIX.2000 and 2101.A, so that, as adopted and amended, said Sections shall read and provide as follows:

#### Title 46

#### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part XIX. Certified Public Accountants

#### Chapter 20. Temporary Permits

#### §2001. Scope of Chapter

The rules of this Chapter govern the qualifications for and issuance of temporary permits authorizing the practice of public accountancy in the state of Louisiana limited to a single engagement for a specified period, pursuant to the authority vested in the board by R.S. 37:75(B)(13).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:75(B)(13).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Certified Public Accountants, LR 15: (August 1989).

#### §2003. Temporary Permits; Scope of Authority

A. Subject to satisfaction of the qualifications and procedures prescribed by this Chapter, a temporary permit may be issued by the board to a person who is neither a resident of Louisiana nor licensed by the board, but who is certified and licensed as a certified public accountant by another state, to authorize the permittee's incidental, temporary practice of public accounting in Louisiana in connection with and limited to a single, specified engagement.

B. A temporary permit issued under this Chapter is valid and effective only for the period of time specified therein, which may not exceed a period of 90 days, and may not be renewed.

C. The board's issuance of a temporary permit under this Chapter shall not be construed to provide any right or entitlement whatsoever to certification, licensing or renewal of the permit after its expiration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:75(B)(13).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Certified Public Accountants, LR 15: (August 1989).

#### §2005. Qualifications, Disqualifications for Temporary Permit

A. To be eligible for a temporary permit, an applicant shall:

1. be currently certified as a certified public accountant by the licensing authority of any state other than Louisiana;

2. possess a valid, current, unrestricted license or equivalent authority to engage in the practice of public accounting in any state other than Louisiana duly issued by the licensing authority of such state;

3. submit a completed application to the board, through its executive director, not less than 30 days prior to the engagement within Louisiana to which the permit shall be applicable; and

4. pay the fee applicable to application for and issuance of temporary permits, as provided by Chapter 21 of these rules;

provided, however, that payment of a single fee shall satisfy the application fee requirement for two or more partners or employees of the same partnership of certified public accountants or professional accounting corporation applying for a temporary permit to participate in the same engagement in Louisiana.

B. No person who is a resident of the state of Louisiana or who is certified or licensed by the board shall be eligible for a temporary permit under this Chapter.

C. The board may refuse to issue a temporary permit to any applicant for any of the causes for which the board may refuse to issue certification or licensure pursuant to R.S. 37:84.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:75(B)(13).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Certified Public Accountants, LR 15: (August 1989).

#### §2007. Application Procedure

A. Application for a temporary permit shall be made upon forms supplied by the board. Application forms and instructions pertaining thereto may be obtained upon written request directed to the executive director of the board, 1515 World Trade Center, 2 Canal Street, New Orleans, LA 70130. Application forms will be mailed by the board within 30 days of the board's receipt of request therefor. To ensure timely filing, completion and processing, application forms should be requested not later than 40 days prior to the deadline for application specified in the preceding Section.

B. An application for temporary permit under this Chapter shall:

1. include proof, verified or documented in a form satisfactory to the board as specified by the executive director, that the applicant possesses the qualifications requisite to issuance of a temporary permit, as specified by this Chapter;

2. contain the applicant's authorization to and consent for the board to obtain from the licensing authority of any state in which the applicant is certified and licensed as a certified public accountant such information as the board deems relevant to consideration of an action on an application for temporary permit hereunder;

3. specify the nature of the professional engagement to be performed in Louisiana and for which the temporary permit is sought, the inclusive dates during which and the place or places at which such engagement will be performed, and the name and address of the person, firm or entity for whom or on whose behalf such engagement will be performed;

4. include such other information and documentation as the board may request to evidence qualification for a temporary permit; and

5. be accompanied by the accompanied by the applicable fee, as prescribed by Chapter 21 of these rules.

C. 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.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:75(B)(13).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Certified Public Accountants, LR 15: (August 1989).

#### §2009. Issuance of Permit

If the qualifications, requirements and procedures pre-

scribed by this Chapter are met to the satisfaction of the board, the board shall issue to the applicant a temporary license to practice public accounting in the state of Louisiana specifying the professional engagement for which and the time during which such permit shall be valid. A temporary permit shall be valid and effective only if signed by the secretary or treasurer of the board, provided, however, that the executive director may be authorized by the secretary or treasurer to employ a facsimile signature.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:75(B)(13).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Certified Public Accountants, LR 15: (August 1989).

## **Chapter 21. Fees and Service Charges for CPA Examination, Certification, Licensing**

### **§2101. Assessment of Fees**

A. Examination fees shall be assessed by the board in conformity with R.S. 37:80E.

Service Charge for refund of examination fee under §1090	\$20
Original certification	\$50
Original license	\$50*
Replacement certificate	\$50**
Temporary permits	\$100

B. \*Candidates having passed the examination and meeting all other requirements for licensure must submit a complete application on forms prescribed by the board and accompanied by all required supporting documentation within 30 days after the official release date of examination grades to avoid payment of additional fees. Applications that are incomplete or late are subject to the original license fee.

C. \*\*A replacement certificate shall be issued at the holder's request upon payment of fee and compliance with the following requirements:

1. In the event of a certificate which has been lost, the loss must be advertised in an appropriate newspaper for at least five times in 30 days and the request for replacement must be accompanied by a sworn statement that the certificate is lost and that the loss has been advertised in accordance with this rule.

2. In the event of a certificate which has been mutilated, the mutilated certificate must be returned to the board and if it is mutilated beyond the point of being able to be identified, the request must also be accompanied by a sworn statement that the returned document is, in fact, the certificate.

3. If the request for replacement is to have a change in the name in which the certificate is issued, the original certificate must be returned to the board and the request must be accompanied by the appropriate documentation of the name change.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:80.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated LR 6:8 (January 1980), amended LR 9:209 (April 1983), LR 11:758 (August 1985), LR 13:13 (January 1987) and LR 15: (May 1989), and LR 15: (August 1989).

Mildred M. McGaha, CPA  
Executive Director

## **RULE**

### **Department of Economic Development Office of Commerce and Industry**

The Department of Economic Development, Office of Commerce and Industry adopted the following rule in accordance with the authority given in the Administrative Procedure Act, R.S. 49:950 et seq.

#### **Title 13**

#### **ECONOMIC DEVELOPMENT**

#### **Part III. Office of Commerce and Industry**

#### **Chapter 9. Louisiana Industrial Training Program**

#### **§901. Eligibility**

A. Applicant must be a manufacturing firm.

B. Applicant must apply for a minimum of 10 net-new, permanent manufacturing jobs that are classed as entry-level unskilled.

C. Applicant must assign a supervisor/instructor to at least 10 trainees.

#### **§903. Preference**

A. Preference will be given to applicants locating in a parish which has an unemployment rate higher than the state average.

B. Secondary preference will be given to companies in targeted Standard Industrial Classification (SIC) Codes. The targeted industries for any particular fiscal year shall be determined by the Secretary of Economic Development in June of each year.

#### **§905. Method and Timing of Application**

A. An application shall be submitted for approval to the development supervisor for the Department of Economic Development, Office of Commerce and Industry, at least 90 calendar days before the start of training.

B. The application shall include a manning table setting job titles, numbers of employees per job title and hourly wage per job title. A maximum of 10 percent deviation in the proposed manning table will be allowed.

#### **§907. Contract and Monitoring**

A. A contract shall be executed between the state of Louisiana and a local approved non-profit economic development organization from the same geographical area as the site location of the applicant on behalf of the applicant industry.

B. The non-profit corporation shall monitor the progress of training under the contract and report to the development supervisor who shall also monitor the progress of the training.

#### **§909. Method of Payment**

A. Payment to the non-profit monitor shall be reimbursable from an invoice which shows: name of supervisor(s), Social Security number, number of weeks worked, and weekly rate. Instructors will be paid for a maximum of 40 hours per week.

B. All on-the-job invoices shall be accompanied by a statement which shows: names of trainees, Social Security number, employment status at time of hiring, sex, race, previous wage rate and current wage rate.

C. Invoices shall be submitted at the end of the training period if that period is seven weeks or less. Invoices shall be submitted monthly if the training period is seven weeks or more.

#### **§911. Location of Training**

A. All training locations shall be in Louisiana.

B. Exceptions to this may be made at the discretion of the Secretary of Economic Development.

#### **§913. Amount of Training Grants**

A. On-the-job training grants will be calculated at \$200 per job.

B. Pre-employment training grants will not exceed \$70,000.

C. Exceptions to this may be at the discretion of the Secretary of Economic Development.

LOUISIANA INDUSTRIAL TRAINING PROGRAM APPLICATION

1. Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

Contact person: \_\_\_\_\_

Telephone: \_\_\_\_\_

Products manufactured at site for which training is desired: \_\_\_\_\_

2. Non-profit name: \_\_\_\_\_

Address: \_\_\_\_\_

Contact person: \_\_\_\_\_

Telephone: \_\_\_\_\_

3. Unemployment rate for parish: \_\_\_\_\_

4. Type of training desired: Pre-employment \_\_\_\_\_ OJT \_\_\_\_\_

5. Projected training dates - Begin: \_\_\_\_\_ End: \_\_\_\_\_

6. Anticipated number of net-new-manufacturing jobs: \_\_\_\_\_

7. Attach a manning table showing job titles, numbers of employees per job title and hourly wage per job title.

I have had the Louisiana Industrial Training program explained to me and I agree to abide by the rules covering the program. I also certify that the information given in this application is correct to the best of my knowledge.

/s/ \_\_\_\_\_ Authorized Company Official

\_\_\_\_\_ Date

\_\_\_\_\_ agrees to administer the proposed training contract. (Name of Non-Profit)

/s/ \_\_\_\_\_ Authorized Non-Profit Official

\_\_\_\_\_ Date

Return to: Director of Industrial Training Department of Economic Development P. O. Box 94185 Baton Rouge, LA 70804-9185

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:921 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15: (August 1989).

Harold Price Assistant Secretary

RULE

Department of Economic Development Racing Commission

Title 35 HORSE RACING

Part I. General Provisions

Chapter 17. Corrupt and Prohibited Practices §1791. Testing for Dangerous Substance Abuse

A. - B. . . .

C. Any official, jockey, trainer or groom who is requested to submit to a urine test shall provide the urine sample, without undue delay, to a chemical inspector of the commission. The sample so taken shall be immediately sealed and tagged on the form provided by the commission and the evidence of such sealing shall be indicated by the signature of the tested official, jockey, trainer or groom. The portion of the form which is provided to the laboratory for analysis shall not identify the individual official, jockey, trainer or groom by name. It shall be the obligation of the official, jockey, trainer or groom to cooperate fully with the chemical inspector in obtaining any sample who may be required to witness the securing of such sample. Anyone who tampers with a urine sample shall be fined and/or suspended as provided for by R.S. 4:141 et seq. and/or the Rules of Racing.

D. . . .

1. - 4. . . .

E. - F. . . .

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

HISTORICAL NOTE: Promulgated by the Racing Commission LR 13:289 (May, 1987), emergency rule 3/10/89.

Alan J. LeVasseur Executive Director

RULE

Board of Elementary and Secondary Education

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

May 20, 1989 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

Rule 3.01.70.z

The board adopted the following amendment to the certification requirements for Reading Specialist (Bulletin 746 amendment):

Reading Specialist

The applicant must hold a valid Type B Louisiana teaching certificate.

The applicant must hold an advanced degree from a regionally accredited institution.

Included in or beyond the advanced degree of study must be 12 graduate hours of course work in reading education including:

- 1. Foundations or survey of reading instruction . . . . . 3 semester hours
  - 2. Diagnosis and correction of reading difficulties including a testing/tutorial practicum under the supervision of qualified personnel . . . . . 6 semester hours
  - 3. Reading in the content areas . . . . . 3 semester hours
- Reading Specialist certification will be valid for teaching and/or supervision of reading in grades 1-12.

Em Tampke  
Executive Director

**RULE**

**Board of Elementary and Secondary Education**

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published May 20, 1989 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the following revisions to Bulletin 1794, *Procedures Manual for the Bureau of Materials of Instruction and Textbooks*:

Rule 3.01.88.b

- 1. Substitute the wording "Bureau of Materials of Instruction and Textbooks" to read "Office of Educational Support Programs"
- 2. Delete Section VIII Ordering Process. (LEAs now order their textbooks directly from the depository.)
- 3. Reference Adoption - - substitute "Office of Education Programs" for "School Library Supervisor" in the section on Reference.
- 4. Delete page 27: Reference orders. (Orders are no longer placed with the SDE: LEAs order the reference materials from the publishers.)
- 5. Eliminate Section X - School Supply Program. (LEAs order their school supplies directly from vendors utilizing state contracts or their own bid procedures.)

Em Tampke  
Executive Director

**RULE**

**Board of Elementary and Secondary Education**

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published May 20, 1989 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted revisions to the Reduction in Force Policy for Special School District Number 1 as listed below: Rule 3.02.80

Change the first paragraph to read:

"When conditions, such as a significant enrollment deadline, the loss of federal or state funds, the discontinuance of special programs or projects necessitate a reduction in force greater than what can be accommodated through attrition and appropriate reassignments, it shall be the policy of Special School District Number 1 through the State Board of Elementary and Secondary Education to accomplish the reduction in force utilizing the following priorities and procedures. All possible alternatives to the layoff of employees will be explored and used prior to implementation of the reduction in force policy. Reduction in force will be determined on an individual school basis and implemented district wide. As appropriate and when possible, administrative, supervisory and classified personnel positions will be reduced proportionately with the reductions in the number of teaching positions. The basic considerations in making decisions regarding the reduction in force will be both the administration and maintenance of a quality, balanced educational program and services for the students of Special School District Number 1. Therefore, it is understood that in making decisions regarding the reduction in force of certificated and classified personnel in the various areas of employment, persons with the skills necessary to provide a balanced educational program and to maintain and operate the school system must be retained.

Under - Other Policy Provisions Governing Reduction in Force for Teachers and Other Certificated Personnel, Change Number 3 to read:

3. Seniority begins to accrue with the initial date of board approved appointment to SSD Number 1 for full-time employment.

Under - Other School Personnel, Change 2.a to read:

2. Seniority defined as:

- a. Total years of full-time employment in SSD Number 1 beginning with BESE approval for such employment.
- b. Accrued years of experience in a school system acquired prior to the transfer of programming by that school system to the administrative control of SSD Number 1.

ADD:

If, in the event the Reduction in Force Policy is implemented, an employee is transferred from one SSD Number 1 school program site to another, the employee will continue to be paid the contracted salary for the remainder of that current contract year. At the beginning of the next contract year, the employee's salary will be based on the pay scale for the parish school system in which the new SSD Number 1 school program is located.

Em Tampke  
Executive Director

## RULE

### Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published May 20, 1989 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below: Rule 4.01.90.c

The board adopted the Louisiana Remedial Education Program and Regulations (3-21-89) and as amended at the March 23, 1989 board meeting. (See April, 1989 issue of the *Louisiana Register* for complete text of regulations.)

Em Tampke  
Executive Director

## RULE

### Office of the Governor Governor's Special Commission on Education Services

The Governor's Special Commission on Education Services shall charge a \$5 fee for each scholarship and grant program award check processed for the following programs: State Student Incentive Grant, T. H. Harris Scholarship, Rockefeller Scholarship, and Paul Douglas Scholarship. Because of this new fee schedule, the \$2.50 application processing fee has been terminated.

Jack L. Guinn  
Acting Executive Director

## RULE

### Department of Health and Hospitals Board of Examiners of Professional Counselors

The Louisiana Licensed Professional Counselors Board of Examiners, under authority of the Louisiana Mental Health Counselor Licensing Act, R.S. 37:1101-1115, and in accordance with the Administrative Procedure Act R.S. 49:950 et seq., has adopted the following Code of Conduct and Declaration Statement as the ethical rules governing the practice of mental health counseling in the state of Louisiana. The proposed ethical rules, which appeared as proposed rules by notice of intent previously published in the *Louisiana Register*, LR 15:6 (June 20, 1989), are set forth below.

#### Title 46

#### PROFESSIONAL AND OCCUPATIONAL STANDARDS Part LX. Professional Counselors, Board of Examiners

#### Chapter 21. Code of Conduct

#### §2101. Preamble

A. The Louisiana Licensed Professional Counselors Board of Examiners is dedicated to the enhancement of the worth, dignity, potential, and uniqueness of each individual in the state of Louisiana.

B. Specification of a code of conduct enables the board

to clarify to present and future counselors and to those served by counselors the responsibilities held in common by persons practicing mental health counseling.

C. Mental health counseling, as defined in the licensure law, is "assisting an individual or group, through the counseling relationship, to develop an understanding of personal problems, to define goals, and to plan actions reflecting his or their interests, abilities, aptitudes, and needs as these are related to personal and social concerns, educational progress, and occupations and careers."

D. The existence of this code of conduct serves to govern the practice of mental health counseling and the professional functioning of Licensed Professional Counselors in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners, LR 15: (August 1989).

#### §2103. General

A. The counselor influences the development of the profession by continuous efforts to improve professional practices, teaching, services, and research. Professional growth is continuous throughout the counselor's career and is exemplified by the development of a philosophy that explains why and how a counselor functions in the helping relationship. Counselors must gather data on their effectiveness and be guided by the findings. Counselors recognize the need for continuing education to ensure competent service.

B. The counselor has a responsibility both to the individual who is served and to the institution within which the service is performed to maintain high standards of professional conduct. The counselor strives to maintain the highest levels of professional services offered to the individuals to be served. The counselor also strives to assist the agency, organization, or institution in providing the highest caliber of professional services. The acceptance of employment in an institution implies that the counselor is in agreement with the general policies and principles of the institution. Therefore the professional activities of the counselor are also in accord with the objectives of the institution. If, despite concerted efforts, the counselor cannot reach agreement with the employer as to acceptable standards of conduct that allow for changes in institutional policy conducive to the positive growth and development of clients, then terminating the affiliation should be seriously considered.

C. Ethical behavior among professional associates, both counselors and other professionals, must be expected at all times. When information is possessed that raises doubt as to the ethical behavior of professional colleagues, whether licensed counselors or not, the counselor must take action to attempt to rectify such a condition. Such action shall use the institution's channels first and then use procedures established by the Licensing Board.

D. The counselor neither claims nor implies professional qualifications exceeding those possessed and is responsible for correcting any misrepresentations of these qualifications by others.

E. In establishing fees for professional counseling services, counselors must consider the financial status of client and locality. In the event that the established fee structure is inappropriate for a client, assistance must be provided in finding comparable services of acceptable cost.

F. When counselors provide information to the public or

to subordinates, peers, or supervisors, they have a responsibility to ensure that the content is general, unidentified client information that is accurate, unbiased, and consists of objective, factual data.

G. Counselors recognize their boundaries of competence and provide only those services and use only those techniques for which they are qualified by training or experience. Counselors should only accept those positions for which they are professionally qualified.

H. In the counseling relationship, the counselor is aware of the intimacy of the relationship and maintains respect for the client and avoids engaging in activities that seek to meet the counselor's personal needs at the expense of that client.

I. Counselors do not condone or engage in sexual harassment, which is defined as deliberate or repeated comments, gestures, or physical contacts of a sexual nature.

J. The counselor avoids bringing personal issues into the counseling relationship, especially if the potential for harm is present. Through awareness of the negative impact of both racial and sexual stereotyping and discrimination, the counselor guards the individual rights and personal dignity of the client in the counseling relationship.

K. Products or services provided by the counselor by means of classroom instruction, public lectures, demonstrations, written articles, radio or television programs, or other types of media must meet the criteria cited in these standards.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1101-1115.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Examiners, LR 15: (August 1989).

### **§2105. Counseling Relationship**

A. This Section refers to practices and procedures of individual and/or group counseling relationships. The counselor must recognize the need for client freedom of choice. Under those circumstances where this is not possible, the counselor must apprise clients of restrictions that may limit their freedom of choice.

B. The counselor's primary obligation is to respect the integrity and promote the welfare of the client(s), whether the client(s) is (are) assisted individually or in a group relationship. In a group setting, the counselor is responsible for taking reasonable precautions to protect individuals from physical and/or psychological trauma resulting from interaction within the group.

C. Counselors make provisions for maintaining confidentiality in the storage and disposal of records and follow an established record retention and disposition policy. The counseling relationship and information resulting therefrom must be kept confidential, consistent with the obligations of the counselor as a professional person. In a group counseling setting, the counselor must set a norm of confidentiality regarding all group participants' disclosures.

D. If an individual is already in a counseling relationship with another professional person, the counselor does not enter into a counseling relationship without first contacting and receiving the approval of that other professional. If the counselor discovers that the client is in another counseling relationship after the counseling relationship begins, the counselor must gain the consent of the other professional or terminate the relationship, unless the client elects to terminate the other relationship.

E. When the client's condition indicates that there is clear and imminent danger to the client or other, the counselor must take reasonable personal action or inform responsible authori-

ties. Consultation with other professionals must be used where possible. The assumption of responsibility for the client's behavior must be taken only after careful deliberation. The client must be involved in the resumption of responsibility as quickly as possible.

F. Records of the counseling relationship, including interview notes, test data, correspondence, tape recordings, electronic data storage, and other documents are to be considered professional information for use in counseling, and they should not be considered a part of the records of the institution nor agency in which the counselor is employed unless specified by state statute or regulation. Revelation to others of counseling material must occur only upon the expressed consent of the client.

G. In view of the extensive data storage and processing capacities of the computer, the counselor must ensure that data maintained on the computer is: (a) limited to information that is appropriate and necessary for the services being provided; (b) destroyed after it is determined that the information is no longer of any value in providing services; and (c) restricted in terms of access to appropriate staff members involved in the provision of services by using the best computer security methods available.

H. Use of data derived from a counseling relationship for purposes of counselor training or research shall be confined to content that can be disguised to ensure full protection of the identity of the subject client.

I. The counselor must inform the client of the purposes, goals, techniques, rules of procedure, and limitations that may affect the relationship at or before the time that the counseling relationship is entered. When working with minors or persons who are unable to give consent, the counselor protects these clients' best interests.

J. In view of common misconceptions related to the perceived inherent validity of computer generated data and narrative reports, the counselor must ensure that the client is provided with the information as part of the counseling relationship that adequately explains the limitations of computer technology.

K. The counselor must screen prospective group participants, especially when the emphasis is on self-understanding and growth through self-disclosure. The counselor must maintain an awareness of the group participants' compatibility throughout the life of the group.

L. The counselor may choose to consult with any other professionally competent person about a client. In choosing a consultant, the counselor must avoid placing the consultant in a conflict of interest situation that would preclude the consultant's being a proper party to the counselor's efforts to help the client.

M. If the counselor determines an inability to be of professional assistance to the client, the counselor must either avoid initiating the counseling relationship or immediately terminate that relationship. In either event, the counselor must suggest appropriate alternatives. (The counselor must be knowledgeable about referral resources so that a satisfactory referral can be initiated.) In the event that the client declines the suggested referral, the counselor is not obligated to continue the relationship.

N. When the counselor has other relationships, particularly of an administrative, supervisory, and/or evaluative nature with an individual seeking counseling services, the counselor must not serve as the counselor but should refer the individual to another professional. Only in instances where such an alternative is unavailable and where the individual's situation warrants counseling intervention should the counselor enter into and/or maintain a counseling relationship. Dual relationships with clients

that might impair the counselor's objectivity and professional judgment (e.g., as with close friends or relatives), must be avoided and/or terminated through referral to another competent professional.

O. The counselor will avoid any type of sexual intimacies with clients. Sexual relationships with clients are unethical.

P. All experimental methods of treatment must be clearly indicated to prospective recipients, and safety precautions are to be adhered to by the counselor.

Q. When computer applications are used as a component of counseling services, the counselor must ensure that: (a) the client is intellectually, emotionally, and physically capable of using the computer application; (b) the computer application is appropriate for the needs of the client; (c) the client understands the purpose and operation of the computer application; and (d) that a follow-up of client use of a computer application is provided to both correct possible problems (misconceptions or inappropriate use) and assess subsequent needs.

R. When the counselor is engaged in short-term group treatment/training programs (e.g., marathons and other encounter-type or growth groups), the counselor ensures that there is professional assistance available during and following the group experience.

S. Should the counselor be engaged in a work setting that calls for any variation from the above statements, the counselor is obligated to consult with other professionals whenever possible to consider justifiable alternatives.

T. The counselor must ensure that persons of various ethnic, racial, religious, disability, and socio-economic groups have equal access to computer applications used to support counseling services and that the content of available computer applications does not discriminate against the groups described above.

U. When computer applications are developed by the counselor for use by the general public as self-help/stand-alone computer software, the counselor must ensure that: (a) self-help computer applications are designed from the beginning to function in a stand-alone manner, as opposed to modifying software that was originally designed to require support from a counselor; (b) self-help computer applications will include within the program statements regarding intended user outcomes, suggestions for using the software, a description of the conditions under which self-help computer applications might not be appropriate, and a description of when and how counseling services might be beneficial; and (c) the manual for such applications will include the qualifications of the development process, validation data, and operating procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37: 1101-1115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners, LR 15: (August 1989)

### **§2107. Measurement and Evaluation**

A. The primary purpose of testing is to provide descriptive measures that are objective and interpretable in either comparative or absolute terms. The counselor must recognize the need to interpret the statements that follow as applying to the whole range of appraisal techniques including test and nontest data. Test results constitute only one of a variety of pertinent sources of information for personnel, guidance, and counseling decisions.

B. The counselor must provide specific orientation or information to the examinee(s) prior to and following the test administration so that the results of testing may be placed in proper

perspective with other relevant factors. In so doing, the counselor must recognize the effects of socioeconomic, ethnic, and cultural factors on test scores. It is the counselor's professional responsibility to use additional unvalidated information carefully in modifying interpretation of the test results.

C. In selecting tests for use in a given situation or with a particular client, the counselor must consider carefully the specific validity, reliability, and appropriateness of the test(s). General validity, reliability, and related issues may be questioned legally as well as ethically when tests are used for vocational and educational selection, placement, or counseling.

D. When making any statements to the public about tests and testing, the counselor must give accurate information and avoid false claims or misconceptions. Special efforts are often required to avoid unwarranted connotations of such terms as IQ and grade equivalent scores.

E. Different tests demand different levels of competence for administration, scoring, and interpretation. Counselors must recognize the limits of their competence and perform only those functions for which they are prepared. In particular, counselors using computer-based test interpretations must be trained in the construct being measured and the specific instrument being used prior to using this type of computer application.

F. In situations where a computer is used for test administration and scoring, the counselor is responsible for ensuring that administration and scoring programs function properly to provide clients with accurate test results.

G. Tests must be administered under the same conditions that were established in their standardization. When tests are not administered under standard conditions or when unusual behavior or irregularities occur during the testing session, those conditions must be noted and the results designated as invalid or of questionable validity. Unsupervised or inadequately supervised test-taking, such as the use of tests through the mails, is considered unethical. On the other hand, the use of instruments that are so designed or standardized to be self-administered and self-scored, such as interest inventories, is to be encouraged.

H. The meaningfulness of test results used in personnel, guidance, and counseling functions generally depends on the examinee's unfamiliarity with the specific items on the test. Any prior coaching or dissemination of the test materials can invalidate test results. Therefore, test security is one of the professional obligations of the counselor. Conditions that produce most favorable test results must be made known to the examinee.

I. The purpose of testing and the explicit use of the results must be made known to the examinee prior to testing. The counselor must ensure that instrument limitations are not exceeded and that periodic review and/or retesting are made to prevent client stereotyping.

J. The examinee's welfare and explicit prior understanding must be the criteria for determining the recipients of the test results. The counselor must see that specific interpretation accompanies any release of individual or group test data. The interpretation of test data must be related to the examinee's particular concerns.

K. Counselors responsible for making decisions based on test results have an understanding of educational and psychological measurement, validation criteria, and test research.

L. The counselor must be cautious when interpreting the results of research instruments possessing insufficient technical data. The specific purposes for the use of such instruments must be stated explicitly to examinees.

M. The counselor must proceed with caution when at-



tempting to evaluate and interpret the performance of minority group counselors or other persons who are not represented in the norm group on which the instrument was standardized.

N. When computer-based test interpretations are developed by the counselor to support the assessment process, the counselor must ensure that the validity of such interpretations is established prior to the commercial distribution of such a computer application.

O. The counselor recognizes that test results may become obsolete. The counselor will avoid and prevent the misuse of obsolete test results.

P. The counselor must guard against the appropriation, reproduction, or modification of published tests or parts thereof without acknowledgment and permission from the previous publisher.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners, LR 15: (August 1989).

### **§2109. Research and Publication**

A. Guidelines on research with human subjects shall be adhered to, such as:

1. Ethical Principles in the Conduct of Research with Human Participants, Washington, D.C.: American Psychological Association, Inc., 1982.

2. Code of Federal Regulations, Title 45, Subtitle A, Part 46, as currently issued.

3. Ethical Principles of Psychologists, American Psychological Association, Principal pt9: Research with Human Participants.

4. Family Educational Rights and Privacy Act (the "Buckley Amendment").

5. Current federal regulations and various state rights privacy acts.

B. In planning any research activity dealing with human subjects, the counselor must be aware of and responsive to all pertinent ethical principles and ensure that the research problem, design, and execution are in full compliance with them.

C. Responsibility for ethical research practice lies with the principal researcher, while others involved in the research activities share ethical obligation and full responsibility for their own actions.

D. In research with human subjects, researchers are responsible for the subjects' welfare throughout the experiment, and they must take all reasonable precautions to avoid causing injurious psychological, physical, or social effects on their subjects.

E. All research subjects must be informed of the purpose of the study except when withholding information or providing misinformation to them is essential to the investigation. In such research the counselor must be responsible for corrective action as soon as possible following completion of the research.

F. Participation in research must be voluntary. Involuntary participation is appropriate only when it can be demonstrated that participation will have no harmful effects on subjects and is essential to the investigation.

G. When reporting research results, explicit mention must be made of all variables and conditions known to the investigator that might affect the outcome of the investigation or the interpretation of the data.

H. The counselor must be responsible for conducting and reporting investigations in a manner that minimizes the possibility

that results will be misleading.

I. The counselor has an obligation to make available sufficient original research data to qualified others who may wish to replicate the study.

J. When supplying data, aiding in the research of another person, reporting research results, or in making original data available, due care must be taken to disguise the identity of the subjects.

K. When conducting and reporting research, the counselor must be familiar with and give recognition to previous work on the topic, as well as to observe all copyright laws and follow the principles of giving full credit to all to whom credit is due.

L. The counselor must give due credit through joint authorship, acknowledgment, footnote statements, or other appropriate means to those who have contributed significantly to the research and/or publication, in accordance with such contributions.

M. The counselor must communicate to other counselors the results of any research judged to be of professional or scientific value. Results reflecting unfavorably on institutions, programs, services, or vested interests must not be withheld for such reasons.

N. If counselors agree to cooperate with another individual in research and/or publication, they incur an obligation to cooperate as promised in terms of punctuality of performance and with full regard to the completeness and accuracy of the information required.

O. Authors must not submit the same manuscript or one essentially similar in content for simultaneous publication consideration by two or more journals. In addition, manuscripts published in whole or in substantial part in another journal or published work should not be submitted for publication without acknowledgment and permission from the previous publication.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37: 1101-1115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners, LR 15: (August 1989).

### **§2111. Consulting**

A. Consultation refers to a voluntary relationship between a professional helper and help-needing individual, group, or social unit in which the consultant is providing help to the client(s) in defining and solving a work-related problem or potential problem with a client system.

B. The counselor acting as consultant must have a high degree of self-awareness of his/her own values, knowledge, skills, limitations, and needs in entering a helping relationship that involves human and/or organizational change and that the focus of the relationship be on the issues to be resolved and not on the person(s) presenting the problem.

C. There must be an understanding and agreement between counselor and client for the problem definition, change of goals, and prediction of consequences of interventions selected.

D. The counselor must be reasonably certain that she/he or the organization represented has the necessary competencies and resources for giving the kind of help that is needed now or may be needed later and that appropriate referral resources are available to the consultant.

E. The counselor relationship must be one in which client adaptability and growth toward self-direction are encouraged and cultivated. The counselor must maintain this role consistently and not become a decision maker for the client or create a future dependency on the consultant.

F. When announcing consultant availability for services, the counselor conscientiously adheres to the Association's Ethical Standards.

G. The counselor must refuse a private fee or other remuneration for consultation with persons who are entitled to these services through the counselor's employing institution or agency. The policies of a particular agency may make explicit provisions for private practice with agency clients by counselors of its staff. In such instances, the clients must be apprised of other options open to them should they seek private counseling services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37: 1101-1115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners, LR 15: (August 1989).

### **§2113. Private Practice**

A. The counselor should assist the profession by facilitating the availability of counseling services in private as well as public settings.

B. In advertising services as a private practitioner, the counselor must advertise the services in a manner congruent with the law which informs the public of professional services, expertise, and techniques of counseling available. A counselor who assumes an executive leadership role in the organization shall not permit his/her name to be used in professional notices during periods when he/she is not actively engaged in the private practice of counseling.

C. The counselor is required to have available for each client a declaration of practices and procedures statement following the outline as approved by the board (see Appendix). Such declarative information must not contain false, inaccurate, misleading, partial, out-of-context, or deceptive material or statements.

D. Counselors do not present their affiliation with any organization in such a way that would imply inaccurate sponsorship or certification by that organization.

E. Counselors may join in partnership/corporation with other counselors and/or other professionals provided that each counselor of the partnership or corporation makes clear the separate specialties by name in compliance with the regulations of the locality.

F. A counselor has an obligation to withdraw from a counseling relationship if it is believed that employment will result in violation of the ethical standards. If the mental or physical condition of the counselor renders it difficult to carry out an effective professional relationship or if the counselor is discharged by the client because the counseling relationship is no longer productive for the client, then the counselor is obligated to terminate the counseling relationship.

G. A counselor must adhere to the regulations for private practice of the locality where the services are offered.

H. It is unethical to use one's institutional affiliation to recruit clients for one's private practice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37: 1101-1115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners, LR 15: (August 1989).

### **§2115. Personnel Administration**

A. It is recognized that many counselors are employed in public or quasi-public institutions. The functioning of a counselor within an institution must contribute to the goals of the institution and vice versa if either is to accomplish their respective goals or

objectives. It is therefore essential that the counselor and the institution function in ways to: (a) make the institution's goals explicit and public; (b) make the counselor's contribution to institutional goals specific; and (c) foster mutual accountability for goal achievement.

B. To accomplish these objectives, it is recognized that the counselor and the employer must share responsibilities in the formulation and implementation of personnel policies.

1. Counselors must define and describe the parameters and levels of their professional competency.

2. Counselors must establish interpersonal relations and working agreements with supervisors and subordinates regarding counseling or clinical relationships, confidentiality, distinction between public and private material, maintenance and dissemination of recorded information, work load, and accountability. Working agreements in each instance must be specified and made known to those concerned.

3. Counselors must alert their employers to conditions that may be potentially disruptive or damaging.

4. Counselors must inform employers of conditions that may limit their effectiveness.

5. Counselors must submit regularly to professional review and evaluation.

6. Counselors must be responsible for inservice development of self and/or staff.

7. Counselors must inform their staff of goals and programs.

8. Counselors must provide personnel practices that guarantee and enhance the rights and welfare of each recipient of their service.

9. Counselors must select competent persons and assign responsibilities compatible with their skills and experiences.

10. The counselor, at the onset of a counseling relationship, will inform the client of the counselor's intended use of supervisors regarding the disclosure of information concerning this case. The counselor will clearly inform the client of the limits of confidentiality in the relationship.

11. Counselors, as either employers or employees, do not engage in or condone practices that are inhumane, illegal, or unjustifiable (such as considerations based on sex, handicap, age, race) in hiring, promotion, or training.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners, LR 15: (August 1989).

### **§2117. Preparation Standards**

A. Counselors who are responsible for training others must be guided by the preparation standards of the American Association for Counseling and Development. The counselor who functions in the capacity of trainer assumes unique ethical responsibilities that frequently go beyond that of the counselor who does not function in a training capacity. These ethical responsibilities are outlined as follows:

1. Counselors must orient students to program expectations, basic skills development, and employment prospects prior to admission to the program.

2. Counselors in charge of learning experiences must establish programs that integrate academic study and supervised practice.

3. Counselors must establish a program directed toward developing students' skills, knowledge, and self-understanding, stated whenever possible in competency or performance terms.

4. Counselors must identify the levels of competencies of their students in compliance with relevant division standards. These competencies must accommodate the paraprofessional as well as the professional.

5. Counselors, through continual student evaluation and appraisal, must be aware of the personal limitations of the learner that might impede future performance. The instructor must not only assist the learner in securing remedial assistance but also screen from the program those individuals who are unable to provide competent services.

6. Counselors must provide a program that includes training in research commensurate with levels of role functioning. Paraprofessional and technician-level personnel must be trained as consumers of research. In addition, personnel must learn how to evaluate their own and their program's effectiveness. Graduate training, especially at the doctoral level, would include preparation for original research by the counselor.

7. Counselors must make students aware of the ethical responsibilities and standards of the profession.

8. Preparatory programs must encourage students to value the ideals of service to individuals and to society. In this regard, direct financial remuneration or lack thereof must not influence the quality of service rendered. Monetary considerations must not be allowed to overshadow professional and humanitarian needs.

9. Counselors responsible for educational programs must be skilled as teachers and practitioners.

10. Counselors must present thoroughly varied theoretical positions so that students may make comparisons and have the opportunity to select a position.

11. Counselors must develop clear policies within their educational institutions regarding field placement and the roles of the student and the instructor in such placement.

12. Counselors must ensure that forms of learning focusing on self-understanding or growth are voluntary, or if required as part of the educational program, are made known to prospective students prior to entering the program. When the educational program offers a growth experience with an emphasis on self-disclosure or other relatively intimate or personal involvement, the counselor must have no administrative, supervisory, or evaluating authority regarding the participant.

13. Counselors will at all times provide students with clear and equally acceptable alternatives for self-understanding or growth experiences. The counselor will assure students that they have a right to accept these alternatives without prejudice or penalty.

14. Counselors must conduct an educational program in keeping with the current relevant guidelines of the American Association for Counseling and Development.

\*Adjusted from AACD Code of Ethical Standards revised March, 1988.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners, LR 15: (August 1989).

#### APPENDIX

#### Declaration of Practices and Procedures

for

Licensed Professional Counselors

A. The following comprises the information that must be available in writing for each client seen by a Licensed Profes-

sional Counselor in the state of Louisiana. Counselors must read and incorporate the Code of Conduct for Professional Counselors in their declaration statement.

1. Counseling Relationship: a) provide a general statement about the dynamics of the counseling relationship, and b) include general goals for clients.

2. Qualifications: a) include degrees earned and institution(s) attended, and b) give your licensure number, specifying the LPC Board of Examiners including address and telephone number as the grantor of your license.

3. Areas of Expertise: a) list your areas of expertise such as career counseling, marriage and family counseling, adolescents, etc., and b) list your national certifications in counseling.

4. Fee Scales: a) list your fees and describe your billing policies, b) describe your policy on scheduling and breaking appointments, and c) state your policy on insurance payments.

5. Explanation of the Types of Services Offered and Clients Served: a) include the theoretical basis and the type of techniques and/or strategies that you use in therapy, b) specify the modality you use such as group and/or individual therapy, and c) specify the type(s) of clients you serve.

6. Code of Conduct: state that you are required by state law to adhere to a Code of Conduct for your practice which is determined by the Louisiana Licensing Board, and a copy of this Code is available on request.

7. Privileged Communication: describe the rules governing privileged communication and include the limits of confidentiality.

8. Emergency Situations: describe your policy for emergency client situations.

9. Client Responsibilities: list client responsibilities, e.g. clients are expected to follow office procedures for keeping appointments, clients must pay for services at the time of each visit, and clients must terminate the counseling relationship before being seen by another counselor.

B. To practice mental health counseling in Louisiana the Licensed Professional Counselor must have a copy of his/her declaration statement on file in the LPC Board office. A current declaration statement must be attached to all license renewals. The Code of Conduct can be duplicated for clients and additional copies are available from the board.

AUTHORITY NOTE Promulgated in accordance with R.S. 37: 1101-1115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners, LR 15: (August 1989).

Jane Chauvin, Ph.D.  
Board Chairman

#### RULE

#### Department of Health and Hospitals Office of Hospitals

The Office of Hospitals - Emergency Medical Services is adopting the following rule effective September 1, 1989. This rule was published as a notice of intent in the *Louisiana Register*, Vol. 15, No. 6, dated June 20, 1989.

The Office of Hospitals - Emergency Medical Services will begin to charge fees for the following services performed:

**CERTIFICATION FEES**

	First Responder	EMT Basic	EMT Intermediate	EMT Paramedic
In State Certification	\$10	\$15	\$20	\$25
Reciprocity Certification	N/A	\$50	\$75	\$100
Recertification	\$5	\$10	\$15	\$20

**EXAMINATION FEES**

	EMT Basic	EMT Intermediate	EMT Paramedic
Written Exam *	\$10	\$10	\$10
Entire Practical **	\$30	\$40	\$50
Retest Practical **	\$15	\$20	\$25

\*Does not include National Registry fee

\*\*Currently being charged

**AMBULANCE CERTIFICATION**

Application Fee	\$25 per provider		
Certification Fee	Basic Level	\$30 per vehicle	
	Intermediate Level	\$40 per vehicle	
	Paramedic Level	\$50 per vehicle	

**CONTINUING EDUCATION**

A fee of \$5 shall be charged for application to participate in various continuing education workshops, seminars, and courses offered by the Office of Hospitals-Emergency Medical Services. There shall also be a tuition fee of \$10 per day of instruction for all individuals accepted into these programs.

Exclusions: In accordance with R. S. 40:1232.2, fees shall not be required for certification or recertification of any certified emergency medical technician who serves as such on a voluntary basis and who receives no compensation of any kind for said services.

David L. Ramsey  
Secretary

**RULE**

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

The Medical Assistance Program is adopting the following rule which was published as a notice of intent in the *Louisiana Register* Vol. 15, No. 6, dated June 20, 1989.

**RULE**

Long term care facilities (ICF-I, ICF-II, and SNF) shall have a staff pharmacist and medical records practitioner or make formal arrangements for pharmacist and medical records practitioner consultants to provide at least one hour of consultation each, on a quarterly basis. Minimal consultation requirements shall in no manner change requirements for conducting drug regimen reviews.

David L. Ramsey  
Secretary

**RULE**

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

The Medical Assistance Program is adopting the following rule which was published as a notice of intent in the *Louisiana Register* Vol. 15, No. 6, dated June 20, 1989.

**RULE**

If a change occurs in the individual who is the administrator or director of nursing of a long term care facility (ICF-I, ICF-II, and SNF), notice must be provided to the bureau's Health Standards Section at the time the change occurs by the facility administrator (or in the absence of an administrator by the governing body of the facility). Notice shall include the identity of all individuals involved and the specific changes which have occurred. Failure to provide written notice within 10 calendar days, from the date a change occurs, will result in a civil money penalty of \$100 per day per position imposed beginning the eleventh calendar day from the date of change, until written notice is received.

The bureau may allow long term care facilities 30 days to fill a vacancy in the administrator position. There shall be no waiver provisions for this position. The governing body of the facility shall appoint a facility designee, charged with the general administration of the facility in the absence of a licensed administrator.

The bureau shall allow long term care facilities 30 days from the date of change in the position of director of nursing to fill a resulting vacancy. Waiver of the 30-day time limit may be granted by the bureau if:

1. The facility demonstrates to the satisfaction of the bureau that the facility has been unable, despite diligent efforts (including offering wages at the community prevailing rate for nursing facilities), to recruit a director of nursing;
2. The bureau determines that a waiver of the director of nursing will not endanger the health and safety of individuals staying in the facility; and
3. The bureau finds that, for any such periods in which the director of nursing position is not filled, a registered nurse or physician is obligated by written agreement with the facility to respond immediately to telephone calls from the facility.

Any waiver granted by the bureau shall not exceed one year in duration.

Failure to fill a vacancy or notify the bureau in writing that the administrator and/or director of nursing position (where no waiver has been granted) have been filled by the thirty-first day of vacancy (or expiration of any waiver granted), shall result in a sanction in the amount of one percent of the facility's monthly Title XIX vendor payment.

The sanction shall be applied beginning the thirty-first day of vacancy until written notice is received by the bureau's Health Standards Section that the vacancy no longer exists. Written notice shall include the identity of the new administrator and/or director of nursing. Failure to include identity information shall result in a civil money penalty of \$100 per day per position until the required information is provided to the bureau's Health Standards Section in writing.

The bureau shall retain the right to apply any other applicable remedies.

David L. Ramsey  
Secretary

## RULE

### Department of Natural Resources Office of Conservation Pipeline Division

Pursuant to authority delegated under the laws of the State of Louisiana, and particularly under Section 753 of Title 30 of the Louisiana Revised Statutes of 1950, after due notice having been given and all legal delays observed, after public hearing held under Docket Number PL 89-33 in Baton Rouge, Louisiana, on the first day of June, 1989, and after publication of intent as required by the Administrative Procedure Act, R.S. 49:950 et seq., the rules and regulations establishing minimum safety standards for hazardous liquids pipeline facilities are adopted by the commissioner of conservation as being necessary for the regulation of hazardous liquids pipeline facilities in accordance with R.S. 30:753.

A copy of these rules and regulations may be obtained by contacting John "Ed" Land, Office of Conservation, Pipeline Division, Box 94275, Baton Rouge, LA 70804-9275, (504) 342-5585 or by coming in person to Room 219, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

J. Patrick Batchelor  
Commissioner

## RULE

### Department of Social Services Office of Eligibility Determinations

The Department of Social Services, Office of Eligibility Determinations, shall adopt the following rule in the Aid to Families with Dependent Children Program.

This policy change is mandated by Public Law 100-485, Sec. 402. The rule entitled "DEFRA Changes in AFDC Program" published in the *Louisiana Register*, Vol. 10, No. 12, December 20, 1984, pp. 1030-1031 shall have items II, III, and VII amended. Additionally, the rule entitled "AFDC Changes" published in the *Louisiana Register*, Vol. 8, No. 1, January 20, 1982 pp.8-9 shall have items I, IA, IB, and IV amended.

#### Rule

Effective October 1, 1989, the AFDC program will revise the Earned Income Disregards as follows:

1. The standard deduction will be \$90.
2. The maximum disregard for child care costs will be \$175 per child over age two per month and \$200 for children under age two per month. This disregard will be calculated after all other disregards are allowed.
3. The earned income tax credit will no longer be considered earned income and will be totally disregarded for AFDC purposes.

May Nelson  
Secretary

## RULE

### Department of Social Services Office of Eligibility Determinations

The Department of Social Services, Office of Eligibility Determinations, shall adopt the following rule in the Food Stamp Program.

This rule is mandated by federal regulations as published in the *Federal Register*, Wednesday, February 15, 1989, Vol. 54, No. 30, pages 6989-7017. This provision shall be implemented by October 1, 1989.

#### Rule

The Food Stamp Program will implement policy changes in the replacement of benefits as follows:

##### I. Replacement of Benefits

###### A. Replacement Restrictions

Replacement issuances shall be provided only if a household timely reports a loss orally or in writing, and provides a statement of nonreceipt if the original authorization document or allotment has not been returned to OED at the time of the request for replacement. The report will be considered timely if it is made to OED within 10 days of the date an Authorization to Participate (ATP) card is stolen from the household, or an ATP card, coupons, or food purchased with food stamps is destroyed in a household misfortune. To replace an ATP lost in the mail or stolen prior to receipt the report must be made within the period of intended use, unless the original ATP was issued on or after the twentieth of the month, in which case the period of intended use is the last day of the next month.

###### B. The Number of Replacement Issuances

The number of replacement issuances which a household may receive shall be limited as follows:

1. OED shall limit replacement issuances to a total of two countable replacements in six months for ATP cards not received in, or stolen from, the mail or ATP cards stolen after receipt.

2. OED shall limit replacement issuances per household to two countable replacements in six months for ATP cards or coupons reported as destroyed in a household misfortune. This limit is in addition to the limit in Paragraph B(1) of this Section.

3. No limit on the number of replacements shall be placed on the replacement of ATP cards or coupons which were improperly manufactured or mutilated or food purchased with food stamp benefits which was destroyed in a household misfortune.

4. The replacement issuance shall not be considered a countable replacement if:

- a. the original or replacement issuance is returned or otherwise recouped by the agency;
- b. the original ATP card is not transacted;
- c. the replacement ATP card is not transacted; or
- d. the replacement is being issued due to an agency issuance error.

5. In order for a replacement to be considered non-countable, the replacement must not result in a loss to the Program.

6. Replacement issuances shall be provided in the amount of the loss to the household, up to a maximum of one month's allotment, unless the issuance includes restored benefits which shall be replaced up to their full value.

###### C. Household Statement of Nonreceipt

Prior to issuing a replacement, the agency shall obtain from a member of the household a signed statement attesting to the household's loss. This statement shall not be required if the

reason for the replacement is that the original ATP card or coupons were improperly manufactured or mutilated, or if the original issuance has already been returned. The required statement may be mailed to the agency if the household member is unable to come into the office because of age, handicap or distance from the office and is unable to appoint an authorized representative.

If the signed statement or affidavit is not received by the agency within 10 days of the date of report, no replacement shall be made. If the tenth day falls on a weekend or holiday, and the statement is received the day after the weekend or holiday, the agency shall consider the statement timely received.

#### D. Time Limits for Making Replacements

Replacement issuances shall be provided to households within 10 days after report of nondelivery or loss or within two working days of receiving the signed household statement whichever date is later. Replacement of mutilated coupons shall be delayed until a determination of the value of the coupons can be made.

#### II. ATP Card Expiration Date

All ATP cards issued on or after the twentieth of a month shall have an expiration date of the next month.

May Nelson  
Secretary

### RULE

#### Department of the Treasury Bond Commission

The Louisiana State Bond Commission amended the commission's rules as originally adopted on November 20, 1976.

The commission repealed Rule No. 4 and Rule No. 5 regarding non-traditional tax-exempt bond issues as follows:

4. The commission shall not approve the issuance of any bonds issued for the sole purpose of purchasing an existing facility when the only result of such financing will be a change in the ownership of the existing facility, other than for hospitals.

5. The commission shall not approve the issuance of any bonds for an existing facility unless 25 percent or more of the proceeds of the bonds will be used to construct additions, improvements and betterments thereto, pollution control projects and hospitals excepted.

Mary L. Landrieu  
State Treasurer

# Notices of Intent

## NOTICE OF INTENT

### Department of Economic Development Office of the Secretary Division of Minority and Women's Business Enterprise

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Division of Minority and Women's Business Enterprise proposes to amend LAC 19. relative to certification procedures for minority and women-owned businesses and recertification procedures for women-owned businesses. These rules may be viewed in their entirety in the Emergency Rule Section of this issue of the *Louisiana Register*.

Interested persons may submit written comments until September 20, 1989 to: Angelisa M. Harris, Executive Director, Division of Minority and Women's Business Enterprise, Department of Economic Development, Box 94185, Baton Rouge, LA 70804-9185.

A public hearing on these proposed rules will be held on August 29, 1989 at 8 a.m. in the third floor conference room of the Department of Economic Development, 101 France Street, Baton Rouge, LA. All interested persons will be afforded an opportunity to submit data, views or arguments orally or in writing at said hearing.

Angelisa M. Harris  
Executive Director

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Certification

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The rules contemplate helping state government to enforce its responsibility to ensure that only bona-fide minority and woman-owned businesses are certified. The additional workload that can be anticipated from the request of additional management and financial documents as proposed by these rules can be absorbed by the staff. The rule changes pertaining to the submission of additional documents will not impose a significant additional workload because they will enhance the staff analysis procedure currently in place for making a determination about the eligibility of a business.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Currently, no revenues are collected in connection with the certification thus, the proposed rules will have no effect on revenues collected by the state.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: LAC 35:I.1739 "Disqualified Horse  
Recognized as Winner"**

The impact on estimated costs associated with this rule to business owners that desire to participate in the state's procurement and loan programs for minorities and women cannot be determined. However, these business owners may experience direct or indirect costs associated with the compilation of the documents being requested. It can be assumed that businesses with solid record keeping practices will not be affected to the same degree as those that do not. These rules may reduce the willingness of business owners to supply the necessary documents to become certified.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Since these rules are designed to ensure that only bona-fide business owners can take advantage of these targeted procurement and loan programs, "front" companies will be directly affected. To the extent that this reduces "front" companies, competition for target procurement and loan programs will also be reduced.

Angelisa M. Harris  
Executive Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Economic Development  
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to amend the following rule.

**Title 35  
HORSE RACING**

**Part I. General Provisions**

**Chapter 17. Corrupt and Prohibited Practices**

**§1739. Disqualified Horse Recognized as Winner**

A. When the stewards declare a horse to be the official winner of an elimination or eligibility race for a futurity, stakes or handicap and, thereafter, a report as described in LAC 35:I.1729 is received from the state chemist, the horse shall be deemed to have forfeited its eligibility to compete in any subsequent race related to that futurity, stakes or handicap.

B. However, except as otherwise provided in this Section, the horse declared by the stewards to be the official winner of the race will be recognized as the winner of the race for the purpose of meeting the eligibility and conditions of all subsequent races.

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

HISTORICAL NOTE: Promulgated by the Racing Commission LR 2:449 (December, 1976), repromulgated LR 3:45 (January, 1977), LR 4:287 (August, 1978).

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Alan J. LeVasseur, Executive Director or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Monday, September 4, 1989 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Alan J. LeVasseur  
Executive Director

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no costs to implement this rule change.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The proposed rule change benefits and protects all persons and groups of the racing industry by preventing disqualified horses (due to a positive report from the state chemist) to compete in subsequent futurity, stakes or handicap races ("finals"). However, such horses would qualify for races thereafter.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no effect on competition nor employment.

Alan J. LeVasseur  
Executive Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

Notice is hereby given that the Louisiana Real Estate Appraisal Subcommittee will consider the adoption of the following rules and regulations of the Subcommittee to administer and implement the state appraiser certification program: LAC 46 LX-VII, Subpart II, §10101 provides the Subcommittee with the authority to adopt rules, §10301 stipulates the requirements of the agency pertaining to submission of the application prior to taking the exam required for state certification as an appraiser; §10303 establishes agency provisions for forfeiture of fees for exams, retakes of exams and calculator uses during exams; §10305 stipulates that all fees submitted to the agency pertaining to the appraisal exam and certification program must be in the form of certified monies and paid in accordance with the law; §10307 establishes requirements for nationally recognized appraisal organizations as defined by law and stipulates that the Subcommittee approves the accepted courses. The rule also approves for acceptance of college and university courses in AACSB approved schools; §10309 requires submission by applicant of course information to the Subcommittee prior to taking the exam; §10311 specifies that only appraisals meeting the standards of professional practice will be accepted towards experience credit; §10313 establishes point schedule and years of experience required to qualify for certification as a residential appraiser; §10315 stipulates that all fees submitted to the agency pertaining to the appraisal exam and certification program must be in the form of certified monies and paid in accordance with the law; §10317 establishes provisions for acceptance of review appraisals for partial credit toward the experience requirement and sets limitation on points awarded per year; §10319 provides

for awarding of equal experience points for all participants in co-signed appraisals, reviews, articles and textbooks.

Copies of the proposed rules will be available for public inspection between the hours of 8 a.m. and 4:30 p.m. on any working day at the office of the Louisiana Real Estate Commission, 9071 Interline Avenue, Baton Rouge, LA 70809, or may be obtained by writing Bert Coles Bernard, Public Information Representative, Louisiana Real Estate Commission, Box 14785, Baton Rouge, LA 70898. Interested parties may direct inquiries and present their views in writing to the commission.

Jane H. Moody  
Executive Director

### **Fiscal and Economic Impact Statement For Administrative Rules**

#### **Rule Title: Certified Appraisal Subcommittee Rule Package**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Any cost incurred by the agency through adoption of this rule packet would be reflected in the increase in administrative workload of existing agency personnel required to process and implement the certification program of the new Subcommittee. Anticipated annual expenditures to implement the program is \$62,819.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The legislatively mandated exam fee (\$100) will be collected from each applicant for each test admission (initial and retake). The agency will retain \$10 of the fee (\$90 per applicant paid to the testing service). An anticipated 900 individuals will test during the first year as initial applicants. The applicant will also be required to submit the \$200 (two-year certification) certification fee along with the initial application. Revenue collections based on an estimated 900 persons filing the first year of the program would be \$189,000 (both exam and certification fees).

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON- GOVERNMENTAL GROUPS (Summary)**

The cost to those persons directly affected, those persons choosing to apply and take the exam for certification purposes, is a \$100 exam fee as established by R.S. 37:3407. The exam fee is required each time the applicant takes the real estate appraisal exam. The individual, upon submission of the initial exam application, will also be required to submit the \$200 certification fee. Total cost for the initial certification (assuming passage on initial exam date) would be \$300 per applicant. An additional cost to the individual would be completion of the education hours (costs vary per program approved).

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOY- MENT (Summary)**

The appraisal certification program, as defined by law, is voluntary - not mandatory - to practice as an appraiser in the state of Louisiana. The future effect on competition and employment as it pertains to certified versus non-certified appraisers remains to be seen. The initial years of operation are too soon to predict the effect.

Jane H. Moody  
Executive Director

John R. Rombach  
Legislative Fiscal Officer

## **NOTICE OF INTENT**

### **Board of Elementary and Secondary Education Revised Procedures for Appeals to BESE for Waivers of Minimum Standards**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following revised procedures for appeals to the Board of Elementary and Secondary Education for waivers of minimum standards, developed by the Department of Education and Board staffs. (The policy numbers in the procedures refer to numbers in the board's Policy and Procedure Manual.) Effective date of implementation of this revised procedure is to be September 1, 1989.

#### **Revised Procedures for Appeals to BESE for Waivers of Minimum Standards**

Delete PPM 1.00.30a (Teacher Certification Appeals Council) and PPM 3.01.70.d (Teacher Certification Appeals) and insert a new PPM 1.00.40 to read as follows:

#### **1.00.40 Procedures for Waivers of State Minimum Standards**

##### **1.00.40.a Appeals Bodies**

The president of the state board shall appoint ad hoc committees and advisory councils and designate standing committees to serve as appeals bodies which shall have the responsibility to:

1. review requests for waivers of minimum standards;
2. review controversies concerning personnel actions including the revocation of any teaching or school personnel certificate issued under Bulletin 746 and, at vocational-technical and special schools, reductions in force and tenure hearings;
3. consider other appeals and grievances requiring board action prior to further proceedings by the appellant, and
4. make recommendations to the full board for final action.

##### **1.00.40.b Procedures for Waivers of Bulletin 741 Stand- ards**

1. The superintendent of the school system requesting deviation of any standard in Bulletin 741 shall submit documentation to the State Department of Education justifying the request.

2. Technical assistance for meeting the standard as stated in Bulletin 741 shall be provided to the local system by the State Department of Education.

3. When a deviation cannot be corrected by technical assistance, the department may consider a waiver of a standard using the guidelines in 1.00.40.c below.

4. The department will report to the appropriate board committee bi-annually on the waivers that have been granted.

5. Requests that do not meet BESE approved guidelines for administrative action shall be submitted by the State Superintendent of Education to the appropriate board committee with an executive recommendation for action.

6. The agenda of the appropriate board committee shall have a standing item for submission of reports from the State Superintendent required in (5) above.

##### **1.00.40.c Guidelines for Administrative Waivers of Bul- letin 741 Standards by the State Department of Education.**

###### **A. Waivers for class size/ratios**

Waivers in the following categories will be considered only when the citation would place the school in an approved probational category.



### 1. Class Size Waivers

The department may waive class size requirements up to two students over the maximum allowable on receipt of the following:

- a. a letter from the local superintendent detailing each class that exceeds the class size;
- b. documentation from the principal and the superintendent showing how efforts have been made to comply with standards; and
- c. a copy of the school's master schedule with class sizes included.
- d. class sizes above the limit of two will go directly to the appropriate board committee with an executive recommendation from the department.

### 2. Guidance/Librarian Ratios

The department may waive the required guidance and librarian ratios on receipt of the following:

- a. a letter of justification from the local superintendent;
- b. a list of all administrative personnel in the school (part-time and full-time); and
- c. a detailed plan stating how the services will be provided to students.

### B. Waivers for Deadlines

#### 1. Electives and Alternative School Programs

A letter must be provided by the local superintendent specifying the reasons the deadline was not met.

#### 2. Programs of Studies/Time Requirements

A letter must be provided by the local superintendent justifying the request.

### **1.00.40.d Procedures for Administrative Action on Certification Appeals.**

Certification appeals generally fall into several categories. These categories are listed below with guidelines for handling each area by the Bureau of Teacher Certification.

#### I. Reemployment on Temporary Certificate or Under Circular 665

##### A. Appeal Requested

1. Reissuance of a temporary certificate when the six hour requirement is not met, and
2. Reemployment under Circular 665 when the six hours and the NTE requirements are not met.

##### B. Guidelines

A temporary certificate may be reissued or reemployment under Circular 665 may be permitted when one or more of the following conditions are met:

##### 1. Medical excuse

When serious medical problems of the teacher or immediate family in the same household exist, a doctor's statement is required with a letter of assurance from the superintendent and teacher that the hours will be earned and/or the NTE will be taken if applicable.

##### 2. Required courses not available

A letter of verification from area universities is required stating that the required courses are not being offered.

##### 3. Change of school, parish or school system

A justification letter from the superintendent is required. Reissuance is permitted only if the change is not part of a continuous pattern.

##### 4. Change of certification areas

A letter of justification from the superintendent is required to explain the new job assignment with assurance that the requirements for the next temporary certificate or employment under Circular 665 will be met.

### 5. Courses not applicable toward certification

A letter of justification from the superintendent is required with assurance that the teacher will become enrolled in the proper program.

### II. Renewal of An Expired Certificate

When a certificate has expired and six semester hours of refresher credit must be earned for renewal, the Bureau of Teacher Certification may issue a temporary certificate on the request of an employing authority. The teacher will have one year to earn six semester hours for renewal of a standard certificate.

### III. Certification of Out-of-State Graduates

A. Certification of out-of-state graduates requires the following:

1. Completion of a state approved teacher education program
2. Student Teaching
3. Certificate from the state
4. NTE scores

#### B. Appeal Requested and Guidelines

1. Certification of out-of-state graduates when teacher-education program was not completed: Applicants may be certified based on a certificate from another state, student teaching or three years of teaching experience, and the appropriate Louisiana NTE scores.

2. Certification of out-of-state graduates who have not completed student teaching (required after September 1975): Applicant may be certified based on a teaching certificate from another state, three years of teaching experience, and the appropriate Louisiana NTE scores.

3. Certification of out-of-state graduates who lack certificate from state in which program was completed: Applicant may be certified based on completion of a state approved teacher education program, student teaching or three years of teaching experience and the appropriate Louisiana NTE scores in lieu of the out-of-state test if it is the only deficiency preventing the applicant from gaining a certificate from that state.

### IV. Waiver of Practicum and Student Teaching Requirements When all Coursework is Completed

#### A. Appeal Requested and Guidelines

1. Waiver of practicum requirements: (a) Practicum requirements may be waived with three years of experience in the appropriate area if all other coursework is completed, or (b) a temporary certificate may be issued if all academic requirements have been met. This will allow the teacher to continue his/her present position while gaining the necessary experience to apply for the waiver.

2. Waiver of student teaching when state approved program is completed: Student teaching may be waived when the applicant has had three years of experience in the area and has the approval of the dean of education where the program is being completed. This will be granted only if all coursework has been completed.

#### V. Miscellaneous

##### A. Appeal Requested and Guidelines

1. Certification of Louisiana teacher-education graduates whose applications were not submitted prior to 9/15/78: Applicant may be certified if all requirements for standard certification were met at an approved institution in Louisiana prior to 9/15/78.

2. Certification without the NTE: Applicant can appeal only if the Bureau of Higher Education and Teacher Certification states that there are circumstances that warrant the appeal.

### **1.00.40.e Teacher Certification Appeals Council**

#### **A. Composition**

A Teacher Certification Appeals Council shall be appointed by the board and shall consist of five members, two of whom shall be university personnel proficient in transcript evaluation; two of whom shall represent professional personnel certified under Bulletin 746, *Louisiana Standards for State Certification of School Personnel*, and one of whom shall be a member of the State Advisory Commission on Teacher Education and certification recommended by the commission and approved by the board.

#### **B. Duties and Responsibilities**

1. The Teacher Certification Appeals Council shall perform the following duties:

a. Evaluate the appeals of persons seeking Louisiana certification under the standards in Bulletin 746, *Louisiana Standards for State Certification of School Personnel* whose appeals cannot be processed according to the Guidelines in PPM 1.00.40.C (above).

b. Submit a written record of its findings and recommendations to an appeals committee composed of board members for its review and recommendations to the full board.

2. The responsibilities of the Teacher Certification Appeals Council shall be to:

a. Evaluate the appeals documents, including the transcripts of appellants, for consideration of Bulletin 746 (minimum requirement) waivers;

b. Hear oral testimony from appellants, their witnesses, and SDE personnel at the time of the credentials review.

c. Make recommendations to the appeals committee on waivers of minimum certification standards, including student teaching and course work;

3. The Appeals Council in the absence of mitigating circumstances shall not be required to consider appeals of persons who: (a) are nondegreed, (b) lack the required NTE scores, (c) are enrolled in university alternative programs.

### **1.00.40.f Certification Appeals Procedures**

Procedures for state level review of certification appeals in all categories and classifications shall be as follows:

#### **A. Process**

1. The applicant for certification must submit his request for certification to the Bureau of Teacher Certification and Higher Education, State Department.

2. On denial of certification by the Bureau of Teacher Certification, the person denied must request an appeal application form from the State Board of Elementary and Secondary Education.

3. The State Board office on receipt of the required appeals documentation from the appellant, will submit all original and official documents to the Bureau of Teacher Certification for a transcript and employment evaluation.

4. The Bureau of Teacher Certification then returns the evaluation form to the State Board office.

5. The State Board office will submit all documentation to the Teacher Certification Appeals Council for its review prior to the scheduled hearing.

6. The appellant, thereafter, receives notification of the hearing and the right to appear.

7. The Teacher Certification Appeals Council will meet to review the appellant's credentials. The appellant may or may not attend the reviewing process. Failure to appear will not affect the reviewing process; however, no other opportunity shall be given to the appellant to offer testimony.

8. The Teacher Certification Appeals Council will submit its written recommendations and all of the appellant's documentation to an appeals committee composed of board members.

9. The appeals committee will review only the records submitted by the Teacher Certification Appeals Council, and will consider each recommendation in the report, whether it be an approval, a denial, or deferral or other action, with no additional testimony being heard.

10. The appeals committee, as a result of its records review, may uphold the recommendations of the Teacher Certification Appeals Council in whole or in part; it may deny it whole or in part; it may remand the appeal to the Council for further review.

11. The appeals committee will submit its written recommendations to the full board.

12. The Board of Elementary and Secondary Education will take final and official action on all appeals based on a review of the records from the appeals bodies. The appellant will be notified of final board action.

13. All appeals shall be processed in a timely manner in accordance with the monthly schedule of board activities.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., October 9, 1989 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Ern Tampke  
Executive Director

### **Fiscal and Economic Impact Statement For Administrative Rules Rule Title: 1.00.40.(a-f)**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is estimated that approximately \$2,400 will be needed to pay travel expenses of two additional members to be appointed to the five-member Teacher Certification Appeals Council.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will be no effect on revenue collections of state or local governmental units.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

School personnel who wish to appear before the Teacher Certification Appeals Council will pay for their expenses from their home bases to Baton Rouge. If certification is awarded via the appeals process, school personnel may benefit by gainful employment related to their areas of licensure.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

Certified school personnel in a parish must be employed as priorities over noncertified personnel. Persons receiving certification via the appeals process cannot be given preferential treatment over persons already certified. However, the award or denial of an appeal can impact employment opportunities of the appellants as they become competitive with other certified persons.

Ern Tampke  
Executive Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Amendment to Bulletin 1213

Minimum Standards for School Buses in Louisiana

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following revision to Bulletin 1213, *Minimum Standards for School Buses in Louisiana*, Section IV, Page 29, concerning the painting of bus tops.

**COLOR**

The chassis, including the wheels and front bumper, shall be glossy black. The hood, cowl, and fenders shall be national school bus glossy yellow. It shall be optional to paint the top of the bus with white reflector Astec 100 ceramic insulated reflected coating from the top of the window frames to the apex of the roof of the bus.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., October 9, 1989 at the following address: State Board of Elementary and Secondary Education Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Painting of School Bus Tops**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is estimated that approximately \$50 will be needed to revise and distribute the change to Bulletin 1213. Local governmental units (local education agencies) have the option to implement the rule. It is estimated that approximately \$250 to \$300 per bus will be the cost to change the color of the school bus top from yellow to white. There are approximately 7,200 school buses in the state. If every LEA exercised the option to paint the top of every school bus white, there will be an implementive cost of approximately \$1.8 to \$2.2 million dollars at the local level.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will be no estimated effect on revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

This proposed action will have no effect on individual or non-governmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The estimated effect on competition and employment will depend on whether the tops of the school buses will be painted by commercial firms or painted by the local government shops. Due to present financial conditions, it is doubtful that many LEAs will exercise the option to paint the top of their school buses white. Effect on competition and employment will be minimal, if any.

Robert E. Schiller  
Deputy Superintendent

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Guidelines to Allow State Textbooks Funds to be Used to Purchase Instructional Materials for Grades K-3

In accordance with R.S. 49:950 et seq., The Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following guidelines to allow state textbook funds to be used to purchase instructional materials for grades K-3 as recommended by the Department of Education:

1. For classes K-3, the school superintendents are authorized to use textbook funds to purchase textbooks and other materials that can be used to support the instruction in these four elementary grades (K-3)

2. The major emphasis in selecting instructional materials for K-3 should be on manipulative and concrete materials such as blocks, dramatic/housekeeping toys, manipulatives (puzzles, legos, etc.), gross motor materials (jump ropes, balls, etc.) and other manipulative materials.

3. The characteristics and needs of the child in grades K-3 should be considered when selecting appropriate materials. (Examples on file in the office of the Board of Elementary and Secondary Education)

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., October 9, 1989 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Revisions to Bulletin 1794**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The estimated implementation cost is approximately \$50 to cover the cost of printing.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no effect on revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

There are no estimated costs and/or economic benefits to directly affect persons or non-governmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There will be no effect on competition and employment.

Robert Schiller  
Deputy Superintendent

David W. Hood  
Senior Fiscal Analyst

## NOTICE OF INTENT

### Board of Elementary and Secondary Education Revised Regulations for the Tuition Exemption Program for Teachers

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 Revised Regulations for the Teacher Tuition Exemption Program for Teachers. This was also adopted as an Emergency Rule. See July, 1989 issue of the *Louisiana Register* for complete text of regulations.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., October 9, 1989 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke  
Executive Director

### Fiscal and Economic Impact Statement For Administrative Rules

#### Rule Title: Tuition Exemption Guidelines

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Fewer courses may be selected from the Tuition Exemption Program which would result in a cost reduction. There are insufficient data to estimate this reduction in cost. This program has been appropriated \$2,300,000 in 8(g) funds for FY 89-90.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Although fewer courses may be selected, an increase in the number of teachers eligible for the program may cause payments to higher education institutions to remain the same.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Public and nonpublic elementary and secondary classroom teachers would be eligible for a tuition waiver at colleges and universities.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition or employment.

Robert E. Schiller  
Deputy Superintendent

David W. Hood  
Senior Fiscal Analyst

## NOTICE OF INTENT

### Department of Environmental Quality Office of Air Quality and Nuclear Energy

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have

been initiated to amend the Air Quality Regulations, LAC 33:III.

LAC 33:III.111 is amended to add a definition of administrator and administrative authority and changes the definition of VOC to match the US EPA definition. Definitions are also added for attainment area, non-attainment area and State Implementation Plan. Regulations LAC 33:III.2103 and LAC 33:III.2107 are amended to add requirements for testing and record keeping.

The proposed regulations are to become effective on October 20, 1989, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be held at 9 a.m., September 7, 1989, in the Seventh Floor Conference Room, State Land and Natural Resources Building, 625 North Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed regulations.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than 4:30 p.m., September 10, 1989, to Joan Albritton, Office of Legal Affairs and Enforcement, Box 44066, Baton Rouge, LA 70804.

All documents relating to the actions of this notice are available for inspection at the following locations from 8:00 a.m. until 4:30 p.m.

Office of Environmental Affairs, 3945 North I-10 Service Road, Metairie, LA;

Office of Environmental Affairs, Eighth Floor, State Land and Natural Resources Building, 625 North Fourth St., Baton Rouge, LA;

Office of Environmental Affairs, 804 31st St., Monroe, LA;

State Office Building, 1525 Fairfield Avenue, Shreveport, LA;

Office of Environmental Affairs, 1155 Ryan St., Lake Charles, LA;

Office of Environmental Affairs, 100 Eppler Rd., Lafayette, LA;

## Title 33 ENVIRONMENTAL QUALITY Part III. Air

### Chapter 1. General Provisions

#### §111. Definitions

*Act* - . . .

*Administrative Authority* - This term refers to both the Administrator and the Administrative Authority. Any alternative or equivalent test methods, waivers, monitoring methods, testing and monitoring procedures, customized or correction factors, and alternatives to any design, equipment, work practices or operational standards must be approved by both the Administrator of the U.S. Environmental Protection Agency and the Administrative Authority before it becomes effective.

*Administrator*- The Administrator, or authorized representative, of the Environmental Protection Agency.

*Aerosol*- Atmosphere . . .

*Attainment Areas* - Areas of the state that are not listed as non-attainment areas by the United States Environmental Protection Agency.

*Automobile* - Nitrogen oxides. . .

*Non-Attainment Areas* - An area (parish or group of parishes) declared to be not complying with a Federal National Ambient Air Quality Standard and listed in the *Federal Register* as a non-attainment area subject to a State Implementation Plan Call.

Nuisance - State . . .

*State Implementation Plan (SIP)* - A plan required by the Clean Air Act that outlines the actions to be taken by a state air pollution control agency to reduce emissions of the non-attainment pollutant and change the non-attainment area to an attainment area.

*Submerged Fill Pipe - Variance* . . .

*Volatile Organic Compound* - Any organic compound which participates in atmospheric photochemical reactions; that is, any organic compound other than those which the administrator of the U.S. Environmental Protection Agency designates as having negligible photochemical reactivity. VOC may be measured by a reference method, an equivalent method, an alternative method or by procedures specified under 40 CFR 60 (1988). A reference method, an equivalent method, or an alternative method, however, may also measure nonreactive organic compounds. In such cases, an owner or operator may exclude the non reactive organic compounds when determining compliance with a standard.

*Waste Classification - Weak Nitric Acid (HNO<sub>3</sub>)* . . .

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1084.

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 LR 15:

## **Chapter 21. Control of Emission of Organic Compounds**

### **Subchapter A. General**

#### **§2103. Storage of Volatile Organic Compounds (Large Tanks)**

No person shall place, store or hold in any stationary tank, reservoir or other container of more than 250 gallons (950 liters) and up to 40,000 gallons (151,400 liters) nominal capacity any volatile organic compound, having a true vapor pressure of 1.5 psia or greater at storage conditions, unless such tank, reservoir or other container is designed and equipped with a submerged fill pipe or a vapor loss control system or is a pressure tank capable of maintaining working pressures sufficient at all times under normal operating conditions to prevent vapor or gas loss to the atmosphere.

No person shall place, store or hold in any stationary tank, reservoir or other container of more than 250 gallons (950 liters) and up to 40,000 gallons (151,400 liters) nominal capacity any volatile organic compound, having a true vapor pressure of 1.5 psia or greater at storage conditions, unless such tank, reservoir or other container is designed and equipped with a submerged fill pipe or a vapor loss control system or is a pressure tank capable of maintaining working pressures sufficient at all times under normal operating conditions to prevent vapor or gas loss to the atmosphere.

No person shall place, store or hold in any stationary tank, reservoir, or other container of more than 40,000 gallons (151,400) nominal capacity any volatile organic compound having a true vapor pressure of 1.5 psia or greater at storage conditions unless such tank, reservoir, or other container is a pressure tank capable of maintaining working pressures sufficient at all times under normal operating conditions to prevent vapor or gas loss to the atmosphere or is designed and equipped with a submerged fill pipe and one or more of the vapor loss control devices described herein.

B. Conditions Under Which an External Floating Roof is Acceptable. An external floating roof consists of a pontoon type roof, double deck type roof or external floating cover which will

rest or float on the surface of the liquid contents and is equipped with a closure seal to close the space between the roof edge and tank wall and a continuous secondary seal (a rim mounted secondary) extending from the floating roof to the tank wall.

1. A secondary seal is not required if:

a. the tank is a welded tank storing a VOC with a vapor pressure at storage conditions less than 4.0 psia and is also equipped with liquid mounted primary seals, metallic type shoe seals, or equivalent;

b. the storage vessels are external floating roof tanks having nominal storage capacities of 420,000 gallons (1,589,900 liters) or less used to store produced crude oil or condensate prior to lease custody transfer;

c. a metallic-type shoe seal is used in a welded tank which also has a secondary seal from the top of the shoe seal to the tank wall (i.e., a shoe-mounted secondary);

d. an alternate seal or seals can be used in lieu of the primary and secondary seals required herein provided the resulting emission is not greater than that which would have resulted if the primary and secondary seals were installed. The equivalency demonstrated will be made to the satisfaction of the administrative authority.

This control equipment shall not be permitted if the organic compounds have a vapor pressure of 11.0 pounds per square inch absolute or greater under actual storage conditions.

2. The Seal Closure Device Required in §2103.B shall:

a. have no visible holes, tears, or other openings in the seal(s) or seal(s) fabric.

b. be intact and uniformly in place around the circumference of the floating roof and the tank wall.

c. not have gap areas, of gaps exceeding  $\frac{1}{8}$  inch (0.32 cm) in width between the secondary seal and the tank wall, in excess of 1.0 in<sup>2</sup> per foot of tank diameter (6.5 cm<sup>2</sup> per 0.3m).

d. Not have gap areas, of gaps exceeding  $\frac{1}{8}$  inch (0.32 cm) in width between the primary seal and the tank wall, in excess of 10.0 in<sup>2</sup> per foot of tank diameter (65 cm<sup>2</sup> per 0.3m).

e. the secondary gap seal measurements shall be made annually at any tank level provided the roof is off its legs. The primary gap seal measurements shall be made every five years at any tank level provided the roof is off its legs.

Conditions not in compliance with §2103.B.2 shall be recorded along with date(s) of noncompliance and LDEQ/AQD shall be notified within seven days. Repairs necessary to be in compliance must be initiated within seven days of recognition of noncompliance by ordering appropriate parts. Repairs shall be completed within three months or the ordering of the repair parts.

3. Requirements for Covering Openings. All openings in the external floating roof, except for automatic bleeder vents, run space vent, and leg sleeves, are to provide a projection below the liquid surface. The openings must be equipped with cover, seal, or lid which must be in a closed position at all times except when the device is in actual use. Automatic bleeder vents must be closed at all times except when the roof is floated off or landed on the roof leg supports. Rim vents must be set to open when the roof is being floated off the roof leg supports or at the manufacturer's recommended setting. Any emergency roof drain must be equipped with a slotted membrane fabric cover or equivalent cover that covers at least 90 percent of the opening.

4. Compliance Required by December 31, 1982. Compliance with the provisions of this regulation shall be achieved by December 31, 1982. However, if it can be affirmatively demonstrated to the administrative authority that additional time is

needed, an extension can be granted until December 31, 1983. In all cases compliance must be achieved in the most expeditious manner.

5. Repeal

6. Repeal

c. Vapor Loss Control System Acceptable When Requirements are Met. A vapor loss control system consists of a gathering system capable of collecting the organic compound vapors and gases and a vapor disposal system capable of processing such organic vapors and gases so as to limit their emission to the atmosphere to the same extent as the provisions of §2103.A and B. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

D. No person shall place, store or hold in any stationary tank, reservoir or other container of more than 40,000 gallons (151,400 liters) nominal capacity any volatile organic compound having a true vapor pressure of 11 psia or greater at storage conditions unless such tank, reservoir or other container is a pressure tank capable of maintaining working pressures sufficient at all times under normal operating conditions to prevent vapor or gas loss to the atmosphere or is designed and equipped with a submerged fill pipe and a vapor loss control system in accordance with §2103.C.

E. Exemptions. The provisions of this Section (i.e. LAC 33:III.2103) do not apply to existing and new storage tanks used for crude or condensate having a nominal storage capacity of less than 420,000 gallons (1,589,900 liters) unless such new tanks are subject to New Source Performance Standards. In addition, tanks 420,000 gallons or greater used in activities prior to lease custody transfer are exempt from the provisions of §2103 unless such tanks are subject to New Source Performance Standards. In addition, the provisions of §2103 do not apply to JP-4 fuels stored in horizontal, underground tanks. Sources such as existing storage tanks having a nominal capacity of 420,000 gallons (1,589,900 liters) of crude or condensate shall achieve compliance as expeditiously as practicable but no later than December 31, 1987.

F. Compliance Tests

1. Floating Roofs. The seal gap area shall be determined by measuring the length and width of the gaps around the entire circumference of the seal. A 1/8 inch (0.32 cm) uniform diameter probe shall be used for measuring gaps. Only gaps greater than or equal to 1/8 inch (0.32 cm) shall be used in computing the gap area. The area of gaps shall be accumulated to determine compliance with §2103.B.2.c and d. Compliance with the other provisions specified in §2103.B.2.a and b may be determined by visual inspection.

2. Add-On Control Devices. The following test methods shall be used, where appropriate:

a. Test Method 1 through 4 (LAC 33:III.6001, 6003, 6009 and 6013, respectively) for determining flow rates, as necessary;

b. Test Method 18 (LAC 33:III.6071) for measuring gaseous organic compound emissions by gas chromatographic analysis;

c. Test Method 21 (LAC 33:III.6077) for determination of volatile organic compound leaks;

d. Test Method 25 (LAC 33:III.6085) for determining total gaseous nonmethane organic emissions as carbon;

e. Additional performance test procedures, or equivalent test methods, approved by the administrative authority.

G. Recordkeeping. The owner/operator of any storage facility shall maintain records to verify compliance with or ex-

emption from §2103. The records shall be maintained for at least two years and will include, but not be limited to, the following:

1. The results of yearly inspections required by §2103.B.2.e shall be recorded each year.

2. For vapor loss control systems (§2103.C) the following information shall be recorded:

a. daily measurements of the exhaust gas temperature immediately downstream of a direct-flame incinerator;

b. daily measurements of the inlet and outlet gas temperature of a chiller, or catalytic incinerator.

3. The date and reason for any maintenance and repair of the applicable control devices and the estimated quantity and duration of volatile organic compound emissions during such activities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1084.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division in LR 13:741 (December 1987), amended LR 15:

Paul C. Templeton  
Secretary

### Fiscal and Economic Impact Statement For Administrative Rules

#### Rule Title: Revision to LAC:33.III Sections 2103, 2107

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There should be no additional cost to state or local government. Regulations are made more enforceable and do not add any significant additional work load for state and local government.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No significant effect.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

These revisions will add some additional record keeping requirements for regulated industries and some additional testing of emissions. Except for some of the larger industries, the additional cost should be minor and most industries already record most of the data required for the records.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No significant effect.

Mike D. McDaniel, Ph.D.  
Assistant Secretary

John R. Rombach  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Office of the Governor Division of Administration

Notice is hereby given that the Office of the Governor, Division of Administration, under authority of R.S. 39:321 advertises its intent to amend Title 4, Part V, Policy and Procedure Memoranda, Chapter 15, General Travel Regulations - P.P.M. No. 49, 4:V.1537, 1539, 1541. Under this authority, the commissioner of administration may add or delete cities from high cost or extra high cost areas when it is in the best interest of the state. These proposed rules may be viewed in their entirety in the Emergency Rule Section of this *Louisiana Register*.

Interested comments may be addressed to: Edna Fisher, State Purchasing, Division of Administration, Box 94095, Baton Rouge, LA 70804-9095 or by calling (504) 342-8010.

Dennis Stine  
Commissioner of Administration

### Fiscal and Economic Impact Statement For Administrative Rules

#### Rule Title: General Travel Regulations P.P.M. No. 49

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no implementation costs to the state.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated effect on revenue collections of state or local government units.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There are no estimated costs associated with proposed rule. Practical effect may be that fewer units of travel will occur.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition or employment.

Ron J. Henson  
Exec. Asst. Commissioner

John R. Rombach  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Office of the Governor Division of Administration Community Development Section

Louisiana Community Development Block Grant (LCDBG)  
Program FY 1989 Final Statement

The following sections of the FY 1989 Final Statement for the Louisiana Community Development Block Grant Program will be amended as follows.

#### Section II. GENERAL

##### F. SIZE OF GRANTS

1. Ceilings. The state has established a funding ceiling of \$550,000 for housing grants and \$600,000 for public facilities grants with the exception of sewer grants which have a funding

ceiling of \$750,000. The state has established a funding ceiling of \$600,000 for economic development projects involving a loan for the creation of a new business and for economic development projects involving a grant to the local governing body a funding ceiling of \$1,000,000 for infrastructure improvements, and a funding ceiling of \$300,000 for the acquisition, construction or rehabilitation of buildings by the local governing body when necessary for the creation/retention of jobs; no funding ceiling is imposed for economic development projects involving a loan for the expansion of an existing business.

Within the ceiling amounts the state allows applicants to request funds for administrative costs with the following limitations. Administrative funds for housing programs cannot exceed 12 percent of the estimated housing costs and administrative funds for public facilities programs cannot exceed seven percent of the estimated public facilities project costs. The amount which can be requested for demonstrated needs programs must be commensurate with the amount allowable for the specific type of project (housing rehabilitation or public facilities) for which funds are requested. For public facilities, housing, and demonstrated needs programs for which the total estimated project cost is less than \$200,000, the state will make the final determination as to the appropriate allowable administrative costs. A maximum of \$15,000 for general administrative funds will be allowed the local governing body for economic development programs. In addition to the general administrative funds on the economic development programs involving a loan, the state will provide an additional two percent of the estimated economic development project costs; this additional two percent is specifically dedicated for the grantee to contract with a Small Business Development Center. If, after a project has been funded, the scope of the project changes significantly, the state will make a determination as to the actual amount which will be allowed for administrative costs; this determination will be made on a case-by-case basis.

Engineering fees may also be requested within the ceiling amounts; the funds requested must be in compliance with those established by the American Society of Civil Engineers and/or Farmer's Home Administration. If, after a project has been funded, the scope of the project changes significantly, the state will make a determination as to the actual amount which will be allowed for engineering costs; this determination will be made on a case-by-case basis.

##### G. RESTRICTIONS ON APPLYING FOR GRANTS

2. Capacity and performance: threshold considerations for grant approval. No grant will be made to an applicant that lacks the capacity to undertake the proposed program. In addition, applicants which have previously participated in the Community Development Block Grant Program must have performed adequately. Performance and capacity determinations for FY 1989 will be made as of the date the state receives its executed grant agreement from HUD. In determining whether an applicant has performed adequately, the state will examine the applicant's performance.

In order to be eligible for a grant award in FY 1989, the following thresholds must have been met:

a. units of general local government will not be eligible to receive funding unless past CDBG programs awarded by HUD have been closed out.

b. units of general local government will not be eligible to receive funding unless past LCDBG programs (FY 1982, FY 1983 [including Jobs Bill Programs], FY 1984, FY 1985, FY 1986, FY 1987 and FY 1988) awarded by the state have been conditionally closed-out, with the following exception.

For recipients of economic development awards under the FY 1986, FY 1987, and FY 1988 LCDBG Programs and for recipients of demonstrated needs awards under the FY 1988 LCDBG Program, the state will, at its own discretion on a case-by-case basis, make a determination on the recipient's performance. If the state makes the determination that the recipient has performed adequately, the state may deem that recipient also eligible for FY 1989 funding.

c. Audit and monitoring findings made by the state or HUD have been cleared.

d. All required reports, documents, and/or requested data have been submitted within the time frames established by the state.

e. Any funds due to HUD or the state have been repaid or a satisfactory arrangement for repayment of the debt has been made and payments are current.

Any applications that were determined to be ineligible for FY 1988 funding will be re-evaluated for eligibility for FY 1989 funding. The state is not responsible for notifying applicants as to their performance status. No waivers to the thresholds will be given by the state except for applicants requesting economic development and Demonstrated Needs funds. All requests for waivers must be submitted in writing to the state prior to the submittal of the application. There shall be no waiver granted if funds are due to HUD or the state unless a satisfactory arrangement for repayment of the debt has been made and payments are current.

### Section III. METHOD OF SELECTING GRANTEES

#### C. RATING SYSTEMS

##### 3. ECONOMIC DEVELOPMENT

The economic development program category involves two types of projects: loans to a business/developer and grants to the local governing body. The specific requirements of each type are identified herein and must be adhered to according to type. Although most economic development awards will involve only one type, both types (loan and grant) may be involved in one award.

The economic development loan set aside is to be used to provide loans to businesses for job creation or retention projects. The LCDBG-ED funds go from the state to the local unit of government to the private developer. A three-way agreement (contract) is signed by these three participants, and other parts of the application are reviewed by them, to ensure a complete understanding by the three parties of the planned development, the expected number of jobs to be created or retained, the sources and uses of all funds to be committed to the project, the payback arrangements for all funds borrowed, the security assigned to each loan granting institution or agency, the financial and other reporting requirements of the developer and the local unit of government to the state, and all other obligations of the developer, the local governmental unit and the state.

An application for LCDBG-ED funds may be submitted at any time during the year.

The term "developer" shall mean the corporate entity as well as the individual investors, stockholders, and owners of the applicant business. As an example of the effect of this definition, an LCDBG-ED loan to Company A cannot be used to purchase equipment, land, etc., from Company B, when both Company A and Company B are substantially owned by one or more of the same individuals.

The state will recoup 100 percent of the payback of LCDBG-ED loans (program income to the state) unless the local governing body will utilize the payback for expansion of the origi-

nally funded development. These program income funds received by the state will be placed in an Economic Development Revolving Loan Fund which will be used to supplement funding for economic development projects. These funds will be subject to the federal regulations regarding use of program income. The interest rate charged on the LCDBG-ED loan depends on the financial and cash flow projections of the applicant business. This rate will be determined in the application review.

In some instances it may be necessary and appropriate for a local unit of government to receive a grant for infrastructure improvements or the acquisition, construction, or rehabilitation of a building needed by a specific developer before his proposed job creation project can be fully implemented. This economic development grant could be used by the local unit of government to provide sewer, water, and street/road access on public property to the industrial/business site. It cannot be used to acquire, construct, or rehabilitate a building or to create a general industrial park project with the hope that a business client will then be attracted. It must be tied to a specific developer creating a specific number of jobs for low to moderate income people. Although the grant will be tied to a specific developer, all/any other developments that occur within the life of the program as a result of the infrastructure or building improvements must also be considered to fall under LCDBG requirements. Therefore, when preparing the closeout documents, the job creation/retention and low/moderate income figures would be the total of all of the benefitting businesses in aggregate. It must be a "but for" situation where the business cannot locate or expand at the site unless the particular infrastructure is provided. The developer must show why this location, which lacks proper infrastructure, must be used instead of another site which already has proper infrastructure. The developer must provide sufficient financial and other statements, projections, etc., to establish that the business is likely to be successful, and will create the appropriate number of jobs at the site in a specific time frame. Certain assurances by the developer, related to the timing of his development on the site, will be required. Other agreements between the local governing body and the developer/property holder, relative to public rights of way, availability of site to local governing body upon failure or change in operation by the developer, etc., will be required as needed on an individual project basis.

The maximum amount available to the local governing body for an infrastructure or building acquisition, construction, or rehabilitation type project grant is \$10,000 per job created or retained, with a \$1,000,000 limit for infrastructure improvements on any single project or a \$300,000 limit for the acquisition, construction, or rehabilitation of a building.

The following five requirements must be met by all economic development applicants:

A. A firm financial commitment from the private sector will be required upon submission of the application.

For a loan, the private funds/public funds ratio must not be less than 1:1 for manufacturing firms with Standard Industrial Code classifications of 20-39. A private to public ratio for non-manufacturing firms must have a ratio of 2.5:1.

For a grant to the local governing body for infrastructure improvements, the private funds/public funds ratio for a grant of less than \$500,000 must be 1:1 and for a grant of \$501,000 to \$1,000,000 must be 2:1. For a grant to the local governing body for the acquisition, construction, or rehabilitation of a building for economic development, the private funds/public funds ratio must be 1:1.

In addition, the state must be assured that non-



manufacturing projects will have a net job creation impact on the community and not simply redistribute jobs around the community.

Private funds must be in the form of a developer's cash or loan proceeds. Revenues from the sale of bonds may also be counted if the developer is liable under the terms of the bond issue. Previously expended funds will not be counted as private funds for the purpose of this program, nor will private funds include any grants from federal, state or other governmental programs, nor any recaptured funds. The value of land, buildings, equipment, etc., already owned by the developer and which will be used in the new or expanded operation, will not be considered as private match.

Personal endorsement from all principals of corporations, partnerships, or sole proprietorships shall be required on the LCDBG loan documents. The principals shall: 1) endorse the LCDBG loan to the corporation and 2) guarantee the payment and fulfillment of any obligation of the corporation. These endorsements will be made jointly to the local government and State of Louisiana.

Normally, a principal is defined as owning five percent or more of the business.

B. If cost per job created or retained exceeds \$15,000 for a loan to a developer or \$10,000 for a grant to the local governing body, applications will not be considered for funding.

C. A minimum of 10 jobs created or retained is required for LCDBG-ED assistance.

D. A minimum of 60 percent of the employment will be made available to people who at the time of their employment are living in households whose total income is below the low to moderate income limit for the parish where the development occurs (see Appendix 3).

E. The application must include documentation showing that the project is feasible from the management, marketing, financial and economic standpoints. Management feasibility has to do with the past experience of the developer in managing the type of project described in the application, or other similar managerial experience. Marketing feasibility deals with how well the market for the product has been documented at the application stage - the best case being that the developer has verifiable commitments substantiating the first year's sales projection. A typical market study includes a detailed analysis of competition, the expected geographical sales plan, and letters of intent to buy, specifying quantity and price. Economic feasibility relates to whether or not the developer has realistic projections of revenues and variable costs, such as labor and cost of materials, and whether they are consistent with industry value-added comparisons. An assessment will be made of the industry sector performances for the type of industry/business described in the application. Financial feasibility has to do with the ability of the firm to meet all of its financial obligations in the short and long run, determined by a cash flow analysis of the financial history and projections of the business. In analyzing the financial feasibility of a project, the state may suggest alternatives in the timing of expenditures, the amount and proposed use of public and private funds, as well as other financial arrangements proposed in the application.

For an application to be funded, the state must be assured that: the project is credit worthy; there is sufficient developer equity; the LCDBG funds will be efficiently and effectively invested; the maximum amount of private and the minimum amount of public funds will be invested in the project; the project will make an adequate return in the form of public benefits commensurate with the money invested; the state and the local com-

munity will not assume a disproportionate amount of risk in the project; and, the state and the community will receive an adequate security interest proportionate to the LCDBG funds invested in the project.

DEFAULT: The local governing body shall be ultimately responsible for repayment of the contract funds which were provided by the state.

The state shall look to the local governing body for repayment of all funds disbursed under this contract and default by the developer shall not be considered as just cause for non-payment by the local governing body. In case of a default by the local governing body in the repayment of contract funds to the state, in accordance with the terms and conditions of the contract, the full sum remitted to the local governing body shall become due and payable to the state upon demand, without the need of putting the local governing body in default.

The state shall deem the local governing body in default, regardless of the fact that the default was precipitated by the developer, to the extent that the local governing body failed to perform its contractual obligations in good faith.

This amendment is to become effective on October 20, 1989, and is to remain in force until it is amended or rescinded. Anyone having comments should submit them in writing by September 25, 1989, to Susan Elkins, Policy and Program Manager, Community Development Section, Division of Administration, Box 94095, Baton Rouge, LA 70804-9095.

Dennis Stine  
Commissioner

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: LCDBG Program - FY 1989 Final Statement**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The amendment will have no effect on the state's cost of administering the LCDBG Program.

The local governmental units receiving funding under the LCDBG Program for economic development projects will, however, receive less funds for administrative costs than was allowed in the past.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The amendment will have no effect on the amount of federal funds allocated to the state. It will, however, enable the local governmental units to receive more funds for the expansion of existing businesses and infrastructure improvements than was allowed in the past.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

The primary purpose of the LCDBG Program is to benefit persons of low and moderate income throughout the state. This amendment will have no effect on that purpose.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

At this time it cannot be determined what effects, if any, the amendment will have on competition and employment.

Carl V. Berthelot  
Deputy Commissioner

David W. Hood  
Senior Fiscal Analyst

## NOTICE OF INTENT

### Department of Health and Hospitals Board of Dentistry

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq. and the Dental Practice Act, R.S. 37:760(8), notice is hereby given that the Louisiana State Board of Dentistry intends to adopt the following rule.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS Part XXXIII. Dental Health Profession

#### Chapter 3. Dentists

##### §304. Address of Dental Practice

Each dentist shall inform the Louisiana State Board of Dentistry of all office addresses at which the dentist practices dentistry in conformity with R.S. 37:770(B). Failure of a dentist to notify the board within 30 days of any office move or relocation will result in the imposition of any one or more of the penalties set forth in R.S. 37:780(B).

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 15: (August 1989).

Interested persons may submit written comments on the proposed rule within 10 days of the date of publication to the State Board of Dentistry, Suite 2240, 1515 Poydras Street, New Orleans, LA, 70112, Attention: Secretary-Treasurer. A public hearing shall be conducted by a committee of the state board on the proposed adoption and/or changes on August 31, 1989 at 6 p.m. at Fifth Floor Auditorium, 1515 Poydras Street, New Orleans, LA, 70112, and any interested person may appear and participate in accordance with R.S. 49:953(2)(a).

Russell R. DiMarco, D.D.S.  
Secretary-Treasurer

#### Fiscal and Economic Impact Statement For Administrative Rules

##### Rule Title: Address of Dental Practice

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated implementation cost or savings to the Louisiana State Board of Dentistry or any other state or local governmental unit.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is estimated that the proposed rule may increase the revenue collections of the board by \$2,000 per fiscal year.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed rule would provide for sanctions in the event of violation in accordance with R.S. 37:780 (B). The permitted sanctions include revocation, suspension, restriction, fines, probation, reprimand or admonishment. Any fine imposed cannot be less than \$500 nor more than \$5,000 for each violation.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effects on competition and employment are anticipated.

Russell R. DiMarco  
Secretary

David W. Hood  
Senior Fiscal Analyst

## NOTICE OF INTENT

### Department of Health and Hospitals Board of Dentistry

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq. and the Dental Practice Act, R.S. 37:760(8), notice is hereby given that the Louisiana State Board of Dentistry intends to adopt the following amended rule and regulation:

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS Part XXXIII. Dental Health Professionals

#### Chapter 5. Dental Assistants

##### §501. Authorized Duties

A. ...

B. A dental assistant may only perform the following under the direct on-premises supervision of the dentist who employs her or him:

1.-3. ...

4. Apply topical anti-cariogenic solution and etchants to the teeth.

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 15: (August 1989).

Interested persons may submit written comments on the proposed changes within 10 days of the date of publication to the Louisiana State Board of Dentistry, Suite 2240, 1515 Poydras Street, New Orleans, LA, 70112, Attention: Secretary-Treasurer. A public hearing shall be conducted by a committee of the state board on the proposed adoption and/or changes on August 31, 1989 at 6 p.m. at Fifth Floor Auditorium, 1515 Poydras Street, New Orleans, LA, 70112, and any interested person may appear and participate in accordance with R.S. 49:953(2)(a).

Russell R. DiMarco, D.D.S.  
Secretary-Treasurer

#### Fiscal and Economic Impact Statement For Administrative Rules

##### Rule Title: Dental Assistants-Authorized Duties

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated implementation cost or savings to the Louisiana State Board of Dentistry or any other state or local governmental unit.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections by the Loui-

siana State Board of Dentistry or any other state or local governmental unit.

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)

No effects on competition and employment are anticipated.

Russell R. DiMarco  
Secretary

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Board of Dentistry**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq. and the Dental Practice Act, R.S. 37:760(8), notice is hereby given that the Louisiana State Board of Dentistry intends to adopt the following amended rule and regulation:

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL STANDARDS  
Part XXXIII. Dental Health Professionals**

**Chapter 7. Dental Hygienists**

**§701. Authorized Duties**

B. A dental hygienist may only perform the following under the direct on-premises supervision of the dentist who employs her or him:

13. Acid-etch and placement of fissure sealant.

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 15: (August 1989).

Interested persons may submit written comments on the proposed changes within 10 days of the date of publication to the Louisiana State Board of Dentistry, Suite 2240, 1515 Poydras Street, New Orleans, LA, 70112, Attention: Secretary-Treasurer. A public hearing shall be conducted by a committee of the state board on the proposed adoption and/or changes on August 31, 1989 at 6 p.m. at Fifth Floor Auditorium, 1515 Poydras Street, New Orleans, LA, 70112, and any interested person may appear and participate in accordance with R.S. 49:953(2)(a).

Russell R. DiMarco, D.D.S.  
Secretary-Treasurer

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Dental Hygienists-Authorized Duties**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated implementation cost or savings to the Louisiana State Board of Dentistry or any other state or local governmental unit.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections by the Louisiana State Board of Dentistry or any other state or local governmental unit.

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)

No effects on competition and employment are anticipated.

Russell R. DiMarco  
Secretary

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Board of Dentistry**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq. and the Dental Practice Act, R.S. 37:760(8), notice is hereby given that the Louisiana State Board of Dentistry intends to adopt the following rule and regulation:

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL STANDARDS  
Part XXXIII. Dental Health Professionals**

**Chapter 7. Dental Hygienists**

**§703. Address of Employment**

Each dental hygienist shall inform the Louisiana State Board of Dentistry of all office addresses at which the dental hygienist is employed as a dental hygienist and the name of the employing dentist. Failure of a dental hygienist to notify the board within 30 days of a change in the address of employment as a dental hygienist and the name of the new employing dentist will result in the imposition of any one or more of the penalties set forth in R.S. 37:780(B).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 15: (August 1989).

Interested persons may submit written comments on the proposed rule and regulation within 10 days of the date of publication to the Louisiana State Board of Dentistry, Suite 2240, 1515 Poydras Street, New Orleans, LA, 70112, Attention: Secretary-Treasurer. A public hearing shall be conducted by a committee of the state board on the proposed adoption and/or changes on August 31, 1989 at 6 p.m. at Fifth Floor Auditorium, 1515 Poydras Street, New Orleans, LA, 70112, and any interested person may appear and participate in accordance with R.S. 49:953(2)(a).

Russell R. DiMarco, D.D.S.  
Secretary-Treasurer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Address of Employment Dental Hygienist**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no estimated implementation cost or savings to the Louisiana State Board of Dentistry or any other state or local governmental unit.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
It is estimated that the proposed rule may increase the revenue collections of the Board by \$2,000 per fiscal year.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The proposed rule would provide for sanctions in the event of violation in accordance with La. R.S. 37:780(B). The permitted sanctions include revocation, suspension, restriction, fines, probation, reprimand or admonishment. Any fine imposed cannot be less than \$500 nor more than \$5,000 for each violation.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
No effects on competition and employment are anticipated.

Russell R. DiMarco  
Secretary

David W. Hood  
Senior Fiscal Analyst

Russell R. DiMarco, D.D.S.  
Secretary-Treasurer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Listing as Dental Specialist**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no estimated implementation cost or savings to the Louisiana State Board of Dentistry or any other state or local governmental unit.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no effect on revenue collections by the Louisiana State Board of Dentistry or any other state or local governmental unit.
- 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)  
No effects on competition and employment are anticipated.

Russell R. DiMarco  
Secretary

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Board of Dentistry**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq. and the Dental Practice Act, R.S. 37:760(8), notice is hereby given that the Louisiana State Board of Dentistry intends to adopt the following amended rule and regulation.

**Title 46  
PROFESSIONAL AND OCCUPATIONAL STANDARDS  
Part XXXIII. Dental Health Profession**

**Chapter 3. Dentists  
§301. Listing as Dental Specialist**

Dentists who are not specialists certified by a certifying board under educational standards approved by the Louisiana State Board of Dentistry, but who advertise a field of practice for which approved educational standards exist, must advertise their field of practice in such a way that the public is not misled into believing that the dentist has met the educational requirements for a certified specialist.

The board has reviewed and approved the Standards for Advanced Specialty Education Programs set forth by the Commission on Dental Accreditation of the American Dental Association in the following specialties:

- Endodontics
- Dental Public Health
- Oral and Maxillofacial Surgery
- Oral Pathology

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

Chemical Redistribution Standard (Bulletin 741)

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 as a new standard 2.065.05 to page 54 of Bulletin 741 and as Policy 9.00.44.a in the BESE Policy and Procedure Manual which shall read as follows:

A site safety officer charged with the supervision of safe practice in storage, use, and distribution of all chemicals shall be designated in each school system. The school system must assess the safety of the facilities and equipment in all schools, including the location, quantities, and states of all regulated hazardous substances. A plan to redistribute the unwanted substances must be prepared and kept on file in the central office. Remaining chemicals must be listed on an inventory system. A copy of the inventory must be kept on site in each school, in the central office of each local school system, and at the local fire chief's office.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., October 9, 1989 at the following address: State Board of Elementary and Secondary Education Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke  
Executive Director

### Fiscal and Economic Impact Statement For Administrative Rules

#### Rule Title: Standard 2.065.05 of Bulletin 741 and BESE Policy and Procedure Manual relative to Chemical Distribution Standards

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The estimated implementation costs to the state of this rule for 1989-90 is \$2,591.  
The local school boards may release each designated safety officer for one day of training. They will pay travel expenses to attend the safety training workshop. Optional computer software packages which generate inventory forms are available for \$79 each.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
No effect.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The designation of a site safety officer will provide each school in each LEA with a trained individual to assume the responsibility for: supervision of safe practice in storage, use, and distribution of all chemicals; preparation of a plan to redistribute the unwanted substances; maintenance of inventory files to be kept in central offices of each school system and each school and at the local fire chief's office.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There should be increased job opportunities and/or levels of professional skill.

Robert E. Schiller  
Deputy Superintendent

John R. Rombach  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Department of Health and Hospitals Board of Examiners of Professional Counselors

The Louisiana Licensed Professional Counselors Board of Examiners, under authority of the Louisiana Mental Health Counselor Licensing Act, R.S. 37:1101-1115, and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., intends to adopt the following rule amendments and rules governing the practice of mental health counseling in the state of Louisiana.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS Part LX. Professional Counselors

#### Chapter 13. License; Adjudication

##### §1301. Denial, Revocation, or Suspension of License

A. Those who may request an investigation and/or hearing by the board are:

1. any individual, groups, organizations or general public classified as a client of the mental health counseling profession;
2. any licensed professional counselor;
3. any state official or an official of a political subdivision of the state.

B. Grounds for Disciplinary Action. R.S. 37:1110: In an adjudication, all parties who do not waive their rights shall be afforded an opportunity for a hearing after reasonable notice.

1. Necessary conditions for a hearing:
  - a. The notice shall include:
    - i. a statement of the time, place, and nature of the hearing;
    - ii. a statement of the legal authority and jurisdiction under which the hearing is to be held;
    - iii. a reference to the particular section of the statutes and rules involved;
    - iv. a short and plain statement of the matters asserted.
  2. If the board or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.

3. An opportunity shall be afforded all parties to respond and present evidence in all issues and fact involved and arguments on all issues of law and policies involved and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

4. Unless precluded by law, informal disposition may be made of any case of adjudication by stipulation, agreed settlement, consent order, or default.

5. The record in a case of adjudication shall include all pleadings, motions, intermediate rulings; evidence received or considered or a resumé thereof if not transcribed; a statement of matters officially noticed except matters so obvious that a statement of them would serve no useful purpose; offers of proof, objections, and rulings thereon; proposed findings and exceptions; any decision, opinion or report by the officer presiding at the hearing.

6. Hearings may be conducted under this procedure from and after the date the procedure is published, per the above germane section.

C. Authority: The board by an affirmative vote of at least four of its seven members shall withhold, deny, revoke or suspend any license issued or applied for in accordance with the provisions of this law. R.S. 37:1301.

1. The grounds upon which a licensed professional counselor may be disciplined are:

a. if the licensed professional counselor has been convicted in a court of competent jurisdiction of a felony or any offense involving moral turpitude, the record of conviction being conclusive evidence thereof;

b. if the licensed professional counselor has violated the Code of Ethics adopted by the board in March 1988 and entitled Code of Conduct: Louisiana Licensed Professional Counselors Board of Examiners;

c. if the licensed professional counselor is abusing drugs or alcohol to an extent or in a manner dangerous to any other person or the public or to an extent that said use impairs his ability to perform the work of a licensed professional counselor;

d. if the licensed professional counselor has impersonated another person holding a professional mental health counselor license or allowed another person to use his license;

e. if the licensed professional counselor has used fraud or deception in applying for a license or in taking an examination provided for in the law;

f. if the licensed professional counselor has allowed his name or license issued by the board to be used in connection with any person or persons who perform mental health counseling services outside of the area of their training, experience, or competence;

g. if the licensed professional counselor is legally adjudicated mentally incompetent, the record of such adjudication being conclusive evidence thereof;

h. if the licensed professional counselor has willfully or negligently violated any of the provisions of R.S. 37:1101 to and including R.S. 37:1115.

#### D. Procedures

1. The ground rules governing a hearing before the Licensed Professional Counselors Board of Examiners.

a. Louisiana Revised Statute 37:1301 gives the ["board"] the Licensed Professional Counselors Board of Examiners, the authority, for the purpose of hearings, to subpoena persons, books and papers on its own behalf or on behalf of the applicant or licensee who may appear by counsel or personally on his own behalf. By subpoena is meant that the board shall require that the licensee or applicant and legal counsel draw up the subpoena, convey it to the attorney for the board, Deutsch, Kerrigan and Stiles at 755 Magazine Street, New Orleans, LA 70130 for the signature of the chairperson of the Board of Examiners and these subpoenas shall be returned to the applicant or licensee for service to be effected by the applicant or licensee.

b. All complaints shall be addressed confidential to the chairperson of the board and shall be sent to the board office. The chairperson of the board shall during an executive session of the board convey the complaint to the board members. The board members by a vote of four of the seven members shall agree to investigate the charges or deny the charges. If a denial, the chairperson of the board shall request counsel to prepare the letters of denial for her signature. If the board agrees to investigate, the board shall prepare a Show Cause Order in which the accused shall be notified in sufficient specificity that s/he is being charged with a breach of the statute and/or ethical code adopted by the board and that s/he must show cause why the board should not discipline the accused. A response is to be made to the chairperson of the board at the board office address. R.S. 37:1110(A). The complaint letter of alleged violations shall not be given initially to the accused licensee. However, sufficiently specific allegations shall be conveyed to the accused for

his/her response. Once the accused has answered the complaint, the board shall determine if a hearing is required.

#### 2. Notice of a Hearing

In an adjudication, all parties who do not waive their rights shall be afforded an opportunity for a hearing after reasonable notice.

a. The notice shall include:

i. a statement of the time, place, and nature of the hearing;

ii. a statement of the legal authority and jurisdiction under which the hearing is to be held;

iii. a reference to the particular section of the statutes and rules involved;

iv. a short and plain statement of the matters asserted.

b. If the board or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.

c. Unless precluded by law, informal disposition may be made of any case of adjudication by stipulation, agreed settlement, consent order, or default.

#### 3. Format for Adversarial Hearings

a. All adversarial hearings shall be held in Baton Rouge, LA. A certified court reporter shall be present only for adversarial hearings. (The fee will be shared evenly by the board and the licensee.)

b. The board chairperson will ask the licensee if s/he wishes a public or private hearing. The licensee's answer will be made part of the record.

c. Order of the Hearing

i. opening statement by the board's attorney (15 minutes);

ii. opening statement by licensee's attorney (15 minutes);

iii. presentation of evidence by board's attorney;

iv. cross examination by licensee's attorney;

v. presentation of evidence by licensee's attorney;

vi. cross examination by board's attorney;

vii. presentation of evidence in rebuttal by board's attorney;

viii. cross examination by licensee's attorney;

ix. closing argument by board's attorney (15 minutes);

x. closing argument by licensee's attorney (15 minutes);

xi. final argument in rebuttal by board's attorney (5 minutes).

d. Evidence

i. An assistant attorney general shall assist the board's chair and rule on matters of evidence and procedure.

ii. The board will receive and consider all evidence commonly accepted by reasonably prudent persons in the conduct of their affairs. Immaterial and unduly repetitive evidence may be excluded. To expedite the hearing, evidence may be received in written form as long as neither party is prejudiced.

iii. Notice may be taken of judicially cognizable facts, and the board may take notice of generally recognized technical facts within the specialized knowledge of the board.

iv. The rules of privilege recognized in law shall apply.

v. Any objections to evidence or the ruling on admission thereof shall be made part of the record.

e. Deliberation

i. The board will deliberate in closed session absent the board's counsel;

ii. The board will vote on each charge as to whether the charge has been supported by the evidence. The standard will be "preponderance of the evidence."

iii. After considering each charge, the board will vote on a resolution to dismiss the charges, suspend or revoke licensee's license. The vote must be four out of seven for a revocation or suspension.

f. Transcript

The testimony taken at the hearing shall be transcribed and retained with the evidence received, by the board, for a period of at least one year from the hearing.

4. Format for Show Cause Hearings (denial of license, and any other nonadversarial appeals)

a. Notification of the hearing shall be issued 30 days in advance by registered mail or personal service.

b. The applicant may bring written documentation and witnesses (limited to two).

c. The order shall be:

i. opening statement by the applicant (five minutes);

ii. presentation of written documentation and explanation thereof;

iii. witness testimony [limited 15 minutes each witness (questions of clarification from members of board)];

iv. presentation by the applicant (20 minutes);

v. questions of clarification by members of board.

d. The board will then deliberate in closed session.

e. The results of this deliberation will be communicated by registered mail or personal service within 15 days of the hearing.

f. N.B.

i. If applicant chooses to have counsel present, counsel's role shall be advisory only. Counsel may not address the board nor question witnesses.

ii. Show Cause Hearings shall not have a certified court reporter and shall not be adversarial in nature.

E. Notice of denial, revocation, suspension, or disciplinary action shall be sent to the applicant or licensee by registered mail or personal service setting forth the particular reasons for the proposed action and fixing a date at which time the applicant or licensee shall be given an opportunity for a prompt and fair hearing. The written notice shall be sent to the person's last known address, but the nonappearance of the person shall not prevent such a hearing. For the purpose of such hearing, the board may subpoena persons, books, and papers, on its own behalf or on the behalf of the applicant or licensee who may appear by counsel or personally on his own behalf.

F. On the basis of any hearing or upon default of applicant of licensee, the board shall make a determination specifying its findings of fact and conclusions of law. A copy of such determination shall be sent by registered mail or served personally upon the applicant or licensee. The decision of the board denying, revoking, or suspending the license, shall become final 30 days after receipt of the copy of the determination unless within said period the applicant of licensee appeals the decision as provided by R.S. 49:955-965. No such appeal while pending appropriate court action shall supersede such denial, revocation, or suspension. All proceeding and evidence presented at hearings before the board may be admissible during appellate proceedings.

G. Every order and judgement of the board shall take effect immediately on its promulgation unless the board in such order or judgement fixes a probationary period for applicant or licensee. Such order and judgment shall continue in effect until expiration of any specified time period or termination by a court

of competent jurisdiction. The board shall notify all licensees of any action taken against a licensee and may make public its orders and judgements in such manner and form as it deems proper if such orders and judgements are not consent orders or compromise judgments.

H. The board is authorized to suspend the license of a licensed professional counselor for period not exceeding two years. At the end of this period, the board shall re-evaluate the suspension and may recommend to the chairman the reinstatement or revocation of the license. A person whose license has been revoked may apply for reinstatement after a period of not less than two years from the date such denial or revocation is legally effective. The board may, upon favorable action by a majority of the board members present and voting, recommend such reinstatement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Professional Counselors, LR 14:84 (February 1988), amended by the Department of Health and Hospitals, Board of Examiners of Professional Counselors, LR 15:

Interested persons may present their views on the proposed rules in writing at the following address: Jane C. Chauvin, Board Chairman, Licensed Professional Counselors Board of Examiners, 121B Peabody Hall, Louisiana State University, Baton Rouge, LA 70808-4121.

Jane C. Chauvin, Ph.D.  
Board Chairman

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Disciplinary Hearings**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no costs (savings) to other state or local governmental units as result of these proposed procedures. The Professional Counselors Board of Examiners is adopting procedures for disciplinary hearings for persons accused of violations of the Code of Conduct.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no effect on revenue collections of other state or local governmental units. There will be no difference in collection of fees for the fiscal years ending on June 30, 1989, 1990, nor 1991.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

No costs and/or economic benefits will be felt by the individuals licensing. No costs and/or economic benefits will be felt by other persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition in the private sector. The procedures for disciplinary hearings set up a process for the board to regulate the profession.

Jane C. Chauvin, Ph.D.  
Board Chairman

David W. Hood  
Senior Fiscal Analyst

## NOTICE OF INTENT

### Department of Health and Hospitals Office of Public Health

In accordance with the Administrative Procedure Act, (L.R.S. 49:950, et seq.) the Department of Health and Hospitals (DHH), Office of Public Health (OPH) intends to adopt updated policies and procedures affecting eligibility to participate in the Handicapped Children's Services (HCS) Program throughout the state.

Due to its length, the entire text of the proposed eligibility policies and procedural revisions will not be printed here but can be reviewed at the Office of the State Register, 900 Riverside North, Baton Rouge, LA and the nine handicapped children's services program offices as follows:

- 1) Metropolitan Regional Office, 200 Henry Clay Avenue, Room 62, New Orleans, LA 70118;
- 2) Capitol Regional Office, 446 North 12th, Baton Rouge, LA 70802;
- 3) Florida Parishes Sub-Regional Office, North Second Street, Greensburg, LA 70441;
- 4) Teche Regional Office, 690 E. First Street, Thibodaux, LA 70301;
- 5) Acadiana Regional Office, Lafayette War Memorial Bldg., 2100 Jefferson Street, Rm. 302 C, Lafayette, LA 70501;
- 6) Southwest Regional Office, 721 Prien Lake Road, Room 19, Lake Charles, LA 70601;
- 7) Central Regional Office, 804 Jackson Street, Alexandria, LA 71301;
- 8) Northwest Regional Office, 6502 St. Vincent Avenue, Shreveport, LA 71106;
- 9) Northeast Regional Office, 2915 Detin Street, Monroe, LA 71211.

Interested persons may submit comments to Joseph D. Kimbrell, Deputy Assistant Secretary, Office of Public Health, Box 60630, New Orleans, LA 70160 until September 5, 1989.

David L. Ramsey  
Secretary

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Revised Eligibility Policy

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The Handicapped Children's Services Program intends to use presently employed staff to implement the revised eligibility policy.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
No change is anticipated.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
No change is anticipated.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There will be no impact upon employment within the agency.

Joseph D. Kimbrell  
Deputy Assistant Secretary

John R. Rombach  
Legislative Fiscal Officer

## NOTICE OF INTENT

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, proposes to adopt the following rule.

The Bureau of Health Services Financing is adopting licensing standards for Adult Day Health Care services to promote the well being of persons involved in adult day care programs. Under this rule applicants will submit one application for licensure to the bureau with applicable zoning and local city fire approvals attached. A license will be issued only when all applicable requirements have been met. The provider may not begin operation until the applicant is in possession of a valid license.

These proposed rules may be viewed at the Bureau of Health Services Financing, 1201 Capitol Access Road, 70802, or the office of the State Register, Sixth Floor, 900 Riverside North, Baton Rouge, LA. Interested persons may submit written comments to the following address: Carolyn Maggio, Office of the Secretary, Bureau of Health Services Financing, Box 94065, Baton Rouge, LA 70804-4065. She is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule will be held on September 6, 1989 in Auditorium A, Second Floor, 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.

David L. Ramsey  
Secretary

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Licensing Standards For Adult Day Health Care

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
No fiscal impact is projected to result from adoption of this proposed rule. Implementation costs of \$50 for policy revision and provision of public notice is projected for FY 89/90.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Implementation costs associated with adoption of this proposed rule will result in increased revenues of \$50.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
This rule will provide basic licensing requirements for individuals who wish to provide Adult Day Care services in Louisiana. The impact on Adult Day Care providers not participating in Medicaid reimbursement cannot be determined. There is no projected impact on providers who participate in Medicaid reimbursement.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Under this rule, individuals or organizations who do not



meet the licensing standards may be prohibited from providing Adult Day Care services in Louisiana. There is insufficient data available on Adult Day Care providers operating in Louisiana who do not participate in Medicaid reimbursement to project an impact.

Carolyn O. Maggio  
Director

David W. Hood  
Senior Fiscal Analyst

### NOTICE OF INTENT

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, proposes to adopt the following rule in the Medical Assistance Program.

The proposed rule provides for Facility Need Review of beds for patients diagnosed with AIDS. The level of care is referred to as "Skilled Nursing Facility-Infectious Disease", or SNF-ID. Currently there are only five SNF-ID beds statewide; this rule will allow for up to 95 needed beds in the state.

#### RULE

5. Beds for patients diagnosed with AIDS -  
Skilled Nursing Facility - Infectious Disease (SNF-ID)  
Service Area

The service area for SNF-ID beds is the state.

a. There shall be no more than 100 SNF-ID beds statewide.

b. The number of beds which a provider may enroll may not exceed 15.

c. The beds approved for each public health region should conform to the geographical distribution of AIDS patients (by region if residents).

Interested persons may submit written comments to the following address: Carolyn Maggio, Office of the Secretary, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. She is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule will be held on September 6, 1989 in Auditorium A, Second Floor, 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.

David L. Ramsey  
Secretary

#### Fiscal and Economic Impact Statement For Administrative Rules

#### Rule Title: Facility Need Review For Patients Diagnosed With AIDS

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no costs associated with this proposal since funds to provide 100 beds at the SNF-ID level of care have already been appropriated. [*Louisiana Register*, Vol. 14, No. 12, December 20, 1988].

#### 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)

Persons with a diagnosis of AIDS will benefit, as it is expected that the beds will be available in the region in which the patient resides, which will eliminate costs associated with travel for the patient and his family.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect is anticipated. It is expected that the beds for this level of care will be approved in existing facilities; existing SNF or ICF beds will be converted to SNF-ID upon approval.

Carolyn O. Maggio  
Director

David W. Hood  
Senior Fiscal Analyst

### NOTICE OF INTENT

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, proposes to adopt the following rule in the Medical Assistance Program.

The Louisiana Maximum Allowable Cost (LMAC) reimbursement regulations currently cover 735 multiple source drugs. As a result, virtually all drugs which are available as multiple source drugs are covered by Maximum Allowable Cost regulations. Under this rule the agency is proposing to allow expansion of MAC regulations, following provider notification, whenever a drug product becomes available as a multiple source drug product.

#### PROPOSED RULE

Drug products which are available from multiple sources shall be included under Louisiana Maximum Allowable Cost (LMAC) regulations when the following conditions are met.

1. The drug product have been identified as available from multiple sources from the bureau's review of drug claims submitted by providers; and

2. Providers have been provided at least 15 days advance notice of inclusion under LMAC regulations.

Interested persons may submit written comments to the following address: Carolyn Maggio, Office of the Secretary, Bureau of Health Services Financing, Box 94065, Baton Rouge, LA 70804-4065. She is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule will be held on September 6, 1989 in Auditorium A, Second Floor, 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.

David L. Ramsey  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Pharmacy Services Addition of New Drugs to  
MAC Regulations**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The fiscal impact resulting from this proposed rule cannot be projected. The availability of drug products to providers following expiration of patents cannot be determined. Cost to implement this rule is projected at less than \$50 for publication in the *State Register* and providing copies of the rules to carriers.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The fiscal impact resulting from this proposed rule cannot be projected.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
Under this rule payments to providers will decline as additional multiple source drugs become available.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no known effect on competition and employment.

Carolyn O. Maggio  
Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, proposes to adopt the following rule.

Currently medical transportation for Medicaid recipients is scheduled through the Department of Social Services, Office of Eligibility Determinations (OED) under a Memorandum of Understanding by and between OED and the bureau. Under this proposed rule, Medicaid recipients will arrange for transportation through the Title XIX (Medicaid) transportation provider, except in cities where the local transit system is also used for Medicaid transportation. In those situations the recipients will call the local Office of Eligibility Determinations office for transportation to be arranged by bus or a private provider. This will simplify the scheduling of transportation services by recipients in the majority of cases.

**PROPOSED RULE**

Scheduling of medical transportation for Title XIX (Medicaid) recipients shall be performed by participating providers, except in those cities where a local transit system is used for Medicaid transportation. In such situations authorization of transportation shall be made by the local Office of Eligibility Determinations.

Interested persons may submit written comments to the following address: Carolyn O. Maggio, P.D., Acting Director, Bureau of Health Services Financing, Box 94065, Baton Rouge,

LA 70804-4065. Mrs. Maggio is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review in each local Office of Eligibility Determinations.

A public hearing on this proposed rule will be held on September 6, 1989 in Conference Room A, 2nd Floor, 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.

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.

David L. Ramsey  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Transportation Services - Scheduling  
Transportation**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no projected impact resulting from this proposed rule. This rule is not expected to result in any increase in service expenditures. Administrative costs associated with this proposed rule for providing copies of this change in policy to providers and other interested persons is estimated at \$100.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no projected impact on revenues resulting from this proposed rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
This rule will simplify the scheduling of transportation services by recipients in areas where transit systems do not participate in Title XIX reimbursement.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no known effect on competition and employment.

Carolyn O. Maggio  
Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Labor  
Plumbing Board**

At its February 10, 1989 meeting held in Baton Rouge, Louisiana, the Louisiana State Plumbing Board resolved to modify Section IV of its revised rules and regulations, codified at §305 et seq. of the Louisiana Administrative Code. Currently, §309 of the Louisiana Administrative Code sets out the fee

schedule enforced by the board relative to licensing and examination matters. The purpose of the intended rule change would be to implement a special "enforcement penalty fee" of \$500 to be listed as the final fee under §309. Additionally, §305 of the Code would be amended to add a new final subsection providing that any person or persons who at any time within one year of being cited by the board or its agents for engaging in the work of a journeyman plumber at a time when he did not possess a license or a renewal thereof issued by the board, or was otherwise subject to civil or criminal prosecution for doing the work of a journeyman plumber without possessing a license or renewal thereof issued by the board may request that he be examined by the board, but only after the payment of a special enforcement fee as established by the board, which would be an addition to the regular license fee established by the board.

The rule change under proposal would state as follows:

Section 309 of the Louisiana Administrative Code would be amended and supplemented to add a new final proviso which would state as follows:

Notwithstanding the foregoing provisions of this Section, any person or persons who at any time within one year of being cited by the board or its agents for engaging in the work of a journeyman plumber at a time when he did not possess a license or renewal thereof issued by the board, or was otherwise subject to civil or criminal prosecution for doing the work of a journeyman plumber without possessing a license or renewal thereof issued by the board, may request that he be examined by the board pursuant to this Section, but only after the payment of a special enforcement fee as established by the board, which shall be in addition to the regular license fee established by the board.

Further, §309 of the Louisiana Administrative Code would be amended to add a new Subsection - §309.A.1, which would provide:

Special "enforcement penalty fee" imposed under §305 - \$500.

A copy of this proposed rule and the accompanying fiscal and economic statement is available for review in either the Baton Rouge office of the Louisiana State Plumbing Board, 603 Europe Street, Baton Rouge, LA 70802 or in the New Orleans office, 512 Colonial Bank Bldg., 2714 Canal Street, New Orleans, LA 70119.

Interested persons may submit written comments to the following person at the following address: Don Traylor, Executive Director, Louisiana State Plumbing Board, 603 Europe Street, Baton Rouge, LA 70802.

Don Traylor is the person responsible for responding to inquiries regarding this proposed rule.

Don Traylor  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Special Enforcement Fee**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is estimated that implementation of Special Enforcement Fee will require approximately 12 hours of Personal Services, using existing employees, amounting to \$200. It is also estimated that implementation will involve \$1,000 of operating expenses representing material and printing costs associated with furnishing each licensed plumber with a copy

of said change and travel expenses on the part of inspectors. It is also estimated that implementation will involve approximately \$1,000 of professional expenses for legal services to process civil penalties for non-compliance.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is estimated that the effect on revenue collections for the State Plumbing Board will be \$2,000.00 for the first year. It is anticipated that the existence and publication of the amended rule will serve as a deterrent to Plumbing Law evasion.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

This fee will affect only persons resisting the existing measures used to enforce the Plumbing Law. They will be required to pay the Special Enforcement Fee to cover the additional enforcement expenses incurred by the board. Since the additional revenues anticipated will be absorbed by the additional expense required to implement this fee, there should be no direct effect on the revenue of the State Plumbing Board.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

It is estimated there will be no direct effect on competition or employment, as the persons affected will already be employed. It is simply a measure to assure compliance within the Plumbing Law by all persons working as a Journeyman Plumber.

Don Traylor  
Executive Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Public Safety and Corrections  
Board of Private Security Examiners**

Notice is hereby given that the Department of Public Safety and Corrections, Louisiana State Board of Private Security Examiners, intends to amend its rules and regulations under Title 46, Part LIX in accordance with R.S. 37:3270 et seq. which were published in the *Louisiana Register* on December 21, 1987 and amendments were made which were published on January 21, 1989.

These amendments to the rules and regulations may be viewed between the hours of 8 a.m. and 5 p.m. at the office of the Louisiana State Board of Private Security Examiners located at 5235 Florida Boulevard, Suite H, Baton Rouge, LA 70896. Comments or objections should be addressed in writing to Cynthia Fonté, Executive Secretary, at the above address no later than September 1, 1989.

Cynthia Fonté  
Executive Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Amendments to Title 46 Professional and  
Occupational Standards Part LIX**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The existing staff can handle the workload associated with the implementation of these amendments to the rules and regulations. Therefore, there should not be any additional costs besides normal operating expenses.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF  
STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The Louisiana State Board of Private Security Examiners anticipates a \$9,000 revenue increase for FY '89-90, based on the examination fee, application fee, licensing fee, for baton instructors. Revenue collected from fines and fees is deposited into the La. St. Bd. of Private Security Examiners fund for use in the operation of the Board.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO  
DIRECTLY AFFECTED PERSONS OR NON-  
GOVERNMENTAL GROUPS (Summary)**

Estimated \$9,000 in additional costs will result from a \$25 examination fee, \$50 licensing fee, \$20 application fee for baton instructors, and a \$20 security officer application fee for dual registration.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOY-  
MENT (Summary)**

The proposed amendments to the rules and regulations will not affect competition and employment. The additional fees do not represent a burdensome increase to private security companies regulated by these rules; and these companies are treated uniformly under these rules.

Cynthia Fonté  
Executive Secretary

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Public Safety and Corrections  
Corrections Services  
Office of Adult Services**

In accordance with the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, the Department of Public Safety and Corrections, Corrections Services, Office of Adult Services, hereby gives notice of its intent to promulgate and amend the rules and regulations relative to adult offender furloughs and the policy for implementation and regulation.

**Title 22  
CORRECTIONS, CRIMINAL JUSTICE AND  
LAW ENFORCEMENT  
Part I. Corrections**

**Chapter 3. Adult and Juvenile Services  
Subchapter A. General  
§305. Adult Offender Furloughs**

**A. Purpose**

The purpose of this regulation is to establish the adult offender furlough policy of the Department of Public Safety and Corrections.

**B. Responsibility**

Unit Heads and the Office of Adult Services are responsible for implementing this regulation and advising all adult offenders and affected employees of its contents.

**C. General**

Furloughs for adult offenders sentenced to the Department of Public Safety and Corrections may be granted only by headquarter officials and shall be approved before they begin. Headquarters reserves sole discretion in determining eligibility. The period during which the adult offenders will be on furlough will be clearly indicated in the approval.

**D. Definitions**

1. *Furlough* - A release from incarceration during the last six months of an offender's sentence for the purpose of assisting in his/her transition from an institution into society.

2. *Close Family Member* - The mother, father, wife, husband, adult child, grandparent, responsible brother or sister, verified legal guardian, or verified regularly visiting aunt or uncle.

3. *Furlough Violation* - The commission of any new offense, as well as any misconduct resulting in any disciplinary action while on furlough.

4. *Furlough Residence* - A verified, established residence of a close family member approved for an offender's furlough.

5. *Unit Head* - The sheriff, warden of a departmental facility, or administrator of a community corrections center, or their designee(s).

**E. Procedures**

1. Furlough requests should be reviewed by the unit head to determine that the application is justified and is not in contravention of this regulation. All furlough requests must be recommended by the unit head.

2. Necessary verification of furlough plans, transportation, and coordination with family is the responsibility of the unit head recommending the furlough.

3. It is the responsibility of each unit head to devise and implement a system for monitoring offenders on furlough and to ensure that the approved frequency of furloughs is adhered to.

4. Requests are to be forwarded to the Office of Adult Services where it shall be determined whether the sheriff and/or district attorney, and/or chief of police of the locality where the offender is going objects. Any written objection received from a public official from the parish of conviction will take precedence over any other approval. The Office of Adult Services will notify the unit head at the originating institution of headquarters' decision.

5. When a request is received, the Office of Adult Services shall certify that the offender meets the eligibility standards.

6. All furlough violations shall be immediately reported to the Office of Adult Services. A quarterly report of all violations in the previous quarter shall be due at the Office of Adult Services within five working days after the end of each quarter. The reports shall indicate the nature of the incident, age of the offender, original offense, length of sentence, prior criminal record, and other characteristics found to be predicative of success or failure. Any recommended changes in furlough eligibility standards will be included in the report.

**F. Eligibility**

Adult offenders must meet the following criteria in order to be eligible for a furlough:

1. must have been sentenced for at least one year. (Probation, parole, and good time violators must serve one year from date of revocation);

\*2. must not be serving a sentence for any of the following crimes:

- a. first or second degree murder or attempted first or second degree murder;
- b. aggravated or attempted aggravated rape;
- c. forcible rape;
- d. aggravated kidnapping;
- e. aggravated arson;
- f. armed robbery or attempted armed robbery;

\* Cannot be waived (R.S. 15:833(B); 15:811) except in last six months of sentence.

g. producing, manufacturing, distributing, dispensing or possession with intent to produce, manufacture, distribute, or dispense a controlled dangerous substance classified in Schedule I or Schedule II of R.S. 40:964;

h. habitual felon conviction;

i. must not be serving a sentence for any crime of sexual nature or have a history of such crime.

3. must not have more than six months to discharge;

4. must not have escaped, attempted to escape, or abetted an escape during the preceding five years;

5. must be classified as minimum custody according to the criteria of the institution where the offender is confined and have exemplary conduct (no high court disciplinaries during the last six months being a minimum requirement);

6. must submit a furlough plan stating the purpose of the furlough, destination, and name of the person with whom the offender will stay, as well as a telephone number where the offender can be reached at all times. A responsible close family member must sign a statement agreeing to be accountable for the offender and shall ensure that transportation is provided for the adult offender. No public transportation is allowed. A copy of the furlough plan must be forwarded with the request to the Office of Adult Services. In cases of extreme emergency, portions of this requirement may be waived by headquarters.

G. Length and Frequency of Furloughs

1. Furloughs will be approved for a specific period not to exceed three days.

2. Furloughs will be no more frequent than bi-monthly for a maximum of three during an offender's last six months.

3. Offenders, other than those on work release, will be eligible for no more than one furlough.

4. Offenders on work release will be eligible for three bi-monthly furloughs during their last six months. The unit head is responsible for monitoring the frequency.

5. All offenders on furlough must be at their approved residence from 10 p.m. to 8 a.m. during their furlough period unless they have received prior approval.

H. Administrative Requirements

1. Requests for furloughs should be submitted at least 30 days prior to the start of the requested furlough period. Emergency furloughs exempted.

2. Furloughs should not be requested for offenders even though they meet the criteria established herein when it is known to the unit head that the offender might present a danger to himself or others or cause adverse public reaction should he be released.

I. The effective date of this regulation is October 20, 1989. This regulation supersedes department Regulation 30-7 dated January 20, 1986.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:811(C) and R.S. 15:833.

HISTORICAL NOTE: Promulgated by the Department of Corrections, Office of Adult Services, LR 4:418 (November 1978), amended LR 4:487 (December 1978), LR 8:274 (June 1982), and LR 15:.

Interested persons may submit written comments to the following address: James E. Morris, Deputy Secretary, Department of Public Safety and Corrections, Box 94304, Baton Rouge, LA 70804-9304. Comments will be accepted through the close of business, 4:15 p.m., September 15, 1989. Copies of the proposed regulation may also be obtained from the above mentioned address.

Bruce N. Lynn  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Adult Offender Furloughs**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no implementation costs or savings to state or local governmental units associated with the adoption of an amended adult offender furlough regulation by the Office of Adult Services.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no estimated effect on revenue collections of state or local governmental units associated with the adoption of an amended adult offender furlough regulation by the Office of Adult Services.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There will be no estimated costs and/or economic benefits to directly affected persons or non-governmental groups with the adoption of an amended adult offender furlough regulation by the Office of Adult Services.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment with the adoption of an amended adult offender furlough regulation by the Office of Adult Services.

James E. Morris  
Deputy Secretary

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

In accordance with the provisions of R.S. 49:950, et seq., the Administrative Procedure Act, and R.S. 40:1846 relative to the authority of the Liquefied Petroleum Gas Commission to make and enforce rules and regulations, notice is hereby given that the commission proposes to adopt the following changes to its rules and regulations. The commission will hold a public hearing September 7, 1989, 265 South Foster Drive, 8:30 a.m. Written comments will be accepted through September 1, 1989 and should be sent to Jimmy Long at Box 66209, Baton Rouge, LA 70896. All interested persons will be afforded an opportunity to be heard at the public hearing.

**Title 55  
PUBLIC SAFETY**

**Part IX. Liquefied Petroleum Gas**

**Chapter 1. General Requirements**

**Subchapter A. New Dealers**

**§107. 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 I; for Class VI-X 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 \$100,000; 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.

1. In lieu of such liability insurance coverage the applicant may post with the commission bonds or other securities issued by the United States of America or the state of Louisiana, or certificates of deposit or similar instruments issued by a lending institution regulated by an agency of this state or of the federal government, in the minimum sum of \$100,000, which bonds or securities shall be held in trust by the commission for the benefit of any person, firm or corporation to which such legal liability may accrue.

2. Nothing in this Paragraph shall be construed as reducing the insurance requirements imposed by the laws or rules and regulations of the federal government or the state of Louisiana upon persons, firms or corporations engaged in the liquefied petroleum gas business.

D. 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.

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

E. Where applicable, must provide adequate transport and delivery trucks satisfactory to the commission. Each transport and/or delivery truck shall be equipped with at least two fire extinguishers of the dry chemical types having an aggregated capacity of not less than 24 pounds.

F. Must have paid Permit Fee in the amount of \$75 to the Liquefied Petroleum Gas Commission of the state of Louisiana. For all succeeding years the Permit Fee shall be one-fourth of one percent of gross annual sales of liquefied petroleum gases with a minimum of \$75.

G. 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.

H. All service and installation personnel, fuel transfer personnel, carburetion mechanics 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.

I. Must have necessary experience in liquefied petroleum gas 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. 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 approved for liquefied petroleum gases. 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. 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.

L. 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 LP-Gas Commission.

M. The commission shall grant Class I Liquefied Petroleum Gas Permits to nonresident applicants only after the commission has reached a reciprocal agreement with the Liquefied Petroleum Gas regulating authority of the state in which the applicant resides.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 1:315 (July 1975), LR 4:86 (March 1978), LR 7:633 (December 1981), LR 11:557 (May 1985), LR 15:

**§113. Classes of Permits**

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

A. Class I. Holders of these permits may enter any phase of the LP-Gas business.

1. Must file formal application with the Liquefied Petroleum Gas Commission 90 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. 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 cir-

cumstances, will the commission allow applicant to be represented by another party. Application forms will be furnished by the commission upon request.

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

3. Must furnish evidence of liability insurance in the minimum sum of \$100,000 covering each of the following classes of insurance, covering applicant's legal liability:

- a. Products Property Damage Liability
- b. Products Public Liability
- c. Manufacturer's and Contractor's Property Damage Liability
- d. Manufacturer's and Contractor's Public Liability
- e. Automobile Public Liability
- f. Automobile Property Damage

i. In lieu of such insurance, the applicant may post with the commission bonds or other securities issued by the United States of America or the state of Louisiana, or certificates of deposit or other similar instruments issued by a lending institution regulated by an agency of this state or of the federal government in the sum of \$100,000, which bonds or securities shall be held in trust by the commission for the benefit of any person, firm or corporation to which legal liability may accrue.

ii. Nothing in this Paragraph shall be construed as reducing the insurance requirements imposed by the laws or rules and regulations of the federal government or the state of Louisiana upon persons, firms or corporations engaged in the liquefied petroleum gas business.

4. Must provide a storage capacity of not less than 15,000 gallons in one location, under fence, located within the dealer trade area within the state of Louisiana, and must show evidence of ownership of storage tank or a bonafide legal lease of five years minimum. This requirement shall not be retroactive.

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

6. Must provide adequate delivery trucks satisfactory to the commission.

7. Must pay permit for first year's operations in the amount of \$75 to the Liquefied Petroleum Gas Commission of the state of Louisiana. For all succeeding years the permit fee shall be one-fourth of one percent of the gross annual sales of liquefied petroleum gases, with a minimum of \$75.

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

9. All service and installation personnel, fuel transfer personnel, carburetion mechanics, and tank truck drivers must have a card of competency from the office of the director.

10. Must have necessary experience in liquefied petroleum gas 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.

11. 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 Laboratory approved for liquefied petroleum gases. If equipment is not so approved, drawings and description shall be submitted to the office of the director of the Liquefied Petroleum Gas Commission for his approval before installation.

12. Where fuel is used direct from cargo tank, an approved valve with proper excess flow device shall be used. Connector to vehicle's engine shall be approved for such use and

protected from mechanical injury.

13. 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.

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

15. 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.

B. Class II. Holders of these permits may install and service LP-Gas containers, piping and appliances, but shall not deliver gas. This class will also apply to the installation and service of LP-Gas containers, piping and appliances on mobile homes, motor homes, travel trailers or any other recreational vehicles.

1. 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.

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

3. Must furnish evidence of liability insurance in the minimum sum of \$100,000 covering each of the following classes of insurance, covering applicant's legal liability:

- a. Products Property Damage Liability
- b. Products Public Liability
- c. Manufacturer's and Contractor's Property Damage Liability
- d. Manufacturer's and Contractor's Public Liability
- e. Automobile Public Liability
- f. Automobile Property Damage

i. In lieu of such insurance, the applicant may post with the commission bonds or other securities issued by the United States of America or the state of Louisiana, or certificates of deposit or other similar instruments issued by a lending institution regulated by an agency of this state or of the federal government in the sum of \$100,000, which bonds or securities shall be held in trust by the commission for the benefit of any person, firm or corporation to which legal liability may accrue.

ii. Nothing in this Paragraph shall be construed as reducing the insurance requirements imposed by the laws or rules and regulations of the federal government or the state of Louisiana upon persons, firms or corporations engaged in the liquefied petroleum gas business.

4. Must pay permit for first year's operations in the amount of \$75 to the Liquefied Petroleum Gas Commission of the state of Louisiana. For all succeeding years the permit fee shall be one-fourth of one percent of the gross annual sales of liquefied petroleum gases, with a minimum of \$75.

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

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

7. Must have necessary experience in liquefied petroleum gas 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.

8. The obligation of the manufacturers and dealers of mobile homes, motor homes, travel trailers, or any recreational

vehicle will be to see that all safety standards are complied with and all safety tests are performed on mobile homes, motor homes, travel trailers, or any recreational vehicles using liquefied petroleum gas.

9. Upon delivery of a mobile home, motor home, travel trailers, or any other recreational vehicle; new or used; the required inspection and testing of any LP-Gas system and appliances shall be performed by the dealer, using LP-Gas in system. An inspection report properly completed and signed by the customer must be sent to the director of the Liquefied Petroleum Gas Commission verifying that the tests were performed and that the pressure test was eyewitnessed by the customer or his/her authorized representative.

10. The mobile home or recreational vehicle dealer will be responsible to this commission to make the required inspection and test or make arrangements for it to be made by a qualified permit holder.

11. Compliance with Liquefied Petroleum Gas Law and all other applicable rules and regulations is required.

C. Class III. Holders of these permits may sell, install and service LP gas appliances with any auxiliary piping. They shall not deliver gas.

1. Must file formal application with the Liquefied Petroleum Gas Commission 30 days prior to the date of 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.

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

3. Must furnish evidence of liability insurance in the minimum sum of \$100,000 covering each of the following classes of insurance, covering applicant's legal liability:

- a. Products Property Damage Liability
- b. Products Public Liability
- c. Manufacturer's and Contractor's Property Damage Liability
- d. Manufacturer's and Contractor's Public Liability
- e. Automobile Public Liability
- f. Automobile Property Damage

i. In lieu of such insurance, the applicant may post with the commission bonds or other securities issued by the United States of America or the state of Louisiana, or certificates of deposit or other similar instruments issued by a lending institution regulated by an agency of this state or of the federal government in the sum of \$100,000, which bonds or securities shall be held in trust by the commission for the benefit of any person, firm or corporation to which legal liability may accrue.

ii. Nothing in this Paragraph shall be construed as reducing the insurance requirements imposed by the laws or rules and regulations of the federal government or the state of Louisiana upon persons, firms or corporations engaged in the liquefied petroleum gas business.

4. Must pay permit for first year's operations in the amount of \$75 to the Liquefied Petroleum Gas Commission of the state of Louisiana. For all succeeding years the permit fee shall be one-fourth of one percent of the gross annual sales of liquefied petroleum gases, with a minimum of \$75.

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

6. All service and installation men must have a certificate

of competency from the office of the director.

7. Must have necessary experience in liquefied petroleum gas 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.

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

D. Class IV. Wholesalers-Holders of these permits may deliver, sell and transport LP-Gas over the highways of the state but can to deliver to dealers only; utilize aboveground steel storage and/or approved salt domes, shale and other underground caverns for storage of LP-Gas; do general maintenance work on their own equipment using qualified personnel; but may not sell or install systems and appliances.

1. 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.

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

3. Must furnish evidence of liability insurance in the minimum sum of \$100,000 covering each of the following classes of insurance, covering applicant's legal liability:

- a. Products Property Damage Liability
- b. Products Public Liability
- c. Manufacturer's and Contractor's Property Damage Liability
- d. Manufacturer's and Contractor's Public Liability
- e. Automobile Public Liability
- f. Automobile Property Damage

i. In lieu of such insurance, the applicant may post with the commission bonds or other securities issued by the United States of America or the state of Louisiana, or certificates of deposit or other similar instruments issued by a lending institution regulated by an agency of this state or of the federal government in the sum of \$100,000, which bonds or securities shall be held in trust by the commission for the benefit of any person, firm or corporation to which legal liability may accrue.

ii. Nothing in this Paragraph shall be construed as reducing the insurance requirements imposed by the laws or rules and regulations of the federal government or the state of Louisiana upon persons, firms or corporations engaged in the liquefied petroleum gas business.

4. Must pay permit for first year's operations in the amount of \$75 to the Liquefied Petroleum Gas Commission of the state of Louisiana. For all succeeding years the permit fee shall be one-fourth of one percent of the gross annual sales of liquefied petroleum gases, with a minimum of \$75.

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

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

7. Must have necessary experience in liquefied petroleum gas 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.

8. Must provide adequate switch track or tank loading



and unloading facilities. All auxiliary equipment such as pumps, hose, electrical switches, etc., shall be Underwriters Laboratory approved for liquefied petroleum gases. If equipment is not so approved, drawings and a description shall be submitted to the office of the director of the Liquefied Petroleum Gas Commission for his approval before installation.

9. Compliance with all other applicable rules and regulations is required.

E. Class V. Carburetion Permit - Holders of these permits may install equipment, including containers, and service LP-Gas equipment used on internal combustion engines. They shall not deliver LP-Gas.

1. 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.

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

3. Must furnish evidence of liability insurance in the minimum sum of \$100,000 covering each of the following classes of insurance, covering applicant's legal liability:

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

b. Manufacturer's and Contractor's Public Liability

i. In lieu of such insurance, the applicant may post with the commission bonds or other securities issued by the United States of America or the state of Louisiana, or certificates of deposit or other similar instruments issued by a lending institution regulated by an agency of this state or of the federal government in the sum of \$100,000, which bonds or securities shall be held in trust by the commission for the benefit of any person, firm or corporation to which legal liability may accrue.

ii. Nothing in this Paragraph shall be construed as reducing the insurance requirements imposed by the laws or rules and regulations of the federal government or the state of Louisiana upon persons, firms or corporations engaged in the liquefied petroleum gas business.

4. Must pay permit for first year's operations in the amount of \$75 to the Liquefied Petroleum Gas Commission of the state of Louisiana. For all succeeding years the permit fee shall be one-fourth of one percent of the gross annual sales of liquefied petroleum gases, with a minimum of \$75.

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

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

7. Must have necessary experience in liquefied petroleum gas 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.

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

F. Class VI. Holders of these permits may engage in the filling of approved cylinders and motor fuel tanks with liquefied petroleum gas on their premises, but shall not deliver gas.

1. 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.

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

3. Must furnish evidence of liability insurance in the minimum sum of \$100,000 covering each of the following classes of insurance, covering applicant's legal liability:

a. Products Property Damage Liability

b. Products Public Liability

i. In lieu of such insurance, the applicant may post with the commission bonds or other securities issued by the United States of America or the state of Louisiana, or certificates of deposit or other similar instruments issued by a lending institution regulated by an agency of this state or of the federal government in the sum of \$100,000, which bonds or securities shall be held in trust by the commission for the benefit of any person, firm or corporation to which legal liability may accrue.

ii. Nothing in this Paragraph shall be construed as reducing the insurance requirements imposed by the laws or rules and regulations of the federal government or the state of Louisiana upon persons, firms or corporations engaged in the liquefied petroleum gas business.

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

5. Must pay permit for first year's operations in the amount of \$75 to the Liquefied Petroleum Gas Commission of the state of Louisiana. For all succeeding years the permit fee shall be one-fourth of one-percent of the gross annual sales of liquefied petroleum gases, with a minimum of \$75.

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

7. All employees handling LP-Gas must have a certificate of competency from the office of the director.

8. Must have necessary experience in liquefied petroleum gas business or have employed a recognized operator of such experience and competency. The commission reserved the right to demand that such knowledge and competency be proved by a written examination.

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

G. Class VI-X. Holders of these permits may engage in the exchange of approved LP-Gas cylinders on their premises, but shall not fill cylinders. They shall not deliver gas.

1. 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.

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

3. Must furnish evidence of liability insurance in the minimum sum of \$100,000 covering each of the following classes of insurance, covering applicant's legal liability:

a. Products Property Damage Liability

b. Products Public Liability

i. In lieu of such insurance, the applicant may post with the commission bonds or other securities issued by the United

States of America or the state of Louisiana, or certificates of deposit or other similar instruments issued by a lending institution regulated by an agency of this state or of the federal government in the sum of \$100,000, which bonds or securities shall be held in trust by the commission for the benefit of any person, firm or corporation to which legal liability may accrue.

ii. Nothing in this Paragraph shall be construed as reducing the insurance requirements imposed by the laws or rules and regulations of the federal government or the state of Louisiana upon persons, firms or corporations engaged in the liquefied petroleum gas business.

4. Storage capacity per cage must not be over 500 lbs. The water gallon capacity of any container shall not exceed 30 gallons.

5. Must pay permit fee for first year's operations in the amount of \$75 to the Liquefied Petroleum Gas Commission of the state of Louisiana. For all succeeding years the permit fee shall be one-fourth of one percent of the gross annual sales of liquefied petroleum gases, with a minimum of \$75.

6. Any current Class VI permit holder may convert to a Class VI-X permit by filing formal application with the Liquefied Petroleum Gas Commission and submitting a \$25 filing fee. Presence of the applicant at the commission meeting will be waived. Upon receipt of the application and filing fee, permit will be issued. No dealer can hold a Class VI and a Class VI-X permit at the same location.

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

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

H. Class VII. Holders of these permits may transport LP-Gas 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:

1. 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.

2. Check for filing fee in the amount of \$25 made payable to LP-Gas Commission must be submitted.

3. Check for permit fee for first year's operations in the amount of \$75 made payable to the Liquefied Petroleum Gas Commission must be submitted. Each succeeding year the permit fee will be \$75.

4. Must furnish evidence of liability insurance in the minimum sum of \$100,000 covering each of the following classes of insurance, covering applicant's legal liability:

- a. Automobile Public Liability
- b. Automobile Property Damage

i. In lieu of such insurance, the applicant may post with the commission bonds or other securities issued by the United States of America or the state of Louisiana, or certificates of deposit or other similar instruments issued by a lending institution regulated by an agency of this state or of the federal government in the sum of \$100,000, which bonds or securities shall be held in trust by the commission for the benefit of any person, firm or corporation to which legal liability may accrue.

ii. Nothing in this Paragraph shall be construed as reduc-

ing the insurance requirements imposed by the laws or rules and regulations of the federal government or the state of Louisiana upon persons, firms or corporations engaged in the liquefied petroleum gas business.

5. Inventory of all trucks traveling in Louisiana showing the following is required:

- a. name of LP-Gas tank manufacturer.
- b. code under which constructed.
- c. design working pressure and water capacity.
- d. relief valve setting.
- e. tank serial number.
- f. type and size of fuel tanks.
- g. size, rating and number of fire extinguishers.

6. Each transport and delivery truck shall be equipped with at least two fire extinguishers of the dry chemical type having an aggregate capacity of not less than 24 pounds.

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

8. Where fuel is used direct from cargo tank an approved valve with proper excess flow device shall be used. Connector to vehicle's engine shall be approved for such use and protected from mechanical injury.

9. 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.

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

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

I. Class VII-E. Holders of these permits may transport LP-Gas 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.

1. Application must be submitted to the officer of the LP Gas Commission.

2. Check for filing fee in the amount of \$25 made payable to the LP Gas Commission must be submitted.

3. Check for Emergency Permit (valid for 90 days only) made payable to the Liquefied Petroleum Gas Commission in the amount of \$100 must be submitted. In the event the applicant desires to obtain a permanent Class VII, \$75 of the emergency fee will be applicable to the current year's fee.

4. Must furnish evidence of liability insurance in the minimum sum of \$100,000 covering each of the following classes of insurance, covering applicant's legal liability:

- a. Automobile Public Liability
- b. Automobile Property Damage

i. In lieu of such insurance, the applicant may post with the commission bonds or other securities issued by the United States of America or the state of Louisiana, or certificates of deposit or other similar instruments issued by a lending institution regulated by an agency of this state or of the federal government in the sum of \$100,000, which bonds or securities shall be held in trust by the commission for the benefit of any person, firm or corporation to which legal liability may accrue.

ii. Nothing in this Paragraph shall be construed as reducing the insurance requirements imposed by the laws or rules and regulations of the federal government or the state of Louisiana upon persons, firms or corporations engaged in the liquefied petroleum gas business.

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

certified safe.

6. Operators of the equipment must pass appropriate examination.

7. Section 105 of the rules and regulations is hereby declared non-applicable to the Class VII-E permit.

J. Class VIII. Holders of these permits may: store, transport and sell LP-Gas used solely in the cutting and metal work industry, sell and install piping and containers for those gases and engage in the filling of approved ICC or DOT containers used in the metal working industry.

1. 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.

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

3. Check for permit fee for first year's operations in the amount of \$75 made payable to the Liquefied Petroleum Gas Commission must be submitted. Each succeeding year the permit fee will be \$75.

4. Must furnish evidence of liability insurance in the minimum sum of \$100,000 covering each of the following classes of insurance, covering applicant's legal liability:

- a. Products Property Damage Liability
- b. Products Public Liability
- c. Manufacturer's and Contractor's Property Damage Liability
- d. Manufacturer's and Contractor's Public Liability
- e. Automobile Public Liability
- f. Automobile Property Damage

i. In lieu of such insurance, the applicant may post with the commission bonds or other securities issued by the United States of America or the state of Louisiana, or certificates of deposit or other similar instruments issued by a lending institution regulated by an agency of this state or of the federal government in the sum of \$100,000, which bonds or securities shall be held in trust by the commission for the benefit of any person, firm or corporation to which legal liability may accrue.

ii. Nothing in this Paragraph shall be construed as reducing the insurance requirements imposed by the laws or rules and regulations of the federal government or the state of Louisiana upon persons, firms or corporations engaged in the liquefied petroleum gas business.

5. Storage location must be approved.

6. All transportation equipment must be satisfactory to the commission.

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

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

9. Must have necessary experience in liquefied petroleum gas 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.

10. 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 approved for liquefied petroleum gases. If

equipment is not so approved, drawings and description shall be submitted to the office of the director of the Liquefied Petroleum Gas Commission for his approval before installation.

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 3:315 (July 1977), LR 7:633 (December 1981), LR 8:53 (January 1982), LR 11:557 (May 1985), LR 15:

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

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

Dealers must comply with R.S. 40:1849-1850 of the Louisiana Revised Statutes and the rules and regulations of the Liquefied Petroleum Gas Commission in order to obtain permit and to avoid cancellation of said permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 8:53 (January 1982), LR 15

##### **§139. Improper Installation**

A dealer shall not serve any liquefied petroleum gas 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, used of unapproved pipe or appliances or use of poor piping design. All improper installations shall be corrected before the dealer services such installation or reinstallation with fuel for the first time. Any subsequent servicing dealer shall not be responsible for unauthorized changes in or failures of an existing system or connected appliances.

A. No individual shall be subject to a criminal fine or imprisonment under this Section as a result of any willful and wrongful acts of a fellow employee or subordinate employee whose willful and wrongful act was carried out without the knowledge of the individual. Whoever is found to be guilty of any of the following acts shall be fined not more than \$50,000, or imprisoned with hard labor for not more than 10 years, or both:

1. willful or knowing violations of a rule or regulations of the commission which endangers human life or health,

2. failure to properly odorize gas as required by law and §129 of the rules and regulations of the Liquefied Petroleum Gas Commission.

B. Anyone violating this Section shall also be liable for all damages resulting from any fire 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 the liquefied petroleum gas.

C. 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 commis-

sion may suspend or revoke the permit of any person who violates the provisions of R.S. 40:1846.1 (C)(1) and (2), or who fails to pay any civil penalty imposed by the commission under the provisions of R.S. 40:1846.1 (E) 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.

D. No dealer shall service an LP-Gas 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. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 15:

#### §153. Must Sell only to Dealers

Manufacturers of LP-Gas containers must sell only to dealers or applicant for Class One Permit holding a letter of authorization from the LP-Gas Commission. A list of such dealers will be furnished upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 15.

#### §155. Data Reports

Manufacturers must mail two copies of the data report to the dealer making the purchase ON THE DATE OF SHIPMENT.

1. The reverse side of each manufacturer's data report shall include the following form to be filled out by the manufacturer.

This vessel constructed in accordance with plans and specifications as shown on our drawing No.

Louisiana LP-Gas Commission

Catalogue No. \_\_\_\_\_ Approved

\_\_\_\_\_ 19 \_\_\_\_\_

Signed \_\_\_\_\_

(Name of Mfg.)

By \_\_\_\_\_

Title \_\_\_\_\_

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 15:

#### §157. Report of Tanks Shipped

On the date of shipment, the manufacturer must report all tanks sold in the state of Louisiana, as well as a list of the fittings, and the name of the manufacturer of the fittings. This

report is to be mailed to the office of the director of the Liquefied Petroleum Gas Commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 15:

#### Subchapter D. Forms and Reports

##### §159. 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. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 11:559 (May 1985), LR 15:

##### §161. Manufacturer's Report

A Manufacturer's Report of Tanks Shipped shall be used to report all tanks sold in the state of Louisiana. Manufacturers, on date of shipment, shall file this form, as well as a list of the fittings and the manufacturer of the fittings, for each tank reported. This report shall be filed with the office of the director of the Liquefied Petroleum Gas Commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 11:559 (May 1985), LR 15:

##### §163. Re-installation Report

Repeal

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, repealed LR 15:

#### Chapter 3. Storage Containers

##### Preface

This Chapter applies specifically to containers used in storing gas for any one combination of the following uses: filling truck tanks, bottle filling plants, stationary internal combustion engines, industrial applications, motor fuels dispensing stations, or any station from which gas is dispensed in liquid state into another container, and to all other installations where gas is stored but not used on the premises.

##### §301. Capacity Requirements

A. All Class I dealers must have a storage capacity of not less than 15,000 gallons.

B. No liquid storage container shall exceed 90,000 standard U.S. gallons. Commission will have final approval on location of site of tank.

C. In the case of Class VI-X: Storage capacity per cage must not be over 500 lbs. The water gallon capacity of any container shall not exceed 30 gallons.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 15:

### **§303. Requirements for Construction and Original Test of Containers**

A. All containers in which LP-Gases are stored shall be designed, constructed and tested in accordance with Paragraph U-68 and U-69 of the 1949 edition of the ASME Unfired Pressure Vessel Code, or in accordance with the 1950 edition of the ASME Unfired Pressure Vessel Code or Section 8, Division 1 of the 1971 Edition of the ASME code.

B. Any transfer of new or second-hand tanks made by one dealer to another dealer shall be reported to the office of the director of the Louisiana Liquefied Petroleum Gas Commission by letter, giving the manufacturer's name, serial number of the tank, size of tank, date of transfer, and name of dealer to whom transferred. This report is to be made at the time of the transaction.

C. Field welding where necessary shall be made only on saddle plates or brackets where applied by the manufacturer of the tank.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 15:

### **§313. Location of Containers**

A. 1. Each container, according to its capacity, shall be located not less than the following distance from the nearest important building or group of buildings, or line of adjoining property which may be built upon: less than 2001 gallons, 25 feet; 2001 gallons to 30,000 gallons, 50 feet; 30,001 gallons to 70,000 gallons, 75 feet; 70,001 to 90,000, 100 feet. Each container, irrespective of capacity, shall be located not less than 25 feet from any public street, highway or railroad.

a. The point of liquid transfer shall be located at least 25 feet from the nearest important building, or group of buildings, or line of adjoining property which may be built upon, or from any public street.

2. The director of the Louisiana Liquefied Petroleum Gas Commission shall, in case of hardship, have authority to approve special exceptions to the above minimum distance regulations upon the submission by the dealer of a sketch, in triplicate, showing the facts as to the location.

B. Storage in Congested Areas: In cases of bulk storage in heavily populated or congested areas, the authority having jurisdiction shall determine restrictions of individual tank capacity, total storage, and distance to line of adjoining property which may be built on and other reasonable protective methods.

C. Storage at Industrial Plants: In industrial installations involving containers of 150,000 gallons aggregate capacity or more, where serious mutual exposures between the container and adjacent properties prevail, the authority having jurisdiction may require fire walls designed and constructed in accordance with good engineering practice.

D. All storage containers shall be at least 25 feet from other flammables.

E. In the case of Class I-X: Cylinder storage cages:

1. shall be an outside display only;

2. shall be tamper proof to eliminate vandalism;

3. shall meet all requirements of the Fire Underwriters Code for storage of propane;

4. shall be placarded on all visible sides with a UN 1075 placard along with no smoking signs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 15:

### **§317. Container Valves and Accessories**

A. Shut-off Valves. All shut-off valves and accessory equipment (liquid or gas) shall be suitable for liquefied petroleum gas service, and designed for not less than the maximum pressure to which they may be subjected. Valves and accessories which may be subjected to container pressure shall have a rated working pressure of at least 250 pounds per square inch gauge.

B. Location of Shut-off Valves. All connections to containers, except safety relief connections, liquid level gauging devices and plugged openings shall have shut-off valves located as close to the container as practicable.

C. Excess Flow Valves: Excess flow valves where required by these standards shall close automatically at the rated flows of vapor or liquid as specified by the manufacturer. The connections or line including valves, fittings, etc., being protected by an excess flow valve shall have a greater capacity than the rated flow of the excess flow valve.

D. Location of Excess Flow Valves. Excess flow and back pressure check valves where required by these standards shall be located inside of the container or at a point outside where the line enters the container; in the latter case, installation shall be made in such a manner that any undue strain beyond the excess flow or back-pressure check valve will not cause breakage between the container and such valve.

E. Design of Excess Flow Valves. Excess flow valves shall be designed with a by-pass, not to exceed a Number 60 drill size opening to allow equalization of pressures.

F. Filling Connection. The filling connection shall be fitted with one of the following:

1. combination back-pressure check valve or excess flow valve;

2. one double or two single back-pressure check valves;

3. A positive shut-off valve, in conjunction with either,

a. an internal back-pressure valve, or

b. an internal excess flow valve.

G. Liquid Level Gauge

1. Each container shall be equipped with a liquid level gauging device of approved design. These gauges shall be used in filling containers as required in §325 of this Chapter.

2. Liquid level gauging devices which are so constructed that outward flow of container contents shall not exceed that passed by a Number 54 drill size opening, need not be equipped with excess flow valves.

3. Lengths of fixed tube device shall be designed to indicate the maximum level to which the container may be filled for the product contained. This level shall be based on the volume of the product at 40°F. at its maximum permitted filling density for aboveground containers and at 50°F. for buried containers. Refer to §325.C for calculating filling point for which tube shall be designed.

4. When a fixed tube device is used on containers other than ICC, the length of the dip tube, expressed in inches carried out to one decimal place and prefixed with the letters "DT" shall be stamped on the exterior of the device. When a fixed tube device is used on ICC containers, the length of the dip tube expressed in inches carried out to one decimal place and prefixed with the letters "DT" shall be stamped on the exterior of the device and on the container.

5. Gauging devices of the float, or equivalent type which do not require flow for their operation and having connections

extending to a point outside the container do not have to be equipped with excess flow valves providing the piping and fittings are adequately designed to withstand the container pressure and are properly protected against mechanical damage and breakage.

H. Pressure Gauge. Openings from tank or through fittings attached directly on tank to which pressure gauge connection is made need not be equipped with shut-off or excess flow valve if such openings are restricted to not larger than Number 54 drill size opening.

I. Label Outlets. All inlet and outlet connections except safety relief valves, liquid level gauging devices and pressure gauges on containers of 1,200 gallons water capacity, or more, and on any container used to supply fuel directly to an internal combustion engine, shall be labeled to designate whether they communicate with vapor or liquid space. Labels may be on valves.

J. In the case of Class VI-X; All cylinders on display in a storage cage for resale shall have installed a POL plug in the valve of the cylinder.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December, 1974, LR 15:

**§327. Transfer of Liquids**

A. At Least One Attendant. At least one attendant shall remain close to the transfer connection from the time the connections are first made until they are finally disconnected during the transfer of product.

B. Venting to the Atmosphere Prohibited. Except for venting of fixed liquid level, rotary or slip tube gauges; venting between shut-off valves for disconnecting loading line; venting vapor from listed liquid transfer pumps using vapor as a source of energy.

C. Maximum Vapor Pressure. The maximum vapor pressure of the product at 100°F. which may be transferred into a container shall be in accordance with the following table:

STORAGE CONTAINERS

Container Type	For Gases with Vapor Press. Not to Exceed lbs. per sq. in. gauge at 100 F.	Minimum Design of Container ASME U-68—U-69	Working Pressure lbs. per sq. in. gauge ASME 1950-1971 Edition
100	100	100	125
125	125	125	156
150	150	150	187
175	175	175	219
200	215	200	250

D. Use Gases Only for Which System is Designed. Marketers and Users shall exercise precaution to assure that only those gases for which the system is designed, examined, and listed, are employed in its operation, particularly with regard to pressures.

E. The main liquid shut-off valve on the container shall be in a closed position when there is no qualified person on the premises or when the business is closed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 7:634 (December 1981), LR 15:

**§341. Report Installations**

A. At time of installation, bulk storage tank is to be reported to the commission on an Installation Report form which will be furnished by the Liquefied Petroleum Gas Commission.

B. The above provision shall not apply to any container of 3500 gallon capacity or less utilized for storing gas used only by the owner or operator of the premises.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 15:

**§345. Report Transfer of Containers**

A. Any transfer of new or second-hand tanks made by one dealer to another dealer shall be reported to the office of the director of the Liquefied Petroleum Gas Commission by letter, giving the manufacturer's name, serial number of the tank, size of tank, date of transfer, and name of dealer to whom transferred. This report is to be made at the time of the transaction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 15:

**Chapter 5. Tank Trucks, Semi-Trailers and Trailers Preface**

This Chapter applies specifically to containers and pertinent equipment mounted on trucks, semi-trailers and trailers used for the transportation of liquefied petroleum gases.

**§501. Required for Construction and Original Test of Containers**

A. All containers in which LP-Gases are stored shall be designed, constructed and tested in accordance with Paragraph U-68 and U-69 of the 1949 edition of the ASME Unfired Pressure Vessel Code, or in accordance with the 1950 edition of the ASME Unfired Pressure Vessel Code or Section 8, Division 1 of the 1971 Edition of the ASME code.

B. Any transfer of new or second-hand tanks made by one dealer to another dealer shall be reported to the office of the director of the Liquefied Petroleum Gas Commission by letter, giving the manufacturer's name, serial number of the tank, size of tank, date of transfer, and name of dealer to whom transferred. This report is to be made at the time of the transaction.

C. Field welding where necessary shall be made only on saddle plates or brackets which were applied by the manufacturer of the tank.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 15:

**§549. Additional Equipment Required**

A. All motor vehicles used for the purpose of delivering liquefied petroleum gas at retail shall, in addition to the usual safety equipment, be provided with adequate emergency repair equipment suitable for making emergency repairs to liquefied petroleum gas installations. In the alternative, dealers shall maintain at least one service truck, adequately equipped to service, repair and maintain liquefied petroleum gas installations.

B. Each tank delivery truck driver for dealers in the above category must be qualified by a card of competency for servicemen. Dealers not equipped with a service truck must provide the following tools and equipment on each tank delivery truck:

1. Tools:
  - Adjustable wrenches, 6" - 12"
  - Pipe wrench, 14"
  - Screw driver, 8" regular
  - Pliers, slip-joint pliers
  - Vapor-proof flashlights

2. Materials:
  - Filler valve gaskets
  - Vapor return gaskets
  - Filler valve caps
  - Vapor return caps

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 15:

**Chapter 9. Systems Utilizing ASME Containers**  
**§913. Installation of Containers**

A. Report Installations: All dealers must report by the twentieth of the following month, all installations made in the previous month on an Installation Report form.

B. Sale of Tank Without Installation. Any dealer selling a liquefied petroleum gas container to an individual or firm or corporation for installation in the state of Louisiana, is responsible for the legal installation and reporting of said tank.

C. Sketches Required. No dealer shall make an installation for a school, church, or any other place of public assembly, without first submitting plans and specifications in triplicate as required by §1301 of these rules and regulations.

D. Dealer Responsibility. (See §139)

E. Containers Installed Level. Containers must be installed in a level position in order that accurate gauging may be possible.

F. Aboveground Containers: Containers installed above ground except as provided in §913.I shall be provided with substantial masonry or noncombustible structural supports on firm masonry foundation.

G. Supports: Aboveground containers shall be supported as follows:

Horizontal containers shall be mounted on saddles in such a manner as to permit expansion and contraction. Every container shall be supported as to prevent the concentration of excessive loads on the supporting portion of the shell. Structural metal supports may be employed when they are protected against fire in an approved manner. Suitable means of preventing corrosion shall be provided on that portion of the container in contact with the foundations or saddles.

H. Containers Less than 1,200 Gallon Capacity: Containers of 1,200 gallons water capacity or less may be installed with non-fireproofed ferrous metal supports if mounted on concrete pads or footings, and if the distance from the outside bottom of the container shell to the ground does not exceed 24 inches.

I.1. Underground Containers. Containers buried underground shall be so placed that the top of container is not less than one foot below the surface of the ground, except that where ground conditions make compliance with this requirement impracticable, installation shall be made otherwise to prevent mechanical injury. It will not be necessary to cover the portion of the container to which manhole and other connections are affixed. When necessary to prevent floating, containers shall be securely anchored or weighted.

2. Underground containers shall be set on a firm founda-

tion (firm earth may be used) and surrounded with soft earth or sand well tamped in place. As a further means of resisting corrosion, the container, prior to being placed underground, shall be given a protective coating satisfactory to the authority having jurisdiction. Such protective coating shall be equivalent to hot dip galvanizing, or to two preliminary coatings of red lead followed by a heavy coating of coal tar or asphalt, and the container thus coated shall be so lowered into place as to prevent abrasion or other damage to the coating.

J. Skid Tanks. Containers with foundation attached (portable or semi-portable containers with suitable steel "runners" or "skids" and popularly known in the industry as "skid tanks") shall be designed, installed and used in accordance with these rules subject to the following provisions:

1. If they are to be used at a given general location for a temporary period not to exceed six months they need not have fire-resisting foundations or saddles but shall have adequate ferrous metal supports.

2. They shall not be located with the outside bottom of the container shell more than five feet above surface of the ground unless fire-resisting supports are provided.

3. The bottom of the skids shall not be less than two inches or more than 12 inches below the outside bottom of the container shell.

4. Flanges, nozzles, valves, fittings and the like, having communication with the interior of the container shall be protected against mechanical injury.

Note: It is recommended that such containers should have outlets only in the heads.

5. When not permanently located on fire-resisting foundations, piping connections shall be sufficiently flexible to minimize possibility of breakage or leakage of connections if container settles, moves, or is otherwise displaced.

6. Skids, or lugs for attachment of skids, shall be secured to container in accordance with the code or rules under which the container is designed and built (with a minimum factor of safety of four) to withstand loading in any direction equal to four times the weight of the container and attachment when filled to the maximum permissible loaded weight.

7. Skid tanks shall not be used in place of tank trucks, tank trailers or tank semi-trailers for regular deliveries. They shall be employed only where there is a necessity for their joint use as a transport and storage unit.

8. Tanks with a capacity of less than 1,000 gallons shall be placarded with a UN 1075 placard on two sides while being transported over the highways. Tanks with a capacity of 1,000 gallons or more shall be placarded with a UN 1075 placard on four sides; front or rear placard may be on the vehicle. While in transit, portable tanks may not contain liquefied petroleum gas in excess of five percent of tank capacity.

K. Field Welding. Field welding where necessary shall be made only on plates or brackets which were applied by manufacturer of tank.

L. Anchorage. For aboveground containers secure anchorage or adequate pier height shall be provided against possible container flotation wherever sufficiently high flood water might occur.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 15:

## §915. Reinstallation of Containers

A. Report Reinstallations. All dealers must report by the twentieth of the following month, all reinstallations of any tank or system in the state of Louisiana, made in the previous month on an Installation Report form.

B. Uncoded Tanks. No reinstallation of an uncoded tank shall be permitted. Where tank is excavated for inspection, it may be reinstalled after inspection and approval of an inspector of the Liquefied Petroleum Gas Commission.

C. Dealer Responsibility. (See §139).

D. Containers Recoated. Containers installed underground may be reinstalled underground or above ground if they do not show evidence of harmful external corrosion or other damage. Where containers are reinstalled underground the corrosion-resistant coating shall be put in good condition. (See §913.I).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 1:401 (September 1975), LR 7:635 (December 1981), LR 11:559 (May 1985), LR 15:

## §927. Transfer of Liquids

A. At Least One Attendant. At least one attendant shall remain close to the transfer connection from the time the connections are first made until they are finally disconnected, during the transfer of product.

B. Authorization of Owner. Containers shall be filled or used only upon authorization of owner.

C. Venting to Atmosphere Prohibited. Except for venting of fixed liquid level, rotary or slip tube gauges; venting between shut-off valves for disconnecting loading line; venting vapor from listed liquid transfer pumps using vapor as a source of energy.

D. Gauge and Charge Containers in Open Air. Fuel supply containers shall be gauged and charged only in the open air or in buildings especially provided for that purpose.

E. Use Gases Only for Which System is Designed. Marketers and users shall exercise precaution to assure that only those gases for which the system is designed, examined, and listed, are employed in its operation, particularly with regard to pressures.

F. Inspection of Old System. Where an installed system has not been in use for some time, the dealer must inspect all lines to see that they are connected to the appliances or that any openings are properly capped or plugged before filling the tank.

G. Must Not Serve Illegal Installations. Dealers must not serve any liquefied petroleum gas containers installed illegally in the state of Louisiana or posted by the Liquefied Petroleum Gas Commission. Ignorance will not be accepted as an excuse, as it is the duty of the dealer to investigate before servicing any doubtful liquefied petroleum gas containers.

H. Must Not Serve Improperly Installed System. Dealers must not serve any liquefied petroleum gas system which, upon investigation, is found to be improperly installed or which is in a dangerous condition.

I. The main liquid shut-off valve on the container shall be in a closed position when there is no qualified person on the premise or when the business is closed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 7:635 (December 1981), LR 15:

## Chapter 11. LP-Gas as a Motor Fuel Preface

This Chapter applies specifically to containers and pertinent equipment for utilizing liquefied petroleum gas as a motor fuel for operating self propelled equipment whether permanently mounted on, or detachable from the vehicle. These standards do not apply to containers for transportation of liquefied petroleum gas.

### §1101. Capacity of Containers

A. No single fuel container used on passenger carrying vehicles shall exceed 200 gallons water capacity. No single fuel container on other vehicles normally operating on the highway shall exceed 300 gallons water capacity except as provided in Subsection B of this Section.

B. Use of fuel from cargo containers: Fuel may be used from cargo containers. The use of fuel from cargo containers to operate stationary engines is permitted providing wheels are securely blocked.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 15:

### §1125. Qualified Personnel

A. The installation shall be made only by a competent mechanic in the service of a dealer who is familiar with the regulations of the Liquefied Petroleum Gas Commission and having satisfactorily passed the written examination attesting thereto.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 15:

## Chapter 13. Specifications for LP-Gas Installations at Schools and Place of Public Assembly

### §1303. Requirements for LP-Gas Piping

A. Installation. All LP-Gas piping shall be installed by a person or firm qualified by the Liquefied Petroleum Gas Commission to install such pipe. Where all the work is not done by an LP-Gas dealer, he is, nevertheless, responsible, and his contracts, exclusive of financial detail, covering contractors other than LP-Gas dealers must be submitted to the commission. All work must be supervised by a dealer or his representative.

B. Use Of Old Pipe. No LP-Gas piping shall be removed, replaced, or extended by any person other than one qualified by the Liquefied Petroleum Gas Commission, and shall not be re-used until it has been thoroughly cleaned, inspected and determined to be the equivalent for new materials.

C. Piping Materials. All pipe used for the installation, extension, alteration and/or repair of any LP-Gas piping shall be of the other type of tubing is deemed necessary, special permission must be obtained.

D. Pipe Joints. Pipe joints may be screwed, flanged, welded, brazed or soldered with a solder having a melting point of over 1000°F. Where fittings are used they shall have a working pressure of at least 125 pounds in systems where the operating pressure is 125 pounds per square inch or less. Extra heavy fittings shall be used for pressure exceeding 125 pounds per square inch. Cast iron fittings shall be prohibited. Joints on seamless copper, brass, steel or non-ferrous gas tubing shall be made by means of approved gas tubing fittings or soldered with solders having a melting point exceeding 1000°F. The individual doing this work must have passed an examination given by the director of the Liquefied Petroleum Gas Commission.



E. 1. Unions. Where unions are necessary in installing liquefied petroleum gas piping they shall be of the ground joint type. Gasket type unions shall not be used.

2. Unions shall not be installed in any place where there is insufficient ventilation to insure prompt dissipation of any escaping gas.

F. 1. Valves. All valves and connections shall be of approved type suitable for use with liquefied petroleum gas and designed for not less than the maximum pressure to which they may be subjected.

2. Valve seat material, packing, gaskets, etc., shall be of such quality as to be resistant to the action of liquefied petroleum gases.

G. Where piping or tubing is thimble through a masonry wall, one-half inch total clearance shall be allowed between the wall of the pipe and thimble.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 7:635 (December 1981), LR 15:

Jimmy Long  
Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: LPGC Rules**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no implementation costs associated with this rule change.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There would be an estimated increase in self generated revenues for the Liquefied Petroleum Gas Commission of approximately \$1,250 annually. The revenue increase is associated with the new Class 6X permits.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Those individuals or companies that apply for the new Class 6X permit would pay a one time \$50 filing fee.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no impact on competition or employment.

Rex McDonald  
Undersecretary

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Revenue and Taxation  
Tax Commission**

In accordance with provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), notice is hereby given that the

Louisiana Tax Commission intends to consider amendments to the following Sections of the Louisiana Tax Commission Real/Personal Property Rules and Regulations:

1. Constitutional and Statutory Guides To Property Taxation (LAC 61:V.Chapter 1)
2. Loan and Finance Companies (LAC 61:V.503)
3. Watercraft (LAC 61:V.701 and 703)
4. Oil and Gas Properties (LAC 61:V.909)
5. Drilling Rigs And Related Equipment (LAC 61:V.1101)
6. Pipelines (LAC 61:V.1301)
7. Aircraft (LAC 61:V.1503)
8. Inventories (LAC 61:V.1701, 1705 and 1707, Appendix B)
9. Leased Equipment (LAC 61:V.2101)
10. Insurance Companies (LAC 61:V.2301)
11. General Business Assets (LAC 61:V.2501 and 2503)
12. Use Value (LAC 61:V.2703, Appendix B, 2705 and 2707)
13. Appeals and Public Exposure of Assessments (LAC 61:V. Chapter 31)

The action being taken is in compliance with statutory law administered by this agency as set forth in R.S. 47:1837.

Pursuant to R.S. 49:953(2a), the Louisiana Tax Commission will hold a public hearing on Thursday, August 24, 1989, at 10 a.m., in the Mineral Board Hearing Room, Natural Resources Building, 625 North 4th Street, Baton Rouge, LA.

The proposed amendments are available in the Office of the Louisiana Tax Commission, 923 Executive Park Avenue, Suite 12, Baton Rouge, LA between the hours of 8 a.m. and 4 p.m. Ed Leffel is the person responsible for responding to inquiries concerning the intended action.

Mary K. Zervigon  
Chairman

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Rules and Regulations**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Implementation costs to the agency are the costs of reproduction and distribution of updated regulations. These costs are estimated at \$3,679.50 for the 1989-90 fiscal year.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

These revisions will generally increase 1990 personal property assessments for property of similar age and condition in comparison with equivalent assessments in 1989. Composite Multiplier Tables increase by an average of 0.2 percent, while specific value tables will generally increase by 5 percent to 20 percent.

It is anticipated that growth in the quantity of assessed personal property will supplement these valuations so that the overall growth of 1990 assessments will be 5 percent or a \$17.8 million increase in local property taxes for 1990. Of this projected change in local property taxes, approximately \$1 million is attributable to the changes in the composite multiplier and specific value tables.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The primary costs from these new rules will be to businesses with affected personal property. Assessments on equivalent property will generally be higher in 1990 than in 1989. Specific costs will depend on the type, age and condition of property subject to assessment.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The impact on competition and employment cannot be quantified. Inasmuch as the proposed changes in assessments are relatively small, the impact is thought to be minimal.

Mary K. Zervigon  
Chairman

John R. Rombach  
Legislative Fiscal Officer

### NOTICE OF INTENT

#### Department of Social Services Office of Eligibility Determinations

The Department of Social Services, Office of Eligibility Determinations, intends to adopt the following rule in the Aid to Families with Dependent Children (AFDC), Refugee Cash Assistance (RCA) and Food Stamp Programs.

The Office of Eligibility received a waiver from the Department of Health and Human Services to exempt from the monthly reporting and retrospective budgeting requirements all cases in the AFDC and RCA Programs. An emergency rule was necessary as the implementation of the waiver could reduce the error rate and thereby reduce the possibility of federal fiscal sanctions.

The following rules are hereby repealed:

1. "Monthly Reporting in AFDC and RCA Programs", Vol. 11, No. 12, December 20, 1985, page 1146.
2. "Monthly Reporting in Food Stamps", Vol. 13, No. 9, September 20, 1987, page 498.
3. "Monthly Reporting in the RCA Program", Vol. 15, No. 7, July 20, 1989.

Effective September, 1989, monthly reporting and retrospective budgeting will no longer be required in the AFDC, RCA and Food Stamp Programs. Eligibility and payment amount will be computed prospectively for all cases.

Interested persons may submit written comments to the following address: Howard L. Prejean, Assistant Secretary, Office of Eligibility Determinations, 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 September 6, 1989, 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.

May Nelson  
Secretary

#### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: AFDC, RCA, Food Stamps - Monthly Reporting

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The state savings are \$13,252 in FY 89/90 and \$16,064 in FY 90/91 and 91/92. Non-monetary savings would be in staff time as it would allow the workers to concentrate on the quality of work to reduce the error rate to avoid federal fiscal sanctions. Approximately 10,375 households will not be required to monthly report. This will result in a savings as forms, envelopes, and postage will not be provided.

#### 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 cost or economic benefit.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition and employment.

Howard L. Prejean  
Assistant Secretary

John R. Rombach  
Legislative Fiscal Officer

### NOTICE OF INTENT

#### Department of Social Services Office of Eligibility Determinations

The Department of Social Services, Office of Eligibility Determinations, propose to adopt the following rule in the Food Stamp Program.

Emergency rulemaking was necessary because federal regulations as published in the *Federal Register* of Wednesday, June 7, 1989, Vol. 54, No. 108, pages 24510-24531 mandate an effective date of July 1, 1989.

The following revisions are effective July 1, 1989.

#### I. Definition of Elderly or Disabled Person

Two categories are added to the definition of an elderly or disabled person. These categories are: (1) Recipients of interim assistance benefits pending the receipt of supplemental security income or (2) Recipients of disability - related medical assistance benefits under Title XIX of the Social Security Act, (for example, Medically Needy or Extended Medicaid).

#### II. Verification

##### A. Notice of Required Verification

The Office of Eligibility Determinations has the responsibility to assist households in obtaining required verification provided the household is cooperating as specified in C-1300. The notice of redetermination (OFS-18MR), the action taken on your food stamp case (FSP-13A), and the client contact letter (OFS-18C) are being revised to include a statement to this effect. The household must still be informed in writing of the verification that must be submitted in order to be certified for benefits.

##### B. Household Cooperation

A household shall not be determined to be ineligible when a person outside of the household fails to cooperate. Individuals identified as nonhousehold members under C-140 shall not be considered as individuals outside the household.

##### C. Verification at Recertification and During the Certification Period

Do not verify the following items at recertification or during the certification period if the source has not changed or the amount has not changed by more than \$25:

1. income, or
2. total medical expenses or,
3. actual utility expenses.

Do not verify other unchanged information. Verify the above information if it is incomplete, inaccurate, inconsistent, or outdated.

III. Resources

A. Farm Property

Continue to exclude as a resource for one year from the date the household member stops farming property that is essential to the self-employment of a household member engaged in farming.

B. Licensed Vehicles

Continue to exclude as a resource for one year from the date the household member stops farming licensed vehicles which have been previously used by a self-employed household member engaged in farming but are no longer used over 50 percent of the time in farming because the household member stopped farming.

IV. Income

Do not count as income vendor or in-kind payments which would normally be excluded as income but are converted in whole, or in part, to a direct cash payment under the approval of a federally authorized demonstration project (including demonstration projects created by waiver of the provision of federal law).

Expenses covered by an excluded vendor payment which is converted to a direct cash payment under the approval of a federally authorized demonstration project is not a deductible household expense.

Interested persons may submit written comments to the following address: Howard L. Prejean, Assistant Secretary, Office of Eligibility Determinations, Box 94065, Baton Rouge, Louisiana 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 September 6, 1989, 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.

May Nelson  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Hunger Prevention Act Verification,  
Resources and Income**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The estimated implementation cost is \$200 (\$100 federal and \$100 state) for printing material.  
Food Stamp benefits are 100 percent federally funded.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no effect on revenue.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There is no cost or economic benefits.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition and employment.

Howard L. Prejean  
Assistant Secretary

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

Notice is hereby given that the Board of Trustees of the State Employees Group Benefits Program intends to amend language in the Plan Document of Benefits as necessitated by the Tax Reform Act of 1986 adding Section 89 (k) to the Internal Revenue Code. These proposed rules may be found in their entirety in the Emergency Rule Section of this Register.

Comments or objections will be accepted, in writing, by the Executive Director of the State Employees Group Benefits Program until 4:30 p.m. on October 9, 1989, at the following address: Dr. James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804.

James D. McElveen  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: IRS Section 89**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Implementation of these 10 rule changes will not impact the costs or savings of state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
These rule changes will have no effect on the revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There will be no costs or economic benefits to the directly affected persons, the plan members of this program.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
Competition and employment will not be affected by these rule changes.

James D. McElveen  
Executive Director

David W. Hood  
Senior Fiscal Analyst

## NOTICE OF INTENT

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

#### Special Bait Dealers' Permit

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), and R. S. 56:497(C), the Louisiana Wildlife and Fisheries Commission is hereby giving notice of its intention, to adopt rules and regulations for a special bait dealers' permit which will allow the taking of live bait shrimp by qualified permit holders during the closed season between the spring and fall shrimp seasons.

##### A. Policy

The special bait dealers' permit is intended solely for the benefit of the recreational fishing public which desires to use live shrimp as bait during the closed season between the spring and fall shrimp season. Its purpose is to allow the uninterrupted operation of those commercial establishments which sell live bait shrimp to the fishing public during the spring and fall shrimp season. The permit is not intended for the direct use of recreational fishermen, charter boats, commercial fishermen who sell dead shrimp, or for any other entity which may wish to catch shrimp for their own use during the closed season.

##### B. Application

1. Application for the special bait dealers' permit will be accepted from January 1 through April 30.

2. Application will be accepted only from the owner of an existing business which sells or plans to sell live bait to recreational fishermen.

3. Application must be made on forms provided by the department; all information requested must be provided before the application will be processed.

4. Applicant must show proof of having acquired all necessary licenses and permits before the permit will be issued. This includes, if relevant, boat registration, vessel license, gear license, commercial fishing licenses, wholesale/retail dealers license, state sales tax number.

5. Applicant must post a \$1,000 cash bond or surety bond before the permit is issued. This bond will be forfeited if the permittee, his employee, or his contractor violates any provision of the rules and regulations concerning the special bait dealer's permit or if the permittee, his employee, or his contractor violates any commercial fishing law or regulation while operating under the permit. Property bonds are not acceptable.

6. Before the permit is issued an agent of the department must inspect the facilities of the applicant and verify that the applicant is operating a commercial establishment which sells live shrimp to the fishing public for use as bait, and that the applicant does have the facilities to maintain live shrimp. Notice to the public must be posted that live bait shrimp are available for sale. The applicant must have onshore facilities, including tanks with a minimum capacity of 500 gallons, available to hold live shrimp. These tanks must have provisions for aeration and/or circulation of the water in which live shrimp are held prior to sale. In determining total tank capacity of onshore facilities, the agent shall not count any tank with a capacity of less than 50 gallons.

7. Only the applicant, his designated employee, or his contractor may operate under the permit. If the applicant has a contract with another party who will supply live bait shrimp to him, he must provide the department written evidence of the agreement. At the time of application, the applicant will specify who will be working under the permit. Should these persons change, the applicant will notify the department in the manner

specified by the permit before the new vessel or persons operate under the permit. The permit is not transferrable to any other person or vessel without previous notification to the department in the manner specified by the permit.

8. Vessel operations under this permit shall be limited to areas specified by the department in the permit. The applicant shall specify in his application the area in which he would like to operate.

##### C. Operations

1. Only the vessel listed in the permit can be used under the permit. Live wells, aeration tanks, and other vessel facilities to maintain live shrimp must be carried on or built into this vessel; it must be used for both taking and transporting the live shrimp. The vessel must have a minimum of one compartment or tank with a capacity of 50 gallons. No other vessel may be used under the permit. Signs which identify the vessel as working under a special bait dealer's permit shall be posted on the vessel. These signs shall be visible from either side of the vessel and from the air; the word "BAIT" and the permit number shall be placed on these signs in letters at least 12 inches high.

2. Permitted gear is limited to one trawl not to exceed 25 feet along the cork line and 33 feet along the lead line. This is the only gear which can be used or carried aboard the permitted vessel while the vessel is operating under permit; no other commercial fishing gear may be on the vessel when it is being used under permit.

3. No dead shrimp may be aboard the vessel while it is operating under the permit. All dead shrimp and all other organisms caught while taking live bait shrimp must be immediately returned to the water. Shrimp dying in onshore holding facilities may be sold for bait use only, in lots not to exceed 16 ounces in weight.

4. Bait shrimp may be taken only from sunrise to sunset; no night fishing is allowed under this permit.

5. The original permit must be in the possession of the person operating the vessel while it is engaged in taking shrimp under the terms of the permit.

6. Each time the permit is used the permittee must notify the department in the manner specified by the permit. Before the vessel departs the dock under permit the department must be advised of the time of departure and the general location in which trawling will take place; immediately after the permitted vessel returns to the dock the department must be notified of its time of return.

7. The permittee shall maintain an up-to-date record of the activities conducted under permit on forms provided by the department for that purpose. These forms shall be available for inspection by agents of the department upon request by said agents. Permittee will submit to the department, not later than September 1, the record of shrimp harvested under permit.

Interested persons may submit written or verbal comments or inquiries to Philip Bowman, Acting Administrator, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000. Telephone (504) 765-2389.

Virginia Van Sickle  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Bait Dealer Permits**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no cost to implement this rule as it will be handled along with other duties.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
This rule change will have no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
This proposed rule change will have no effect in costs, but will continue economic benefits to commercial live bait sellers.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
This rule will not affect competition or employment.

Philip Bowman  
Acting Administrator

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

Pursuant to the authority granted under Louisiana Revised Statutes, Title 56, Section 22, the Louisiana Wildlife and Fisheries Commission hereby expresses intent to continue the prohibition on the taking and possession of paddlefish, *Polyodon spathula* commonly called spoonbill catfish, or paddlefish body parts, including eggs (roe), for a three-year period beginning November 1, 1989 and ending at sunset on October 31, 1992.

Interested persons may submit written comments on the proposed rule until 4:30 p.m., September 22, 1989, at the following address: Virginia Van Sickle, Secretary, Louisiana Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898.

Virginia Van Sickle  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Prohibit Fishing for Paddlefish**

- 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 by existing enforcement personnel through routine patrol activities.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no significant effect on revenue collections to state or local governments. A very small amount of funds

could be received by local governments if citations are issued for illegal fishing.

- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
This fish has been of minor interest as an incidental commercial species for many years. Taking of paddlefish was prohibited from February 1, 1986 to June 30, 1989. It is not expected that another three-year closure will have any significant impact related to economic benefits.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
The proposed rule will have a negligible impact on competition and employment.

Bennie J. Fontenot, Jr.  
Administrator

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

The Louisiana Wildlife and Fisheries Commission hereby expresses intent to adopt rules and regulations establishing a recreational bag limit of 10 fish per person per trip for Spanish Mackerel and a recreational bag limit for King Mackerel of two fish per person per trip for private vessels and either three fish per person per trip for charter vessels, excluding captain and crew or two fish per person per trip including captain and crew, whichever is greater. Authority for adoption of this rule is included in R.S.56:326.3.

Interested persons may submit written comments on the proposed rule at the following address: John E. Roussel, Saltwater Finfish Section, Louisiana Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

Virginia Van Sickle  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Recreational Bag Limits for Spanish and King Mackerel**

- 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 revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There will be no costs 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.

James E. Clark  
Assistant Secretary

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

The Louisiana Wildlife and Fisheries Commission does hereby give notice in accordance with the Administrative Procedure Act that it intends to open the 1989 Spring Brown Shrimp Season in Shrimp Management Zones 1 and 2 at 6 a.m. on May 22, 1989 and in Shrimp Management Zone 3 at 6 a.m. on June 5, 1989.

The secretary of the Department of Wildlife and Fisheries, with concurrence of a majority of the Wildlife and Fisheries Commission by phone, is authorized and empowered to alter or close the 1989 spring inshore shrimp season in any area or Zone when the Marine Fisheries Division certifies that the biological and technical data indicate the need to do so.

Interested persons may submit written or verbal comments or inquiries to Philip Bowman, Acting Administrator, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

Virginia Van Sickle  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Shrimp Season, 1988 No. 893**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no cost to implement this season as it will be handled along with other duties.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The opening of the shrimp season will have no long-term effect on revenue collections of the Department of Wildlife and Fisheries. The opening and closing of shrimp season is a regular cyclical event.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

This proposed rule change will have no long-term effect in costs, but may increase economic benefits to shrimp fishermen or processors in the short term.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Approximately 60,000 individuals are influenced by the shrimp season. This proposed rule change allows proper biological management which may improve employment opportunities but should have no long-term effect on competition.

Philip Bowman  
Acting Administrator

John R. Rombach  
Legislative Fiscal Officer

# Potpourri

**POTPOURRI**

**Department of Agriculture and Forestry  
Horticulture Commission**

The next retail floristry examinations will be given at 10 a.m. daily at the Delta Ouachita Vo-Tech Institute in West Monroe, LA. The deadline for getting in application and fee is October 6, 1989. All applications and fees must be in the Horticulture Commission office no later than 4:30 p.m. on the deadline date. The test dates will be October 24-27, 1989.

Further information concerning examinations may be obtained from Craig M. Roussel, Director, Horticulture Commission, Box 3118, Baton Rouge, LA 70821-3118, phone (504) 925-7772.

Bob Odum  
Commissioner

**POTPOURRI**

**Department of Health and Hospitals  
Board of Embalmers and Funeral Directors**

The Louisiana State Board of Embalmers and Funeral Directors will give the National Board Funeral Director and Embalmer/Funeral Director exams on Saturday, September 9, 1989 at Delgado Community College, 615 City Park Avenue, New Orleans.

Interested persons may obtain further information from the Louisiana State Board of Embalmers and Funeral Directors, Box 8757, Metairie, LA (504) 838-5109.

Dawn Scardino  
Confidential Assistant

**POTPOURRI**

**Department of Health and Hospitals  
Office of Public Health  
Nutrition Section**

In accordance with Public Laws 99-500 and 99-591 the Louisiana Special Supplemental Nutrition Program for Women, Infants and Children (WIC) is soliciting comments from the general public on the WIC program's State Plan for 1989-1990. The plan describes in detail the goals and the planned activities of the WIC program for the next year. Interested persons may find copies of the state plan at their local parish health units or they may apply directly to the Nutrition/WIC office for copies of the plan at five cents per page. Interested individuals should submit their requests for copies or their comments on the plan to the following address: Office of Public Health, Nutrition Section - Room 405, Box 60630, New Orleans, LA 70160.

Additional information may be gathered by contacting Henry M. Klimek (504) 568-5065.

Pamela P. McCandless, M.P.H.  
Administrator

## POTPOURRI

### Department of Labor Office of Employment Security

Pursuant to Act. No. 583 of the Regular Session of the 1975 Louisiana Legislature, the state's average weekly wage upon which the maximum workmen's compensation weekly benefit amount will be based effective September 1, 1989 has been determined by the Louisiana Department of Labor to be \$367.90.

Oliver Robinson  
Director

## POTPOURRI

### Department of Natural Resources Office of the Secretary

#### Fishermen's Gear Compensation Fund

In accordance with the provisions of the Fishermen's Gear Compensation Fund, R.S. 56:700.1, notice is given that thirty claims amounting to \$45,506 were received during the month of July, 1989. During the same month, no claims were paid and four were denied.

Pursuant to the provisions of Act 33 of 1988, the following claims with the Fishermen's Gear Compensation Fund have been validated by the Fund's hearing examiner and the secretary of DNR will approve payment, effective September 1, 1989.

Written comments from interested parties may be addressed to: Department of Natural Resources, Fishermen's Gear Compensation Fund, Box 94396, Baton Rouge, LA 70804, and must be received on or before August 31, 1989.

Claim No. 88-89-339

John Castelluccio, 2901 Dauterive Drive, Chalmette, LA 70043, SSN 436-76-8579, Lake Pontchartrain (Waterbody), Orleans (Parish). Amount \$1600.

Claim No. 88-89-340

John Castelluccio, 2901 Dauterive Drive, Chalmette, LA 70043, SSN 436-76-8579, Rigolets Pass, Orleans. Amount \$2350.

Claim No. 88-89-270

Joseph Verdin, Box 2352, Galliano, LA 70354, SSN 433-88-5738, Grand Lake, Jefferson. Amount \$180.

Claim No. 88-89-225

Cyril Porche, Box 302, Cameron, LA 70631, SSN 434-48-3048, Calcasieu Ship Channel, Cameron. Amount \$5000.

Claim No. 88-89-349

Floyd Robin, Hwy 45, Box 512M, Lafitte, LA 70067, SSN 434-58-1487, Baratara Bay, Jefferson. Amount \$874.70.

Claim No. 88-89-363

Glenn O. Bordelon, Box 64, St. Bernard, LA 70085, SSN 439-74-4195, Eloi Bay, St. Bernard. Amount \$1437.37

Claim No. 88-89-371

Guy Guerra, Rt. 1, Box 615, Yscloskey, LA 70085, SSN 438-02-4255, Lake Eloi, St. Bernard. Amount \$1866.98.

Claim No. 88-89-377

A.J. Elkins, 636 Alvin Guidry Circle, Hackberry, LA 70645, SSN 438-50-6181, Calcasieu Ship Channel, Cameron. Amount \$5000.

Claim No. 88-89-418

James F. Franklin, Sr., 1901 Glenndale, Apt. 7, LaPlace, LA 70068, SSN 434-50-8700, Lake Pontchartrain, Orleans. Amount \$495.

Claim No. 88-89-297

Lorne LeBouef, 2516 Citrus Avenue, St. Bernard, LA 70085, SSN 434-53-3377, Chandeleur Sound, St. Bernard. Amount \$950.

Claim No. 88-89-351

Irvin Blanchard, Jr., Rt. 1, Box 511, Yscloskey, LA 70085, SSN 436-94-4549, Lake Borgne, St. Bernard. Amount \$2223.01.

Claim No. 88-89-292

Domingo Rano, Rt. 2, Box 516, St. Bernard, LA 70085, SSN 436-28-6543, Loran 29037.8 46959.2, St. Bernard. Amount \$2474.88.

Claim No. 88-89-353

Calvin J. Johnson, Box 463, Cut Off, LA 70345, SSN 436-50-6093, Loran 27326.4 46943.3, Vermilion. Amount \$2133.77.

Claim No. 88-89-358

Ricky Bourg, Box 111, Avet Street, Dulac, LA 70353, SSN 437-06-8892, Loran 27938.3 46863.8, Terrebonne. Amount \$5000.

Claim No. 88-89-314

Paul A. Schmidt, Jr., 4632 Barnett Street, Metairie, LA 70006, SSN 437-23-2759, Loran 28731.7 47036.1, Orleans. Amount \$737.12.

Claim No. 88-89-295

Martin J. Nunez, 2001 Deogracias Street, Braithwaite, LA 70040, SSN 436-19-0637, Bird Island Bay, Plaquemines. Amount \$2147.13.

Claim No. 88-89-363

Dennis Baldo, 2708 Lena Drive, Chalmette, LA 70043, SSN 434-74-1838, Lake Pontchartrain, Orleans. Amount \$769.97.

Claim No. 88-89-326

Billy Lestrade, 6958 Bellaire Drive, New Orleans, LA 70124, SSN 436-82-9096, Lake Pontchartrain, Orleans. Amount \$779.75

Claim No. 88-89-356

Percy A. Boudwin, Jr., No.1, Kingsridge Court, Houma, LA 70363, SSN 437-84-6906, Gulf of Mexico, Vermilion. Amount \$4684.16.

Claim No. 88-89-396

Lloyd P. Serigne, 2026 Todd Street St., Bernard, LA 70085, SSN 434-58-4416, California Bay, Plaquemines. Amount \$2371.20.

Claim No. 88-89-395

Claude Blanchard, Rt. 1, Box 94N, Galliano, LA 70354, SSN 437-56-3113, Loran 28175 46850, Terrebonne. Amount \$361.99.

Claim No. 88-89-374  
 Captain Craig, Inc., Box 128, Lafitte, LA 70067, Federal I.D. No. 72-1062056, Loran 28944 46788, Plaquemines. Amount \$2288.49.

Claim No. 88-89-274  
 Mark J. Berner, 1225 Weinberger Road, Ponchatoula, LA 70454, SSN 435-82-4084, Lake Pontchartrain, St. Tammany. Amount \$333.70.

Claim No. 88-89-260  
 Robert L. Cassanova, Sr., 2812 Farmsite Road, Violet, LA 70092, SSN 434-74-7357, Lake Machais, St. Bernard. Amount \$531.97.

Claim No. 88-89-419  
 Lindberg W. Santini, Jr., Box 414, Lafitte, LA 70067, SSN 436-96-6157, The Pen, Jefferson. Amount \$2037.58.

Claim No. 88-89-398  
 Melvin Vanacor, Sr., Box 188, Des Allemands, LA 70030, SSN 434-50-3148, The Pen, Jefferson. Amount \$3150.

Claim No. 88-89-405  
 Oscar E. Duran, Box 188, Des Allemands, LA 70030, SSN 435-98-8086, Bayou Perot, Jefferson. Amount \$2261.41.

Claim No. 88-89-261  
 Dan R. Assevado, Rt. 1, Box 634, St. Bernard, LA 70085, SSN 437-84-3515, Eloi Bay, St. Bernard. Amount \$1542.65.

Claim No. 88-89-388  
 Raymond A. Gilham, 359 Carrollton Ave., Metairie, LA 70005, SSN 437-74-8056, Garden Island Bay, Plaquemines. Amount \$1580.55.

Claim No. 88-89-286  
 Jerry Latapie, Sr., 2016 Evans Street, Braithwaite, LA 70040, SSN 438-64-7067, Loran 29006.7 46872.5, Plaquemines. Amount \$2034.34.

Claim No. 88-89-203  
 John Zar III, Rt. 1, Box 511A, Lafitte, LA 70067, SSN 436-64-0063, Loran 277538 468706, St. Mary. Amount \$4437.38.

Claim No. 88-89-177  
 Arthur Krantz, Jr., 8000 Unity Drive, New Orleans, LA 70128, SSN 435-45-6656, Southwest Pass, Plaquemines. Amount \$1565.

Claim No. 88-89-265  
 George C. Reno, Box 23, Venice, LA 70091, SSN 437-48-6367, Loran 28834.7 468105, Plaquemines. Amount \$653.25.

Claim No. 88-89-338  
 Ernest T. Ruttley, Jr., Box 423 1/2, Barataria, LA 70036, SSN 439-21-3664, Lake Pelto, Terrebonne. Amount \$636.25.

Claim No. 88-89-316  
 Fred Wannage, Jr., Rt. 2, Box 200, Lake Charles, LA 70605, SSN 438-96-7795, Calcasieu Lake, Calcasieu. Amount \$2537.

Claim No. 88-89-352  
 Michael A. Lobue, 2403 Farragut Street, New Orleans, LA 70114, SSN 436-19-6643, Bay Batiste, Plaquemines. Amount \$2332.80.

Claim No. 88-89-397  
 Anthony Greco, Rt. 1, Box 906B, Delacroix, St. Bernard, LA 70085, SSN 434-58-1100, Garfish Pass, Plaquemines. Amount \$1158.48.

Claim No. 88-89-381  
 M. J. LeBlanc Trawlers, Inc., Rt. 1, Box 0496, Lafitte, LA 70067, Federal I.D. No. 72-0833887, Bayou Barataria, Lafitte. Amount \$5000.

Claim No. 88-89-425  
 Cultus O. Pearson, Jr., Box 266, Lacombe, LA 70445, SSN 437-70-6273, Mississippi River Gulf Outlet, Plaquemines. Amount \$2537.

Claim No. 88-89-377  
 Milton A. Matherne, Sr., 4953 Shrimper's Row, Houma, LA 70363, SSN 436-60-4211, Blue Point, Terrebonne. Amount \$3546.90.

Claim No. 88-89-304  
 Alton Bruce Cheeks, 433 Willowbrook Drive, Gretna, LA 70056, SSN 439-82-7739, Lake Pontchartrain, Orleans. Amount \$2596.

Claim No. 88-89-426  
 Larry Savoie, Sr., 103 East 161st Street, Galliano, LA 70354, SSN 434-50-7035, Dulac Bayou, Terrebonne. Amount \$1753.13.

Claim No. 88-89-375  
 George Barisich, 2812 Meraux Lane, Violet, LA 70092, SSN 438-76-1126, Lake Borgne, St. Bernard. Amount \$2006.15.

Claim No. 88-89-345  
 Herbert George, Rt. 1, Box 374, Mandeville, LA 70448, SSN 437-56-2705, Lake Pontchartrain, Orleans. Amount \$1385.

Claim No. 88-89-368  
 Ricky DeJean, 425 West D'Amour Street, Chalmette, LA 70043, SSN 438-96-3860, Loran 27668 46910.8, St. Mary. Amount \$841.07.

Claim No. 88-89-341  
 Jimmy J. Frickey, 110 11th Street, Westwego, LA 70094, SSN 436-78-0959, Grand Caillou Bayou, Terrebonne. Amount \$2953.17.

Claim No. 88-89-322  
 Ricky Raymond Robin, Sr., Rt. 1, Box 502, St. Bernard, LA 70085, SSN 435-13-0921, Loran 27538.3 46928.7, St. Mary. Amount \$3940.50.

Claim No. 88-89-366  
 Lady Janet, Inc., 207 East 87th Street, Cut Off, LA 70345, Federal I.D. No. 72-0027458, Loran 28211 46818, Terrebonne. Amount \$1659.14.

Claim No. 88-89-411  
 Tony Perrin, Box 575H, Lafitte, LA 70067, SSN 436-29-0304, The Pen, Jefferson. Amount \$5000.

Claim No. 88-89-416  
 Alfred Encalade, Jr., Box 292, Lafitte, LA 70067, SSN 436-60-8068, The Pen, Jefferson. Amount \$2500.

Claim No. 88-89-387  
 Alfred R. Harvey, 146 Church St., Lafitte, LA 70067, SSN 437-44-0918, East Bay, Plaquemines. Amount \$801.20.

Claim No. 88-89-403  
 Elmer Peshoff, Box 57, Cameron, LA 70631, SSN 438-38-5639, Gulf of Mexico, Cameron. Amount \$1594.90.

Claim No. 88-89-415  
 Lester Ansardi, Rt. 1, Box 887, St. Bernard, LA 70085, SSN 438-74-7507, Bayou Terre Beouf, St. Bernard. Amount \$1969.98.

Claim No. 88-89-344  
 John Martinez, Rt. 1, Box 637-A, St. Bernard, LA 70085, SSN 436-68-2099, Lake Athanasio, St. Bernard. Amount \$2375.05.

Claim No. 88-89-279  
 Michael E. Gourgues, 10801 Wales St., New Orleans, LA 70127, SSN 433-56-7280, Lake Pontchartrain, Orleans. Amount \$750.



Claim No. 88-89-280

Michael E. Gourgues, Sr., 10801 Wales St., New Orleans, LA 70127, SSN 433-56-7280, Lake Pontchartrain, Orleans. Amount \$750.

Claim No. 88-89-264

Gavin C. Parria, Box 173, Lafitte, LA 70067, SSN 435-23-3118, Loran 28687 46859, Plaquemines. Amount \$818.

Claim No. 88-89-313

Anthony Esteves, Jr., 2513 Citrus Ave., St. Bernard, LA 70085, SSN 437-58-7548, Bay Eloi, St. Bernard. Amount \$5000.

Claim No. 88-89-369

Lady Dolcina, Inc., Rt. 1, Box 2340, Galliano, LA

70354, Fed. I.D. 72-0826717, Gulf of Mexico, Lafourche. Amount \$1099.61.

Claim No. 88-89-315

John Andre Bergeron, Rt. 2, Box 204C, Lake Charles, LA 70605, SSN 438-70-5986, Calcasieu Ship Channel, Cameron. Amount \$5000.

Claim No. 88-89-395

Terry J. Nettleton, Sr., 1907 Hwy. 55, Montegut, LA 70377, SSN 437-82-7635, Bayou Grand Caillou, Terrebonne. Amount \$5000.

Raymond W. Stephens, Jr.  
Secretary

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