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1. The first part of the document discusses the importance of maintaining accurate records of all transactions. This is essential for ensuring the integrity of the financial statements and for providing a clear audit trail. The records should be kept in a secure and accessible location, and should be updated regularly.

2. The second part of the document outlines the procedures for conducting a physical inventory count. This process involves comparing the physical quantities of goods on hand with the quantities recorded in the accounting system. Any discrepancies should be investigated and explained.

3. The third part of the document describes the methods for determining the cost of goods sold. This is a critical component of the income statement, and it must be calculated accurately to ensure that the profit margin is correctly stated.

4. The fourth part of the document discusses the various methods for valuing inventory. The most common methods are the first-in, first-out (FIFO) method and the last-in, first-out (LIFO) method. Each method has its own advantages and disadvantages, and the choice of method can have a significant impact on the financial results.

5. The final part of the document provides a summary of the key points discussed and offers some recommendations for improving the accuracy and efficiency of the inventory management process.

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Executive Orders

EXECUTIVE ORDER BR 91 - 20

WHEREAS, the governor of the state of Louisiana pursuant to the Tax Reform Act of 1986 (the "Act") and Act 51 of the 1986 Louisiana Legislative Session has issued his Executive Order No. BR 88-35 establishing (i) a method for the allocation of bonds subject to the private activity bond volume limits, which executive order includes the method of allocation of bonds subject to the private activity bond volume limits for this calendar year 1991 (the "1991 Ceiling"), (ii) the procedure for obtaining an allocation of bonds under the 1991 Ceiling and (iii) a system of central record keeping for such allocations; and

WHEREAS, the Parish of St. Charles has requested an allocation in the amount of \$56,000,000 from the 1991 Ceiling to be used in connection with the financing of certain water pollution control facilities (the "Project") at the Norco Manufacturing Complex of Shell Oil Company, a Delaware corporation (the "Company"), located in St. Charles Parish, at Norco, Louisiana; and

WHEREAS, the governor has determined that the Project serves a crucial need and provides an extraordinary benefit to the state of Louisiana and the Parish of St. Charles; and

WHEREAS, it is the intent of the governor of the state of Louisiana that this executive order, to the extent inconsistent with the provisions of Executive Order No. BR 88-35, supersedes and prevails over such provisions with respect to the allocation made herein;

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

SECTION 1: That the bond issue described in this Section is hereby granted an allocation from the 1991 Ceiling in the amount shown:

AMOUNT OF ALLOCATION	NAME OF ISSUER	NAME OF PROJECT
\$50,000,000	Parish of St. Charles	Shell Oil Company

SECTION 2: The allocation granted hereunder is to be used only for the bond issue described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana IDB Ceiling" submitted in connection with the bonds described in Section 1.

SECTION 3: The allocation granted hereby shall be valid and in full force and effect through December 31, 1991, provided that such bonds are delivered to the initial purchasers thereof on or before December 31, 1991.

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

SECTION 5: That this executive order, to the extent conflicting with the provisions of Executive Order No. BR 88-35, supersedes and prevails over the provisions of such executive order.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 5th day of November, 1991.

Buddy Roemer
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER BR 91 - 21

WHEREAS, the governor of the state of Louisiana pursuant to the Tax Reform Act of 1986 (the "Act") and Act 51 of the 1986 Louisiana Legislative Session has issued his Executive Order No. BR 88-35 establishing (i) a method for the allocation of bonds subject to the private activity bond volume limits, which executive order includes the method of allocation of bonds subject to the private activity bond volume limits for this calendar year 1991 (the "1991 Ceiling"), (ii) the procedure for obtaining an allocation of bonds under the 1991 Ceiling and (iii) a system of central record keeping for such allocations; and

WHEREAS, the East Baton Rouge Mortgage Finance Authority has requested an allocation in the amount of \$55,000,000 from the 1991 Ceiling to be used in connection with the financing of mortgage loans to finance owner occupied single family residences for low and moderate income families; and

WHEREAS, it is the intent of the governor of the state of Louisiana that this executive order, to the extent inconsistent with the provisions of Executive Order No. BR 88-35, supersedes and prevails over such provisions with respect to the allocation made herein;

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

SECTION 1: That the bond issue described in this Section is hereby granted an allocation from the 1991 Ceiling in the amount shown:

AMOUNT OF ALLOCATION	NAME OF ISSUER	NAME OF PROJECT
\$40,000,000	East Baton Rouge Mortgage Finance Authority	1991 Single Family Mortgage Program

SECTION 2: The allocation granted hereunder is to be used only for the bond issue described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana Private Activity Bond Ceiling" submitted in connection with the bonds described in Section 1.

SECTION 3: The allocation granted hereby shall be valid and in full force and effect through December 31, 1991, provided that such bonds are delivered to the initial pur-

chasers thereof on or before December 31, 1991.

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

SECTION 5: That this executive order, to the extent conflicting with the provisions of Executive Order No. BR 88-35, supersedes and prevails over the provisions of such executive order.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 5th day of November, 1991.

Buddy Roemer
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

a. involuntarily called to active duty prior to December 31, 1991, and pursuant to Operations Desert Shield/Storm as defined in the Military Service Relief Act,

b. released from satisfactory active military duty as defined in the Military Service Relief Act, and

c. return to their state employment timely as defined in the Military Service Act.

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 27th day of November, 1991.

Buddy Roemer
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

Emergency Rules

EXECUTIVE ORDER BR 91 - 22

WHEREAS, Executive Order 91-11 was signed July 25, 1991, establishing a policy for implementation of the Military Service Relief Act for the benefit of state employees called to active military duty in connection with Operations Desert Shield/Storm pursuant to Presidential order; and

WHEREAS, the State Civil Service Commission and the State Police Commission were urged and requested, through Executive Order 91-11, to adopt or amend their rules and procedures to enable implementation of the policy; and

WHEREAS, both commissions have adopted and I, as Governor, have approved rules which grant additional days of military leave with pay to affected classified employees, and

WHEREAS, it is important to implement benefits to all affected state employees, unclassified and classified, as fairly and uniformly as possible;

NOW THEREFORE I, BUDDY ROEMER, Governor of the State of Louisiana, do hereby order and direct that the following policy be adopted and implemented by each department within the executive branch of the state of Louisiana and by each state agency, board, commission, and elective office with state employees:

SECTION 1: All state employees eligible for benefits under Executive Order 91-11, shall be allowed 15 working days per calendar year of military leave with pay. Such leave shall be applicable only to periods of involuntary active military duty in connection with Operations Desert Shield/Storm pursuant to President Order.

SECTION 2: The policy is limited to all classified and unclassified state employees who occupy probationary or permanent positions (or the equivalent in the unclassified service) and who, as members of a reserve component of the armed forces of the United States as defined in the Military Service Relief Act, are

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences

The Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, is exercising the emergency provision of the Administrative Procedure Act, R.S. 49:953(B), and pursuant to the authority under R.S. 3:3203(A), 3:3303(B) and 3:3306(B), adopts LAC 7:XXIII.13179-13195.

For several years, the department has had a system of laws, regulations and policies which adequately provide a complete system of procedures for handling emergencies and determining pesticide concentrations in the waters of this state. On October 2, 1991, in litigation by four associations, the question was publicly raised for the first time of whether some of the procedures that are established as policy should as a matter of law be adopted as regulations. The interposition of that question has created a risk of uncertainty on the part of those regulated by the department and those affected by its regulations, particularly those utilizing pesticides. Such uncertainty could very possibly imperil public health, safety, and welfare. Revision and codification of regulations to eliminate the uncertainty cannot be accomplished prior to the upcoming pesticide application season by use of the regular means of adoption. Accordingly, the department finds it necessary to proceed via the emergency process.

The effective date for these rules is December 3, 1991, and they shall remain in effect for 120 days or until final rules take effect through the normal promulgation process, whichever is shortest.

Title 7
AGRICULTURE AND ANIMALS
Part XXIII. Pesticides

Chapter 131. Louisiana Advisory Commission on Pesticides

Subchapter Z. Emergency Procedures related to Pesticides

§13179. Definitions

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

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

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

Environment includes water, air and land and the inter-relationship which exists among and between water, air and land and all living things.

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:

§13181. Identification of Emergency

A. Procedure

1. Persons detecting or discovering what they reasonably believe to be an emergency involving the use, misuse or storage of pesticides shall immediately contact the Office of Pesticide and Environmental programs via the 24-hour telephone hotline at (504) 925-3763.

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

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

4. Upon notification, the commissioner shall make a determination as to whether an emergency exists.

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:

§13183. Declaration of Emergency

Upon determining that an emergency exists, the director shall immediately declare in writing that an emergency exists and direct that the following emergency procedures be employed. The director shall notify the appropriate governmental agencies as soon as is practical.

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:

§13185. Response to Emergency

A. Containment

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

B. Identification of Pesticide

The pesticide or pesticides involved in the emergency shall be identified. Efforts to identify the pesticide(s) shall

include, but not be limited to the following:

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

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

3. All emergency reports shall be reviewed by the director or his staff;

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

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

C. Reporting Requirements

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

D. Investigation

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

1. the date, time and location of the incident;

2. the date and time the incident was reported to the Louisiana Department of Agriculture and Forestry;

3. the Louisiana Department of Agriculture and Forestry employee receiving the report;

4. from whom the report was received;

5. who initiated the investigation, along with the date, time and place the investigation was initiated;

6. the identity and location of any witness(s);

7. the time, place and circumstances under which each witness' statement was taken and whether such statement was confirmed;

8. the time, description and location of any samples taken;

9. the time, description and location of any other physical evidence; and

10. any information obtained, including that obtained through the inspection of records relevant to causation, identity of pesticide, containment, clean-up, and disposal.

E. Remediation

1. At the earliest possible time the director shall develop a written plan for clean-up and disposal of pesticide waste as necessary to accomplish remediation of the emergency.

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

F. Health Related Complaints

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

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:

§13187. Declaration of Termination of Emergency

When remediation is complete or there no longer ex-

ists a situation involving imminent danger to human health or the environment, the director shall declare in writing that the emergency has ended. The director shall notify the appropriate governmental agencies as soon as is practical.

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:

Subchapter AA. Water Protection

§13189. Definitions

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

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

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

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

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

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:

§13191. Establishment of Standards for Pesticides in Water.

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

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:

§13193. Procedures for the Determination of Threats

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

A. The department shall maintain a water monitoring program.

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

- a. those areas that have agricultural land use;
- b. those areas that have water drainage from agricultural lands; and
- c. the propensity for runoff due to topography, soil types and other characteristics.

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

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

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

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

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

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

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

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:

§13195. Determination of Appropriate Action

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

1. promptly direct that thereafter the emergency procedures established by LAC 7:13179 et seq. be employed.

2. complete sufficient investigation as to permit appropriate action.

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

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

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

1. referral for criminal prosecution;
2. referral to the Advisory Commission on Pesticides for consideration including fines, license or certification suspension or revocation;
3. remedial or protective orders;
4. injunctive relief; and
5. any other relevant remedies.

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:

Bob Odom
Commissioner

DECLARATION OF EMERGENCY

**Department of Economic Development
Racing Commission**

**Title 35
HORSE RACING
Part XIII. Wagering**

Chapter 103. Pari-mutuels

§10303. Exchange of Pari-mutuel Ticket

The exchange of a valid pari-mutuel ticket having a face value of \$500 or less may be made at the window at which the ticket was originally purchased. Any exchange of a valid pari-mutuel ticket with a face value of over \$500 must be approved by the mutuel manager.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Promulgated by the Louisiana State Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:439 (December 1976), amended LR 3:35 (January 1977), LR 4:281 (August 1978).

Claude P. Williams
Executive Director

DECLARATION OF EMERGENCY

**Department of Economic Development
Racing Commission**

**Title 35
HORSE RACING
Part XIII. Wagering**

Chapter 111. Trifecta

§11115. Field Less Than Nine

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

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

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

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

Claude P. Williams
Executive Director

DECLARATION OF EMERGENCY

**Department of Economic Development
Racing Commission**

**Title 35
HORSE RACING**

Part III. Personnel, Registration and Licensing

Chapter 57. Association's Duties and Obligations

§5702. Penalty for Failure to Comply

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

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

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

Claude P. Williams
Executive Director

DECLARATION OF EMERGENCY

**Department of Economic Development
Racing Commission**

**Title 35
HORSE RACING**

Part V. Racing Procedures

Chapter 63. Entries

§6319. Publication of Past Performances

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

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

HISTORICAL NOTE: Adopted by the Louisiana Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:436 (December 1976), repromulgated LR 3:33 (January 1977), amended LR 4:297 (August 1978), amended by the Department of Economic Development, Racing Commission, LR 17:262 (March 1991).

Claude P. Williams
Executive Director

DECLARATION OF EMERGENCY

**Department of Economic Development
Racing Commission**

**Title 35
HORSE RACING**

Part I. General Provisions

Chapter 17. Corrupt and Prohibited Practices

§1733. Racing a Horse Under Investigation

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

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

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

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

HISTORICAL NOTE: Adopted by the Louisiana State Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:449 (December 1976), amended LR 3:45 (January 1977), repromulgated LR 4:287 (August 1978), amended LR 7:262 (May 1981), LR 9:755 (November 1983).

Claude P. Williams
Executive Director

DECLARATION OF EMERGENCY

**Department of Economic Development
Racing Commission**

**Title 35
HORSE RACING**

Part I. General Provisions

Chapter 17. Corrupt and Prohibited Practices

§1775. Testing of a Split or Referee Sample

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

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

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

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

D. A trainer timely requesting a testing of a split or referee sample shall select one of the laboratories designated by the commission as referee laboratories to perform the testing. The trainer shall sign a hold-harmless agreement for a split sample laboratory and an agreement that the results of the split sample laboratory can be introduced as evidence in any hearing, said agreements shall remain with the stewards of the track at which the positive was reported.

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

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

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

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

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

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

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

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 8:405 (August 1982), amended LR 10:660 (September 1984).

Claude P. Williams
Executive Director

DECLARATION OF EMERGENCY

Department of Economic Development Racing Commission

Title 35 HORSE RACING

Part V. Racing Procedures

Chapter 63. Entries

§6329. Two Races on a Day

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

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

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

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

Claude P. Williams
Executive Director

DECLARATION OF EMERGENCY

Department of Economic Development Racing Commission

Title 35 HORSE RACING

Part I. General Provisions

Chapter 17. Corrupt and Prohibited Practices

§1737. When Horse Found Drugged

Should the chemical analysis of any sample of the blood, saliva, urine or other excretions of body fluids of a horse contain any prohibited drug or substance of any description not permitted by Chapter 15 or prohibited by §1719,

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

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

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

Claude P. Williams
Executive Director

DECLARATION OF EMERGENCY

Department of Economic Development Racing Commission

Title 35 HORSE RACING

Part VII. Equipment and Colors

Chapter 89. Whips

§8903. Size; Approval

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

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

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

Claude P. Williams
Executive Director

DECLARATION OF EMERGENCY

Department of Economic Development Real Estate Appraisal Subcommittee

In accordance with the provisions of R.S. 49:953(B) of the Administrative Procedure Act, the Real Estate Appraisal Subcommittee has adopted emergency revisions to the rules and regulations affecting the minimum experience requirement for residential and general certification.

The purpose of this declaration of emergency, effective November 12, 1991 for 120 days, is to remove language found to be prejudicial in that it adversely affects a segment of the appraisal industry who, by the very nature of their work, conduct a reduced number of appraisals annually.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXVII. Real Estate

Subpart 2. Appraisers

Chapter 103. Certification

§10313. Residential Certification Minimum Experience

* * *

D. Time Allowed for Meeting Experience (Repealed in its entirety)

Renumber Subsections E through F.

§10315. General Certification Experience

* * *

D. Time Deadline for Meeting Requirement (Repealed in its entirety)

Renumber Subsections E through F.

Jane H. Moody
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Revised Interim Emergency Policy for Hiring Full-Time/Part-Time Noncertified School Personnel

The Board of Elementary and Secondary Education, at its meeting of November 21, 1991, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953(B) and adopted the Revised Interim Emergency Policy for Hiring Full-Time/Part-Time Noncertified School Personnel as printed below.

This policy was previously adopted as an emergency rule, effective July 25, 1991 and is being re-adopted as an emergency rule in order to continue the present policy until it becomes effective as a rule on December 20, 1991. Effective date of this emergency rule is November 21, 1991.

Title 28

EDUCATION

Part I. Board of Elementary and Secondary Education

Chapter 9. Bulletins, Regulations, and State Plans

§903. Teacher Certification Standards and Regulations

* * *

I. Non Certified School Personnel

1. Full-time/part-time noncertified school personnel, excluding speech, language, and hearing specialists, may be

employed by parishes having difficulty in employing certified persons in certain positions, provided that the following documentation is submitted to the Department of Education:

a. a signed affidavit by the local superintendent that the position could not be filled by a certified teacher;

b. submission of names, educational background, subject matter and grade level being taught as an addendum to the Annual School Report.

2. Documentation kept on file in the LEA's Superintendent's/Personnel Office shall include:

a. copies of transcripts showing the degree earned;

b. documentation that efforts for recruitment for certified teachers have been made (e.g. newspaper advertisements, letters, contacts with colleges, and so forth);

c. documentation that the teacher is eligible for admission to a teacher education program.

3. In addition:

a. It is required that these teachers take the NTE at the earliest date that it is offered in their geographical area.

b. These individuals must have a minimum of a baccalaureate degree from a regionally accredited institution and be eligible for admission to a teacher education program.

c. To be re-employed under this policy, an individual must have earned at least six semester hours toward completion of a teacher education program or six semester hours appropriate in the area of the NTE (General Knowledge, Professional Knowledge, Communication Skills, Specialty Area) in which the score was not achieved.

d. Effective with the 1992-93 school year, the total number of years a person may be employed according to the provisions of this policy, inclusive of experience prior to 1992-93, is five years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Amended by the Board of Elementary and Secondary Education, LR 17: (December 1991).

Carole Wallin
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Amendment to Teacher Tuition Exemption Policy

The Board of Elementary and Secondary Education, at its meeting of November 21, 1991, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and adopted the following amendment to the Teacher Tuition Exemption Policy regarding drop fees:

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

Emergency adoption is necessary in order for the policy to be in effect for the Spring Session, 1992. Effective date of the emergency rule is December 20, 1991.

Carole Wallin
Executive Director

EMERGENCY RULE

Office of the Governor

Commission on Law Enforcement and Administration of Criminal Justice

Sentencing Commission

In accordance with R.S. 49:953(B) of the Administrative Procedure Act, the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, Sentencing Commission finds that emergency rulemaking is necessary in order to have the Louisiana Sentencing Guidelines take effect on January 1, 1992.

The legislature enacted by Acts 1991, Nos. 22, 25, 38, and 138 shall take effect on January 1, 1992 or 30 days after the effective date of the sentencing guidelines, whichever is later. It is in the interest of the state of Louisiana that such implementing legislation take effect on January 1, 1992 and that the sentencing guidelines take effect on January 1, 1992. As currently promulgated, the sentencing guidelines will take effect on January 20, 1992 with the publication of the *Louisiana Register* on that date. Thus, in order to have the guidelines and implementing legislation take effect on January 1, 1992, the emergency rulemaking is necessary.

Therefore, the Louisiana Sentencing Commission has adopted an emergency rule that the guidelines shall take effect on January 1, 1992 and shall remain in effect until final rules are published in the January 20, 1992 issue of the *Louisiana Register*. Copies of the tables in Chapter 4 determining appropriate sentences under the guidelines can be obtained through the Office of the State Register, 1051 Riverside North, Baton Rouge, LA 70802.

Chapter 1. Purposes and Principles

§101. Purpose

A. The purpose of the Louisiana Sentencing Guidelines, hereinafter referred to as "guidelines," is to recommend a uniform sanctioning policy which is consistent, proportional, and fair for use by the Louisiana judiciary in felony cases in which the sentencing court must determine the sentence to be imposed.

B. The guidelines do not apply to capital cases, cases punishable by a mandatory sentence of life imprisonment, or misdemeanor cases.

C. The guidelines do not apply to convictions for felony offenses for which no crime seriousness level has been determined. In such cases, the court may be guided by the guideline range for a ranked offense which the court determines to be analogous to the offense of conviction.

D. The guidelines are intended to ensure certainty, uniformity, consistency and proportionality of punishment, fairness to victims, and the protection of society.

E. The guidelines are intended to provide rational and consistent criteria for imposing criminal sanctions in a uniform and proportionate manner.

1. Uniformity in sentencing requires that offenders who are similar with respect to relevant sentencing criteria should receive similar sanctions, and that offenders who are substantially different with respect to relevant sentencing criteria should receive different sanctions.

2. Proportionality in sentencing requires that the severity of the punishment be proportional to the seriousness of the offense of conviction and the severity of the offender's prior criminal history.

F. The guidelines are intended to assist the court in stating for the record the considerations taken into account and the factual basis for imposing sentences.

§102. Sentencing Principles

A. Sentences should be based primarily on the offense of conviction and the offender's prior criminal history. Therefore, those two factors determine the designated sentence range established under the guidelines.

B. The determination of the seriousness of the offense of conviction is based on the elements of the offense of conviction.

C. The severity of sanctions should increase or decrease in proportion to the seriousness of the offense of conviction and the severity of the offender's prior criminal history.

D. The guidelines are based on the typical case and the designated sentence ranges provided in the sentencing guidelines grid should be appropriate for cases in which aggravating and mitigating circumstances are not present.

E. While commitment to a term of imprisonment with or without hard labor is the most severe non-capital sanction that can follow conviction for a felony offense, there are other significant sanctions available to the sentencing court which lawfully can be imposed in conjunction with, or independent of, a term of imprisonment. These criminal penalties include home incarceration, periodic incarceration, community service, and various conditions of supervised probation.

F. Sentences shall not be determined on the basis of the race, gender, social, or economic status of the offender. The exercise of constitutional rights by the defendant during the adjudication process is not a justification for the imposition of a more severe sentence than is warranted by the offense of conviction, criminal history of the offender, and any relevant mitigating and aggravating factors. However, acceptance of responsibility and cooperative with law enforcement, which may involve relinquishment of rights, may be considered as mitigating factors justifying imposition of a more lenient sentence.

G. Sanctions imposed shall not be excessive.

H. The sentencing judge should have broad discretion in the determination and imposition of appropriate sentencing alternatives in particular cases.

I. Reasons for the imposition of a particular sentence shall be set forth for the record to facilitate appellate review.

J. The guidelines are advisory to the sentencing judge. No sentence shall be declared unlawful, inadequate, or excessive solely due to the failure of the judge to impose a sentence in conformity with the designated sentence range provided by the guidelines.

Chapter 2. Determining Sentences Under the Sentencing Guidelines

§201. Sentencing Guidelines Grid

A. The basis for the sentence for any offender convicted of a felony is determined by locating the designated sentence range in the appropriate cell of the sentencing guidelines grid, hereinafter referred to as the "grid." See Chapter 4, Subsection 403.A, "Sentencing Guidelines Grid," page 91. The appropriate cell is determined by the crime seriousness level of the offense and the criminal history index of the offender.

B. In imposing a sentence under the guidelines, the court shall state for the record the factors which led the court to determine that the cell in the grid was appropriate. The court may refer to any pre-sentence investigation report or sentencing guidelines report, if available, in stating for the record the factual basis for imposing sentence.

C. If the sentence imposed falls within the range of the appropriate cell of the grid, the sentence is appropriate for purposes of the guidelines and the court is not required to set forth additional factors justifying the selection of the particular sentence.

D. Sentences greater or lesser than a penalty within the designated sentence range should be determined through the procedures for departure. See §205, "Departures from the Designated Sentence Range".

E. Use of mandatory minimum sentences, concurrent or consecutive sentences, and other sentencing considerations should be determined through the procedures set forth in the guidelines or as otherwise provided by law.

§202. Crime Seriousness Level

A. The crime seriousness level is determined by the offense of conviction.

B. Offenses are ranked according to the following:

1. the interest protected, and
2. the type of level of harm or threat of harm proscribed by statute.

C. The placement of an offense in a particular seriousness level is determined by the typical case for each offense.

D. Offenses listed within each level of seriousness are deemed to be generally equivalent in seriousness.

E. The seriousness level for the felony offenses for which a crime seriousness level has been determined are set forth by level in the Crime Seriousness Master Ranking List. See Chapter 4, Subsection 401.A, Crime Seriousness Master Ranking List. Felony offenses are classified into five categories of offenses which are subdivided into ten levels of seriousness ranging from high, Level 0 to low, Level 9, listed alphabetically within each level.

1. The five categories of felony offenses are Categories I, II, III, IV, and V. Category I offenses are levels 0 and 1; Category II offenses are levels 2 and 3; Category III offenses are levels 4 and 5; Category IV offenses are levels 6 and 7; and Category V offenses are levels 8 and 9.

2. All offenses with a mandatory life sentence are in Category I at level 0.

3. The crime seriousness level for Criminal Conspiracy (R.S. 14:26) is one level below the crime seriousness level of the completed offense contemplated by the conspiracy, unless the completed offense is level 9.

4. The crime seriousness level for Attempt (R.S. 14:27) is one level below the crime seriousness level of the completed offense attempted by the offender, unless the

completed offense is level 9.

5. The crime seriousness level for Attempt (R.S. 14:27) or Conspiracy (R.S. 14:26) to commit an offense ranked a level 9 is also ranked at level 9.

6. The crime seriousness level for Inciting a Felony (R.S. 14:28) is level 7 regardless of the level of the incited felony.

7. The crime seriousness level for Accessory after the Fact (R.S. 14:25) is level 6 regardless of the level of the felony to which the offender is an accessory.

F. For the convenience of the courts, three additional ranking lists are provided which list the offenses by:

1. Louisiana Revised Statute Number, and
2. Offense Name, alphabetically, and
3. Crime Family, as designated.

§203. Criminal History Index Classification System

A. Criminal History Index Classification System

The Criminal History Index Classification System, hereinafter referred to as the *criminal history index*, is the method of evaluating an offender's criminal history in a uniform and consistent manner. The criminal history index is used to reflect increased levels of culpability for offenders who have previously been convicted of offenses or adjudicated delinquent. The index is based on computational rules which result in the assignment of varying points for certain prior convictions or adjudications.

B. Definitions

1. *Prior conviction or prior adjudication*, for purposes of the guidelines, means a plea of guilty or nolo contendere, a verdict of guilty, a judgment of guilt, or an adjudication of delinquency occurring before the conviction for the offense which serves as the basis for the current sentencing.

2. *Crime-free time* means a period of time during which the offender was not in a "custody status," as defined below, and during which the offender has not committed an offense which subsequently results in a conviction.

3. *Custody status* means any form of criminal justice supervision resulting from a conviction or an adjudication of delinquency including post conviction release or bail, confinement, probation, or parole.

4. *Felony conviction*, for purposes of the guidelines, means a conviction for an offense punishable by a sentence of death or imprisonment, with or without hard labor, in excess of one year at the time of conviction, under the laws of this state, any other state, the United States, or any foreign government or country.

5. *Misdemeanor conviction*, for purposes of the guidelines, means any other conviction which is counted in the computation of criminal history score.

6. *Felony adjudication* means an adjudication for delinquency by a court exercising juvenile jurisdiction, for an offense which, if committed by an adult, would be a felony, as defined herein, except those which were expunged or subject to expungement at the time of the commission of the offense serving as the basis for the current conviction.

7. *Misdemeanor adjudication* means any adjudication for delinquency by a court exercising juvenile jurisdiction for an offense which, if committed by an adult, would be a misdemeanor, as defined herein, except those which were expunged or subject to expungement at the time of the commission of the offense serving as the basis for the current conviction.

8. *Crime family* means offenses which have been des-

ignated by the commission to be included within the same "crime family" based on similar interests protected and type of harm proscribed by the offenses. See Chapter 4, Subsection 402.D, Crime Family Table. Attempt, Criminal Conspiracy, Inciting a Felony, and Accessory After the Fact are considered to be in the same "crime family" as the completed offense or the offense to which the offender was an accessory. If a felony offense has not been designated to be included within a "crime family," but the court determines that the offense is analogous to the offenses in a particular "crime family," the court may treat that offense as included within the crime family for purposes of imposing sentence in a particular case. In such case, the court shall state for the record its reasons for finding that the offense was analogous to those of a particular crime family.

C. Criminal History Index Factors

1. The criminal history index is based on points derived from the following factors:

- a. prior felony convictions;
- b. prior applicable misdemeanor convictions;
- c. prior adjudications of delinquency;
- d. crime-free time;
- e. custody status at the time of the commission of the offense serving as the basis for the current conviction.

2. The Criminal History Index is composed of seven classes ranging from Class A, most serious criminal history, to Class G, least serious criminal history.

3. Method of Calculation

a. Seriousness score: Score all prior felony convictions and felony adjudications of delinquency by the number of points ascribed to the seriousness level of the offense of conviction as set forth in Chapter 4, Subsections 402.A and C, Tables 2.A and C. If the prior felony conviction is based on an unranked offense, i.e., not ranked on the crime seriousness ranking tables, the court may assign a seriousness score of one point to the conviction. If the court believes that a seriousness score of one point significantly underrepresents the seriousness of the prior conviction, the judge may use the seriousness score of an analogous offense, provided the court states for the record why the unranked offense is analogous to the ranked offense which serves as the basis for the score.

b. Prior misdemeanors: Add one-fourth (.25) point, not to exceed a total of one point, for each of the following misdemeanor convictions or adjudications:

i. Any offense in Louisiana Revised Statutes Title 14 or the Uniform Controlled Dangerous Substances Law of Louisiana Revised Statutes Title 40 or any local ordinance which is substantially similar to an offense in Title 14 or the Uniform Controlled Dangerous Substances Law of Title 40.

ii. Any traffic offense in Louisiana Revised Statutes Title 32 or local traffic ordinance substantially similar to any Title 32 traffic offense if the current offense of conviction involves the operation of a motor vehicle.

c. Prior similar criminal behavior: Add one-half (.5) point for each prior felony conviction or adjudication if the prior offense of conviction or adjudication is in the same "crime family" as the current offense of conviction. See Chapter 4, Subsection 402.D, Crime Family Table.

d. Crime-free time: Multiply the point value of each prior conviction or adjudication of any offense, except a level 0 offense, by the appropriate factor as set forth in Chapter 4, Subsection 402.E, Table 2.E, if over five years of "crime-free

time" has elapsed prior to the commission of the current offense of conviction. The "point value" of the prior conviction or adjudication to be multiplied by the appropriate "crime-free time" factor shall include the criminal history score of the prior conviction or adjudication as determined by Subsections 402.A, B, and C and any additional points added for "prior similar criminal behavior."

e. Offenses committed during custody status: Add one point if the current felony offense was committed while the offender was in a "custody status."

f. Limitation on prior misdemeanor convictions: Points added to an offender's criminal history index score for misdemeanor convictions or adjudications shall not increase the offender's criminal history index more than one level.

g. Multiple convictions on same day: Count only the most serious conviction or adjudication if more than one conviction or adjudication occurred on the same day.

§204. Designated Sentence Ranges

A. The Appropriate Grid Cell

1. The offense of conviction determines the appropriate seriousness level on the vertical axis of the grid. See Sentencing Guidelines Grid.

2. The offender's criminal history index score determines the appropriate criminal history class on the horizontal axis of the grid.

3. The designated sentence range is found in the grid cell at the intersection of the row defined by the crime seriousness level and the column defined by the criminal history index.

B. Incarceration Sanction Zone Sentences

1. The Incarceration Sanction Zone is the area above the reversed dotted line. See Sentencing Guidelines Grid. The court should impose a sentence consisting exclusively of incarceration for typical cases located in this zone.

2. Each cell in this zone contains a designated sentence range of incarceration in months.

3. Designated sentences of incarceration permit the court to determine the manner in which the sentence is to be served, i.e., with or without hard labor, as provided by law.

C. Discretionary Sanction Zone Sentences

1. The *Discretionary Sanction Zone* is the area between the reversed dotted line and the heavy dashed line. See Sentencing Guidelines Grid. Each cell in this zone contains a designated range of sanction units for use when an intermediate sanction is imposed and a designated sentence range in months for use when a sentence of incarceration is given.

2. For typical cases in this zone, the court should consider whether the offender should be sentenced to incarceration, to an intermediate sanction, or to a combination of the two, depending upon the circumstances of the particular case. If the court imposes an intermediate sanction or sanctions, the resulting intermediate sanction, or combination of intermediate sanctions, should be within the designated range of sanction units.

3. Incarceration sanctions which should be considered for cases in this zone include, but are not limited to, shock incarceration, work release, work-day release, incarceration as a condition of probation, and periodic incarceration, such as confinement at regular intervals (e.g. weekends).

D. Intermediate Sanction Zone

1. The *Intermediate Sanction Zone* is the area below the heavy dashed line. See Sentencing Guidelines Grid. For

typical cases in this zone, the court should impose a sentence consisting of an intermediate sanction or sanctions unless a mandatory sentence of incarceration is required by law.

a. Intermediate sanctions include any sanction the court may impose other than incarceration in a jail or prison unless the term is served as periodic incarceration.

b. Intermediate sanctions include, but are not limited to, probation, intensive supervision, periodic incarceration, home incarceration, community service, inpatient treatment, outpatient treatment, economic sanctions, and denial of privilege, such as driver's license.

2. Each cell in this zone contains a designated range of sanction units which may be fashioned by the judge into a specific sentence with a combination of sanctions by utilizing the Intermediate Sanction Exchange Table. See Chapter 4, Subsection 403.C, Using the Intermediate Sanction Exchange Table.

3. The duration of intermediate sanction sentences will vary according to the sanction or sanctions selected by the court.

§205. Departures From the Designated Sentence Range

A. Procedure for Departure

1. The designated sentence range provided in the grid is appropriate for a typical case; that is, an offense committed without aggravating or mitigating circumstances.

2. A departure from the designated sentence range occurs whenever the court imposes a sentence which is different from the types of sentences or outside the designated sentence range provided in the zone and cell appropriate to the case.

3. The court should depart from the designated sentence range when sufficient aggravating or mitigating circumstances are present significantly to differentiate the case from the typical case arising under the offense of conviction.

4. When departing from the designated sentence range, the court shall:

a. pronounce a sentence which is proportional to the seriousness of the offense and the offender's criminal history; and

b. state for the record the reasons for the departure which shall specify the mitigating or aggravating circumstances, and the factual basis therefor.

5. Reasons for departure from the designated sentence range are appropriate only when such reasons are based on mitigating or aggravating circumstances.

B. *Aggravating circumstance* means a factor which is present to a significant degree which makes the present case more serious than the typical case arising under the offense of conviction. Factors which constitute essential elements of the offense of conviction or separate offense(s) for which defendant was convicted and sentenced shall not be considered aggravating circumstances. The following factors constitute aggravating circumstances:

1. The offender's conduct during the commission of the offense manifested deliberate cruelty to the victim.

2. The offender knew or should have known that the victim of the offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability or ill health.

3. The offender offered or has been offered or has given or received anything of value for the commission of the offense.

4. The offender used his or her position or status to facilitate the commission of the offense.

5. The offender knowingly created a risk of death or great bodily harm to more than one person.

6. The offender used threats of or actual violence in the commission of the offense.

7. Subsequent to the offense, the offender used or caused others to use violence, force, or threats with the intent to influence the institution, conduct, or outcome of the criminal proceedings.

8. The offender committed the offense in order to facilitate or conceal the commission of another offense.

9. The offense resulted in a significant permanent injury or significant economic loss to the victim or his family.

10. The offender used a dangerous weapon in the commission of the offense.

11. The offense involved multiple victims or incidents for which separate sentences have not been imposed.

12. The offender was persistently involved in similar offenses not already considered as criminal history or as part of a multiple offender adjudication.

13. The offender was a leader or his violation was in concert with one or more other persons with respect to whom the offender occupied a position of organizer, a supervisory position, or any other position of management.

14. The offense was a major economic offense.

15. The offense was a controlled dangerous substance offense and the offender obtained substantial income or resources from ongoing drug activities.

16. The offense was a controlled dangerous substance offense in which the offender involved juveniles in the trafficking or distribution of drugs.

17. The offender committed the offense in furtherance of a terrorist action.

18. The offender's record of convictions for prior criminal conduct exceeds the threshold for Class A by at least two points on the criminal history index.

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

C. *Mitigating circumstance* means a factor which is present to a significant degree which lessens the seriousness of the offense below the level of the typical case arising under the offense of conviction. Factors which constitute a legal defense shall not be considered mitigating circumstances. The following factors constitute mitigating circumstances:

1. At the time of offense, to a degree, the victim was the initiator, willing participant, aggressor, provoker of the incident, or enticed the offender.

2. The offender committed the crime under some degree of duress, coercion, threat, or compulsion.

3. At the time of the offense, the capacity of the offender to appreciate the criminality of his conduct or to conform his conduct to the requirements of law was somewhat impaired.

4. The offense was committed while the offender was under the influence or under domination of another person.

5. The offense was committed while the offender was under the influence of significant mental or emotional disturbance.

6. The offense was committed under circumstances which the offender reasonably believed to provide for a moral

justification or extenuation for his conduct.

7. The offender committed the offense without significant premeditation.

8. The offender's judgment was impaired because of his extreme youth or advanced age.

9. The defendant manifested caution or sincere concern for the safety or well-being of the victim.

10. The offender played a minor or passive role in the crime.

11. The offender compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

12. The offender cooperated with law enforcement authorities with respect to the current crime of conviction or any other criminal conduct by the offender or other person.

13. The offender was motivated by a desire to provide basic necessities of life for his family or others.

14. The offense involved a small quantity of a controlled dangerous substance and the offense was committed exclusively to support his personal drug habit.

15. The offender pled guilty or otherwise accepted responsibility for the offense and expressed genuine remorse.

16. The offender took steps which rehabilitated him or were reasonably related to his rehabilitation.

17. Any other relevant mitigating circumstances which distinguish the case from the typical case of the offense of conviction.

§206. Mandatory Minimum Sentences

If an offender has been convicted of an offense for which a mandatory term of imprisonment must be imposed which exceeds the maximum duration provided in the designated sentence range for that offense, the court should impose the minimum sentence required by law to be served in the manner required by law unless aggravating circumstances justify imposition of a more severe sentence.

§207. Designated Sentence Durations That Exceed the Statutory Maximum Sentence

If the minimum sentence duration provided by the sentence range in the appropriate cell of the grid exceeds the statutory maximum sentence for the offense of conviction, the court should impose the statutory maximum sentence unless mitigating circumstances justify imposition of a more lenient sentence.

§208. Concurrent and Consecutive Sentences

A. Factors to be Considered

1. The sentencing court may impose either concurrent or consecutive sentences in cases where a defendant has been convicted of two or more offenses. In determining whether to impose either a concurrent or a consecutive sentence, the court should consider aggravating and mitigating circumstances which may be present.

2. If two or more criminal acts are based on the same act or transaction, or constitute parts of a common scheme or plan, concurrent sentences should be imposed.

3. In all other cases, concurrent or consecutive sentences should be supported by appropriate factors. If a consecutive sentence is imposed, the court shall state for the record the factors considered and the reasons for imposition of a consecutive sentence.

4. If statutory law requires that a sentence be imposed either concurrently or consecutively, the sentences must be imposed in the manner prescribed by law.

B. Procedure for Imposing Concurrent Sentence. If

the court finds that concurrent sentences should be imposed, the following procedures apply:

1. Concurrent Sentences of Incarceration

a. A sentence is imposed for each offense of conviction.

b. The sentence with the longest term of incarceration shall set the term of incarceration.

c. Only one term of post-prison supervision should be ordered. The length of the post-prison term should be determined by the longest term of incarceration imposed.

2. Concurrent Intermediate Sanction Sentences

a. A sentence is imposed for each offense of conviction.

b. The sentence with the largest number of sanction units should determine the number of sanction units available for the concurrent sentences.

C. Procedure for Imposing Consecutive Sentences. If the court finds that a consecutive sentence should be imposed, the following procedures apply to determine the base sentence range and the recommended sentence.

1. The base sentence range is established by determining, from the appropriate cell in the grid, the designated sentence range for the most serious offense of conviction.

2. After the base sentence range for the most serious offense has been determined, the remaining offenses provide the additional penalty to be imposed. No more than 50 percent of the minimum of the grid range for each of the subsequent offenses for which the offender is being sentenced should be added.

3. If the offense from which the base sentence range is determined requires imposition of a term of incarceration at hard labor, the entire term of imprisonment imposed should be at hard labor.

Chapter 3. General Sentencing Policy

§301. Plea Agreements Involving Stipulated Sentences

A. Stipulating the Grid Cell

1. As part of a plea agreement under the guidelines, the parties may stipulate a cell within the grid regardless of whether the cell corresponds to the defendant's criminal history index and the crime seriousness level of the offense(s) to which the defendant will plead.

2. In such cases, the court may:

a. accept the stipulated cell and impose a sentence within the range provided, or

b. reject the plea agreement.

B. Stipulating a Specific Sentence

1. As part of a plea agreement under the guidelines, the parties may stipulate a specific sentence regardless of whether the sentence is within the range provided in the cell which corresponds to the defendant's criminal history index and the crime seriousness level of the offense(s) to which the defendant will plead.

2. If stipulation is made to a specific sentence, the court may:

a. accept the plea agreement and impose the stipulated sentence, or

b. reject the plea agreement.

§302. Revocation of Probation

A. Violation of Condition of Probation

1. If an offender is brought before the court for the violation of a condition of probation which does not involve commission and conviction of a subsequent offense and the

court does not consider revocation appropriate, the court may impose up to eight additional sanction units in consideration of the violation, e.g., up to two weeks in jail or 160 hours of community service, in lieu of revocation.

2. If the offender is brought before the court a second time for the violation of such a condition of probation, and the court does not consider revocation appropriate, the court may impose up to an additional 16 sanction units in lieu of revocation.

3. If the offender is brought before the court a third time for the violation of such a condition of probation, the court should consider revocation in lieu of an additional 16 sanction units.

B. Violation of Probation for Commission or Conviction of Misdemeanor

If an offender on probation is brought before the court for the commission or conviction of a misdemeanor, the court may impose up to eight additional sanction units or revoke the probation.

C. Violation of Probation for Commission or Conviction of Felony

If an offender on probation is brought before the court for the commission or conviction of a felony, the court may impose up to 16 additional sanction units or revoke the probation.

D. Imposition of Sentence Following Revocation

If the imposition of sentence was suspended, and the offender's probation is revoked, the court should follow the guidelines in imposing sentence.

§303. Credit for Time Served

A. If a sentence of incarceration is imposed and executed, an offender should be given credit for time served under the following conditions prior to the imposition or execution of sentence:

1. time spent in actual custody in connection with the offense of conviction.

2. time spent in actual custody in a public or private mental hospital or other similar facility if ordered by the court in connection with the offense of conviction.

3. time spent in actual custody as a condition of probation if that probation is subsequently revoked.

B. *Actual custody* as used in this Section is limited to time spent in confinement in prisons, jails, parish prisons, prison farms, workhouses, work-release centers, regional correctional facilities, public or private mental hospitals, or other similar facilities.

§304. Juveniles Tried as Adults

If a person under 17 years of age is prosecuted as an adult in a court exercising criminal jurisdiction, the guidelines should be applied in the same manner as though the person were an adult.

§305. Habitual Offender Sentencing

A. The guidelines increase the designated sentence range for an offender on the basis of the offender's prior criminal convictions, custody status, and the "crime family" of the current and prior convictions. In those cases in which the district attorney determines that the offender's pattern of past criminal conduct has been significantly more extensive than the typical offender with the same criminal history index, the district attorney may institute proceedings under R.S. 15:529.1, the Habitual Offender Law.

B. Any person who has been convicted of a felony and

adjudged an habitual offender shall receive an enhanced penalty as provided by R.S. 15:529.1, the Habitual Offender Law. In such cases, the enhanced sentence may exceed the maximum sentence range specified in the appropriate cell in the sentencing grid. In such cases, the court should impose the minimum sentence provided by law unless aggravating circumstances justify imposition of a more severe sentence.

§306. Parole, Good Time, Commutation of Sentence, Pardon

A. The sentence, derived from the seriousness of the offense committed, the criminal history index of the offender, and any aggravating or mitigating circumstances, should reflect the maximum length of time an offender should remain in actual custody or under supervision, and the manner in which a sentence should be served.

B. Eligibility for good time and parole should not affect the determination of the sentence to be imposed by the sentencing court.

C. Parole eligibility is determined by law. An offender is eligible for parole consideration only after having served the statutorily required portion of his designated sentence.

D. The decision to grant or deny parole should be based primarily on the offender's record of behavior while in custody following conviction, such as the person's conduct while incarcerated, including participation in educational or job training programs.

E. The guidelines are not intended to affect the granting of pardons or commuting of sentences by the governor upon recommendations of the Board of Pardons.

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Michael A. Ranatza
Executive Director

DECLARATION OF EMERGENCY

Department of Health and Hospitals Office of Management and Finance Division of Policy and Program Development

The Department of Health and Hospitals, Office of Management and Finance, Division of Policy and Program Development, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to adopt the following rule effective December 20, 1991 in order to implement Section 2196(1) of Act 394 of the 1991 Regular Session of the Louisiana Legislature. The emergency rulemaking provisions were previously exercised effective August 23, 1991 and September 23, 1991, with notices of intent published respectively in the *Louisiana Register*, on October 20, 1991, page 1009, and on November 20, 1991, page 1132.

Emergency rulemaking is necessary to immediately provide financial assistance to small rural hospitals throughout the state and to expand access to community-based health care for low-income and rural populations now underserved in Louisiana.

Major provisions of Act 394 include: (1) the creation of a Primary Care Advisory Council; (2) grants up to \$75,000 for rural hospitals to increase access to emergency health services; (3) limited start-up funds up to \$150,000 to establish primary care health clinics to serve indigent and low-income persons; (4) physician salary subsidies up to \$50,000 to match local funds to encourage primary care physicians to practice in health professional shortage areas; (5) matching funds for one pilot demonstration project to establish new primary health services in multi-parish underserved rural area; and (6) matching funds for federal grants to provide community-based health services to indigent or low-income persons.

EMERGENCY RULE

1. The Department of Health and Hospitals' Division of Policy and Program Development is accepting letters of intent from small rural hospitals, defined herein, on the intended use of up to \$75,000 in state funds, subject to availability of such funds. Hospitals that are eligible to apply are public and private acute care hospitals licensed for 60 beds or less which have a service municipality with a population of 20,000 or less.

The purpose of the grants to small rural hospitals is to strengthen the capability of small rural hospitals to provide high quality emergency health services to indigent and low-income persons in rural areas, and the letter of intent should reflect how the funds requested will further this goal. All letters of intent shall be sent to the Division of Policy and Program Development, Box 1349, Baton Rouge, LA 70821-1349. Letters of intent will be processed according to receipt and awards issued accordingly. Grant recipients will be required to maintain an audit trail verifying that any monies received under this grant program were in fact used to enhance emergency room services.

2. The Department of Health and Hospitals' Division of Policy and Program Development is accepting letters of intent from applicants who are interested in obtaining a primary care clinic grant application kit. Eligible applicants include existing federally funded community health centers or public or private organizations located in federally designated medically underserved areas. All interested applicants must submit a letter of intent prior to a completed application kit.

Primary care clinic grant application kits used by the Department of Health and Hospitals will include the following major sections: project description, project plan and project budget. Sample application kits for review and comment may be obtained by writing to the Department of Health and Hospitals' Division of Policy and Program Development, Box 1349, Baton Rouge, LA 70821-1349.

The Department of Health and Hospitals expects to award no more than four primary care clinic grants. Completed application kits should be submitted to the Division of Policy and Program Development, Box 1349, Baton Rouge, LA 70821-1349, and awards will be issued subject to the availability of funds.

Applications for primary care clinic grants will be competitive. The Department of Health and Hospitals will select from competing applications using the following evaluation criteria: justification/need for the project--degree of medical underservice in the proposed project service area (15 points); degree to which the project targets the medically underserved population identified in the needs assessment section of the proposal (15 points); description of delivering and networking quality primary health services, including services for patients without the ability to pay (15 points); verification and description of sound management and finance plans, including reasonable project budget (15 points); assurance(s) regarding project success--description of clinical performance and clinical outcome indicator (15 points); degree of community-based support for project (15 points); and the applicant's previous experience in the delivery of primary care services (15 points).

Primary care clinic grants awarded by the Department of Health and Hospitals may not exceed \$150,000 apiece.

3. Effective September 23, 1991, through March 1, 1992, the Department of Health and Hospitals will accept requests from local health agencies or communities for state matching funds for physician salary guarantees of \$100,000 annually in salary and benefits, to assist in recruiting or retaining primary care physicians in local communities and rural areas. State salary subsidies may not exceed \$50,000 and the local agency/community must demonstrate its ability to at least match the state amount. The local agency/community match may include but is not limited to cash; fringe benefits; rent; clerical, medical records and billing support; continuing education stipend(s); and medical malpractice coverage.

In implementing this provision of Act 394, the Department of Health and Hospitals will contract directly with local health agencies, who in turn contract with physicians. As such, local health agencies must submit with their request for assistance under this provision, a copy of a proposed contract with a physician. Such contract must address the \$100,000 guarantee.

It should be noted that the Department of Health and Hospitals anticipates that it will make no payments under this recruitment/retention incentive until the physician's actual received income and benefits are reconciled against his/her contract guarantees.

Should the number of requests under this provision exceed the available funds, the Department of Health and Hospitals reserves the right to prioritize requests based on the health professional shortage area's ratio of population to primary care physicians.

4. The Department of Health and Hospitals is accept-

ing letters of intent from existing federally-funded community health centers or public or private organizations located in local communities or rural areas that are interested in obtaining a demonstration grant to fund a project designed to innovatively, efficiently, and effectively develop and provide needed primary health care.

The Department of Health and Hospitals anticipates awarding demonstration grant(s) to innovatively develop primary care services in rural areas and local communities, including but not limited to such projects as the establishment or acquisition of mobile health clinics. The amount of available funds for this purpose is limited, and the grantee will be required to provide a 25 percent match to the funds; i.e., \$300,000 state and \$100,000 applicant.

Completed proposals must be received by the Division of Policy and Program Development, Box 1349, Baton Rouge, LA 70821-1349, by January 1, 1992, and awards will be issued thereafter subject to availability of funds. The proposal format should be determined by the applicant and should clearly describe the proposed project's goals and objectives and strategies to accomplish the goals and objectives. Additionally, the proposal should address a needs assessment, a management plan, a detailed budget, and budget justification. The proposal, including any appendices, may not exceed 50 typed double-spaced letter-size pages.

Should the number of requests under this provision exceed the available funds, the Department of Health and Hospitals reserves the right to prioritize requests based on project proposal's impact on the service area, as in the instance of new services for a contiguous, multi-parish rural medically underserved area.

5. The Department of Health and Hospitals will entertain requests for state matching funds for federal grants for projects to provide community-based health services to indigent or low-income persons, as proposed in a federal grant application proposal.

It should be noted that the provisions of this emergency rule are contingent upon the availability of funds.

J. Christopher Pilley
Secretary

DECLARATION OF EMERGENCY

Department of Health and Hospitals Office of Public Health

The Department of Health and Hospitals, Office of Public Health, has exercised the provision of the Administrative Procedure Act, R.S. 49:953(B), to amend, in part, Chapter XIII of *Louisiana Sanitary Code*, more specifically as follows:

Amendments to Louisiana Sanitary Code,
Chapter XIII, in part:

Re-Number 13:013 as 13:013-1

Add 13:013-2 to read as follows:

Individual sewage systems, other than conventional septic tank systems, e.g., septic tanks followed by subsurface disposal system, including those facilities built in conflict with the State of Louisiana Sanitary Code, shall comply with all provisions of U.S. Environmental Protection Agency Wastewater Discharge Permit Number LAG550200. The U.S.

Environmental Protection Agency should be contacted for information regarding federal wastewater discharge permits. The State Health Officer may establish other limitations or standards, as needed, in consideration of the water quality of affected surface water bodies and groundwaters.

Change 13:015 to read as follows:

Maintenance and operation. Individual sewage systems shall be kept in service and in a serviceable condition sufficient to insure compliance with this code and in order to avoid creating or contributing to a nuisance to the public.

Change *Secondary Treatment Standard* (Definition) to read as follows:

Secondary Treatment Standard means a sewage effluent water quality standard which prescribes a maximum 30-day average concentration of biochemical oxygen demand (five-day basis) of 30 milligrams per liter (mg/l) and a maximum daily concentration of biochemical oxygen demand (five-day basis) of 45 mg/l. The 30-day average concentration is an arithmetic mean of the values for all effluent samples collected in the sampling period.

This codal amendment, effective 9 December 1991, is necessary to enable the Sewerage Program of Office of Public Health to insure that agency public health regulations, in part as applicable, are in concert with alternatively prevailing federal and state regulations, e.g., respectively, Federal Water Pollution Control Act (33 U.S.C. 1251, et seq.) and Louisiana Administrative Code 33:IX.709, 711 (Chapter 7), as regards administrative enforcement of matters involving the discharge(s) of sewage from certain wastewater treatment facilities. Further, this codal amendment is necessary to allow that timely and proper enforcement of certain sewage-related public health matters, consequent to Act 300 of the 1991 Louisiana Legislature, may be effectively administered.

J. Christopher Pilley
Secretary

DECLARATION OF EMERGENCY

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, is exercising the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to adopt the following rule in the Medicaid Program. Rules regarding case management services were adopted and published in December 20, 1986, June 20, 1989 and April 20, 1990 issues of the *Louisiana Register*.

The Consolidated Omnibus Budget Reconciliation Act gave states the authority to provide case management services under their Title XIX Programs (Medicaid) to certain population groups to reduce barriers to needed health services. Case management is defined as an individualized planning and service coordination under which responsibility for locating, coordinating and monitoring necessary and appropriate health care services for an individual rests with a specific person or organization. Currently Medicaid of Louisiana covers case management services and reimburses such services in accordance with a service unit comprised of 15

minutes for the following specialized groups of eligible individuals: mentally retarded-developmentally disabled, chronically mentally ill, ventilator-assisted individuals, and HIV disabled individuals.

Currently the Bureau of Health Services Financing reimburses enrolled providers of case management services \$9.37 for each 15 minute service unit. After review of required documentation on provider costs, the bureau plans to increase the reimbursement rate to \$13.26 for each service unit effective December 1, 1991. This rule is necessary to ensure that the reimbursement for services remain in compliance with 1902(a)(30) of the Social Security Act which mandates payment of reasonable and adequate rates.

EMERGENCY RULE

A prospective interim rate of \$13.26 per unit of service for case management services shall be established subject to adjustment based upon audited cost report data. Based upon provider audit findings the prospective interim rate shall be adjusted to assure compliance with federal regulations. This increase applies only to enrolled providers currently reimbursed on a 15 minute service unit basis. The general provisions currently in effect continue to govern reimbursement for these services.

J. Christopher Pilley
Secretary

DECLARATION OF EMERGENCY

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

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

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

EMERGENCY RULE

Rates for Medicaid non-emergency ambulance transportation services are increased from \$2 per mile to \$2.11 per mile. Base rate and transfer rate fees are increased from \$77.50 to \$81.84.

All current vehicle requirements for ambulance transport remain in effect.

J. Christopher Pilley
Secretary

DECLARATION OF EMERGENCY

Department of Insurance Commissioner of Insurance

In accordance with the provisions of R.S. 49:953(B) of the Administrative Procedure Act, the Department of Insurance has adopted emergency regulation 39 in order to implement without delay Act 103 of the 1990 regular legislative session.

Emergency rulemaking is necessary to immediately provide for the submission of a statement of opinion of a qualified actuary as to loss and loss adjustment expense reserves which, pursuant to R.S. 22:904, must accompany the annual statements to be filed before March 1, 1992. This emergency regulation is effective December 20, 1991 for 120 days.

Emergency Regulation 39 Statement of Actuarial Opinion

§1. Authority

This regulation is promulgated under the authority of Title 22:904 of the Insurance Code of the State of Louisiana and the Administrative Procedure Act, R.S. 49:950 et seq.

§2. Purpose

The purpose of this regulation is to implement Act 103 of the 1990 regular legislative session. It is further intended to protect the public from the risk of insolvent insurance companies by requiring companies issuing certain types of policies to provide actuarial statement of opinion of loss and loss adjustment expense reserves. This will assist the agency in ensuring that adequate reserves are retained by insurers so that claims can be paid and minimize the necessity of putting companies into conservation and/or liquidation.

§3. Applicability and Scope

This regulation shall apply to all companies which issue policies of personal injury liability insurance, policies of employer's liability insurance, and policies of worker's compensation insurance. Companies which issue these types of policies shall attach to page 1 of the Annual Statement, the statement of a qualified actuary, entitled "Statement of Actuarial Opinion," setting forth his or her opinion relating to loss and loss adjustment expense reserves.

§4. Definitions

A. *Qualified actuary* is a person who is either:

1. a member in good standing of the Casualty Actuarial Society, or

2. a member in good standing of the American Academy of Actuaries who has been approved as qualified for signing casualty loss reserve opinion by the Casualty Practice Council of the American Academy of Actuaries, or

3. a person who otherwise has competency in loss reserve evaluation as demonstrated to the satisfaction of the insurance regulatory official of domiciliary state. In such case, at least 90 days prior to the filing of its annual statement, the insurer must make a request to the commissioner that the person be deemed qualified. That request must be approved or denied by the commissioner or his designee. The request must include NAIC Biographical form and a list of all loss reserve opinions and/or certifications issued in the last three years by this person.

4. *Insurer* means an insurer authorized to write property and/or casualty insurance under the laws of any state and includes but is not limited to fire and marine companies, general casualty companies, local mutual aid societies,

statewide mutual assessment companies, mutual insurance companies other than life, farm mutual insurance companies, county mutual insurance companies, Lloyds plans, reciprocal and interinsurance exchanges, captive insurance companies, risk retention groups, stipulated premium insurance companies, and non-profit legal service corporations.

5. *Annual Statement* means the annual financial statement required to be filed by insurers with the commissioner.

§6. Content

The "Statement of Actuarial Opinion" shall be in the format of and contain the information required by Section 12 of the Annual Statement Instructions: Property and Casualty.

§7. Exemptions

Companies subject to this regulation may apply for an exemption. If an exemption is granted a certified copy of the approved exemption must be filed with the annual statement in all jurisdictions in which the company is authorized to do business. An exemption may be applied for solely on the following grounds:

A. Automatic Exemption

1. An insurer otherwise subject to this regulation that has less than \$1,000,000 total direct plus assumed written premiums during a calendar year or that has less than a total of 1,000 policyholders and certificate holders at the end of a calendar year, in lieu of the certification required for the calendar year, may submit an affidavit under oath of an officer of the insurer that specifies that amount of direct, plus assumed, premiums written and the total number of policyholders and certificate holders.

2. An insurer who intends to file for an exemption under this section must submit a letter of intent to its domiciliary commissioner no later than December 1 of the calendar year for which the exemption is to be claimed. The commissioner may deny the exemption prior to December 31 of the same year if he deems the exemption inappropriate. If an insurer intends to file for an exemption for calendar year 1991 it must do so no later than January 31, 1992.

B. Exemption for Insurers under Supervision or Conservatorship

Unless ordered by the domiciliary commissioner, an insurer that is under supervision or conservatorship pursuant to statutory provision is exempt from the filing requirement contained herein.

C. Exemption for Nature of Business

An insurer otherwise subject to this regulation and not eligible for an exemption as enumerated above may apply to its domiciliary commissioner for an exemption based on the nature of the business written. This exemption is available to those companies writing property lines only.

D. Financial Hardship Exemption

1. An insurer otherwise subject to this regulation and not eligible for any of the exemptions enumerated above may apply to the commissioner for a financial hardship exemption.

2. Financial hardship is presumed to exist if the projected reasonable cost of the certification would exceed the lesser of:

a. one percent of the insurer's capital and surplus reflected in the insurer's annual statement filed with the department for the calendar year for which the exemption is sought; or

b. three percent of the insurer's net direct plus assumed premiums written during the calendar year for which

the exemption is sought as reflected in the insurer's annual statement filed with its domiciliary commissioner.

James "Jim" Brown
Commissioner

DECLARATION OF EMERGENCY

Department of Social Services Office of Community Services

The Department of Social Services, Office of Community Services, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to adopt the following rule in the Child Protection Investigation Program. Emergency rulemaking is necessary so that the agency can comply with the Louisiana Children's Code, Title VI, Child in Need of Care, Article 612, Investigation of Reports, which mandates an implementation date of January 1, 1992. The Children's Code requires the agency to tape record interviews with parents and children, when requested during the course of a Child Protection Investigation, thus preventing imminent peril to children at risk of immediate and substantial harm due to the abuse and/or neglect of their parent or caretaker.

EMERGENCY RULE

Effective January 1, 1992, the Office of Community Services will tape record all interviews of the child or his parents conducted in the course of a Child Protection Investigation, if requested by the parent or parents.

May Nelson
Secretary

DECLARATION OF EMERGENCY

Department of Social Services Office of the Secretary

The Department of Social Services, Office of the Secretary has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to adopt the following rule in the Child Care and Development Block Grant Program and the Title IV-A At-Risk Child Care Program, effective January 1, 1992 in Orleans Parish, and February 1, 1992 in the remainder of the state.

This emergency rule replaces the emergency rule published in the November 20, 1991 issue of the *Louisiana Register*; it contains an additional level of standard rates so that quality child care will be available to children under age one.

The Department of Social Services has received written approval of the Child Care and Development Block Grant State Plan from the Department of Health and Human Services, Administration for Children and Families.

Emergency rulemaking is necessary so that eligible children in need of quality child care can receive these services without delay, thus decreasing the risk that they will suffer from inadequate care.

Title 67
DEPARTMENT OF SOCIAL SERVICES
Part I. Office of the Secretary

Chapter 1. Child Care Assistance

§101. Eligibility Requirements

A. Child Care and Development Block Grant Program:

1. family income does not exceed 75 percent of the state median income for a family of the same size;
2. the family includes a child in need of care who is under age 13, or age 13 to age 18 and physically or mentally incapable of caring for himself or herself, as verified by a physician or certified psychologist, or under court supervision;
3. the child resides with a parent who is applying for child care services;
4. the parent is employed or attending a job training or educational program, or the child is in need of protective services; and
5. the family requests child care services, provides the information necessary for determining eligibility and fees, and meets appropriate application requirements established by the state.

B. Title IV-A At-Risk Child Care Program:

1. the family is not currently receiving Aid to Families With Dependent Children (AFDC), but is at risk of becoming eligible for AFDC;
2. the family includes a child under the age of 13 in need of child care;
3. the child resides with an adult who is within the required degree of relationship who is applying for child care services;
4. the adult responsible for the child is employed;
5. the child is deprived of parental support and care

(in two-parent households, one parent must meet criteria for incapacity or be unemployed); and

6. the family requests child care services, provides the information necessary for determining eligibility and fees, and meets appropriate application requirements established by the state.

§102. Child Care Providers

A. The parent or guardian is assured freedom of choice in selecting from a variety of child care categories, including center-based child care, family child care, and in-home child care. The parent or guardian will be afforded the maximum freedom to select the child care provider of his choice.

B. Under the Child Care and Development Block Grant Program, relatives providing child care must be at least 18 years of age and must be providing child care to only grandchildren, nieces, and/or nephews. The use of funds for sectarian worship or instruction, or the purchase of land or buildings, is prohibited.

C. Purchase of service contracts using Child Care and Development Block Grant Funds will be used to develop or enhance resources necessary to meet the needs of Special Needs Children, who require care for which specialized training, equipment or facilities are essential. Contracts could be used for developing licensed Class A centers or upgrading existing programs in such centers to handle Crack/HIV/severely handicapped or emotionally disturbed infants and young children. Contracts would be designed to preserve parental freedom of choice in selecting providers.

§103. Payment

A. Each family shall contribute toward the payment of child care based on the size of the family and ability to pay. The sliding fee scale is as follows:

SLIDING FEE SCALE FOR CHILD CARE ASSISTANCE RECIPIENTS

NUMBER IN FAMILY UNIT	2	3	4	5	6	RECIPIENT'S SHARE OF CHILD CARE FEE
ANNUAL FAMILY INCOME	0 - 8,879	0 - 11,139	0 - 13,399	0 - 15,659	0 - 17,919	5%
	8,880 - 10,795	11,140 - 13,055	13,400 - 15,705	15,660 - 18,355	17,920 - 21,003	10%
	10,796 - 12,380	13,056 - 14,972	15,706 - 18,011	18,356 - 21,050	21,004 - 24,087	30%
	12,381 - 13,966	14,973 - 16,889	18,012 - 20,317	21,051 - 23,745	24,088 - 27,171	50%
	13,967 - 15,551	16,890 - 18,806	20,318 - 22,623	23,746 - 26,440	27,172 - 30,255	70%
	15,552 - 16,341	18,807 - 19,762	22,624 - 23,773	26,441 - 27,784	30,256 - 31,793	90%
	16,342 & ABOVE	19,763 & ABOVE	23,774 & ABOVE	27,785 & ABOVE	31,794 & ABOVE	100%

NUMBER IN FAMILY UNIT	7	8	9	10	11	RECIPIENT'S SHARE OF CHILD CARE FEE
ANNUAL FAMILY INCOME	0 - 20,179	0 - 22,439	0 - 24,699	0 - 26,959	0 - 29,219	5%
	20,180 - 23,652	22,440 - 26,301	24,700 - 28,950	26,960 - 31,599	29,220 - 34,247	10%
	23,653 - 27,125	26,302 - 30,163	28,951 - 33,200	31,600 - 36,238	34,248 - 39,275	30%
	27,126 - 30,598	30,164 - 34,025	33,201 - 37,451	36,239 - 40,878	39,276 - 44,303	50%
	30,599 - 34,070	34,026 - 37,886	37,452 - 41,702	40,879 - 45,517	44,304 - 49,332	70%
	34,071 - 35,802	37,887 - 39,812	41,703 - 43,821	45,518 - 47,831	49,333 - 51,839	90%
	35,803 & ABOVE	39,813 & ABOVE	43,822 & ABOVE	47,832 & ABOVE	51,840 & ABOVE	100%

B. The state's share of the child care payment will be made directly to the child care provider. The provider is responsible for collecting the recipient's share of the payment.

C. Maximum child care payment rates are considered to be the provider's actual rate or the following state-established rate, whichever is less:

Standard Rate Schedule
Regular Care

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

Standard Rate Schedule
Special Needs Care

	Child Under Age 2			Age 2 and Older		
Class A Centers	monthly	full-time \$287.88	part-time \$149.94	monthly	full-time \$270.80	part-time \$135.40
	weekly	\$ 68.74	\$ 34.37	weekly	\$ 62.50	\$ 31.25
	daily	\$ 13.74	\$ 6.87	daily	\$ 12.50	\$ 6.25
	hourly	\$ 1.72	\$ 1.72	hourly	\$ 1.56	\$ 1.56
All other providers	monthly	full-time \$270.80	part-time \$135.40	monthly	full-time \$270.80	part-time \$135.40
	weekly	\$ 62.50	\$ 31.25	weekly	\$ 62.50	\$ 31.25
	daily	\$ 12.50	\$ 6.25	daily	\$ 12.50	\$ 6.25
	hourly	\$ 1.56	\$ 1.56	hourly	\$ 1.56	\$ 1.56

A 25 percent premium is paid for the care of special needs children, who are defined as anyone up to age 13 who because of mental, physical or emotional handicap would require specialized facilities, lower staff ratio and/or specialized training to meet the developmental and physical needs of the child.

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

May Nelson
Secretary

DECLARATION OF EMERGENCY

**Department of State
Office of the Secretary of State**

In accordance with R.S. 49:953(B), the Department of State is exercising the emergency provisions of the Administrative Procedure Act to implement the provisions of Act 755 of the 1991 Regular Session of the Louisiana Legislature, specifically R.S. 42:1211 through 1221. This rulemaking establishes policies and procedures for the registering and reporting of Lobbyist and Lobbyist Principals before State Agencies and is necessary in order that the provisions of R.S. 42:1211 through 1221 may be implemented and administered in a timely manner. The effective date of this emergency rule is January 1, 1992.

EMERGENCY RULE

Chapter 1. Executive Branch Lobbying

§101. Policy

Lobbying Before State Agencies, (hereinafter referred to as "Executive Branch Lobbying"), R.S. 42:1211-1221, adopts registering and reporting procedures for Executive Branch Lobbying, effective January 1, 1992.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1211-1221.

HISTORICAL NOTE: Promulgated by the Department of State, Office of Secretary of State,

§103. Definitions

For all purposes of these emergency rules and regulations, the terms defined in this Section shall have the following meanings, unless the context of use clearly indicates otherwise.

A. The term *executive branch action*, as defined in R.S. 42:1212.1, shall not apply to the reporting of information to executive branch agencies as required by law.

B. The term *expenditure*, as defined in R.S. 42:1212.3, includes anything of economic value. The term *thing of economic value* as defined in R.S. 42:1102.22 shall apply to this Part, as applicable.

C. The term *lobbying*, as defined in R.S. 41:1212.5, shall not apply to mass media expenditures which are attributable directly to the production of a newsletter which is solely for the dissemination of information regarding executive branch action or the status of executive branch action. The term shall also not apply to any request for information concerning an executive branch action or agency.

The term *lobbying* includes the term *aid* which shall mean aid furnished to any lobbyist principal to accomplish the purposes enumerated in R.S. 42:1212.5(a) and (b).

D. The term *lobbyist*, as defined in R.S. 42:1212.6, includes an individual who represents an organization, association, or other group for the purpose of lobbying, whether compensated or not. It shall not include each member of the organization, association, or group, but only the individual who acts at the duly issued request of an organization, association, or other group.

The term *lobbyist* also includes a person who lobbies and who has a pecuniary interest in the executive branch action. The term *pecuniary interest* shall mean a direct and substantial pecuniary interest which is of greater benefit to the person than to a general class or group of persons, except it shall not include:

1. the interest that the person has in his position, office, rank, salary, per diem, or other matter arising solely from his own business, public employment, or office;
2. the interest that a person has as a member of the general public.

The term *lobbyist* further includes a public official or public employee who lobbies. It shall not mean an elected public official who is performing his duties of office and acting on behalf of the citizens who elected the public official. It shall also not mean a public employee who provides information on an executive branch action to espouse the view or position of the public entity.

E. The term *lobbyist principal*, as defined in R.S. 42:1212.7, shall not include the employees or members of the staff of the lobbyist principal or the employees or members of the association, organization, or corporation which is a lobbyist principal.

F. The terms *salary* and *compensation*, as provided for in R.S. 42:1212.3(d) and as they relate to payments made to a lobbyist, shall not include any monies paid to the lobbyist other than monies which are reportable as an expenditure under R.S. 42:1212.3.

G. The term *for the purpose of lobbying* contained in this Part shall mean only a situation in which an individual's principal purpose is lobbying.

H. The term *associated*, as it relates to being associated with a lobbyist or a lobbyist principal he represents in R.S. 42:1214.A(3), shall mean joint ownership of any business, economic enterprise, or legal entity, or full-time employment with any business, economic enterprise, or legal entity in which the executive branch official exercises control or owns an interest in excess of 25 percent. (R.S. 42:112).

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1211-1221.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State.

§105. Applicability

A. This part shall be applicable to all persons who are defined as lobbyists in R.S. 42:1212.6, except those excluded under R.S. 42:1213, and those excluded by extension under these rules in which it was the intent of the legislature to exclude.

B. In regards to R.S. 42:1213.3, *usual job functions of an employee* shall mean his daily job duties. Furthermore, *primary function of an employer* shall mean an employer who owns, operates, or has at least a 25 percent joint ownership of a lobbyist firm, association, or economic enterprise.

C. In regards to R.S. 42:1213.A, the exclusion shall be applicable to any newspaper which publishes editorial comment, news articles, and advertisements for or against executive branch action and which otherwise lobbies only by appearing before an executive branch agency to give information.

D. In regards to R.S. 42:1213.5, the exclusion shall also be applicable to an executive branch official's designee, as authorized by law, who is acting in an official capacity on behalf of the executive branch official.

E. In regards to R.S. 42:1213.6, the time computation for the 16-hour time limitation shall include only those hours actually spent lobbying on an executive branch action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1211-1221.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State.

§107. Registration Fees

A. A fee of \$50 for each registrant who receives any compensation, economic consideration, or reimbursement for lobbying for each registration and each renewal of the registration.

B. A fee of \$25 for all other registrants for each registration and each renewal of the registration.

C. All fees shall accompany the Executive Branch Lobbying Registration Form. Fees may be tendered in cash or by check, made payable to the secretary of state.

D. Registration forms received without proper payment of fees shall be returned to the registrant.

§109. Forms to be used in Registering and Reporting

A. The registration form to be filed with the secretary of state is called an Executive Branch Lobbyist Registration Form.

B. The lobbyist reporting form to be filed with the secretary of state is called an Executive Branch Lobbyist Expenditure Reporting Form.

C. The lobbyist principal reporting form to be filed with the secretary of state is called an Executive Branch Lobbyist Principal Expenditure Report Form.

D. The sworn statement of employment form to be filed with the secretary of state is called the Executive Branch Lobbyist Employment Verification Form and shall be attached to the registration form and labeled "Attachment A."

E. The affidavit report form, provided for in lieu of a report form, in R.S. 42:1215.A(2), to be filed with the secretary of state is called an Executive Branch Expenditure Affidavit Form.

F. All forms shall be stocked and dispensed upon request by the secretary of state's office, Commissions Division, Box 94125, Baton Rouge, LA 70804-9125, (504) 342-4983.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1211-1221.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State.

§111. Place of Filing Executive Branch Lobbyist Registration and Expenditure Report Forms

A. The proper place to file an Executive Branch Lobbyist Registration or Expenditure Report Form is with the secretary of state's office, Commissions Division, Box 94125, Baton Rouge, LA 70804-9125, (504) 342-4983.

B. It is necessary that an original and one copy of the required forms be filed with the secretary of state.

C. All registration and reporting forms shall be signed by the proper party under oath. The secretary of state shall return any filings which are not signed under oath.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1211-1221.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State.

§113. Public Records

A. All reports filed with the secretary of state shall be maintained as a public record available for public inspection during normal working hours.

B. The secretary of state shall charge a reasonable amount for copies of such reports as approved by the Joint Committee on the Budget.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1211-1221.

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State.

W. Fox McKeithen
Secretary of State

DECLARATION OF EMERGENCY

**Department of State
Office of Uniform Commercial Code**

In accordance with the emergency provisions of R.S. 49:953(B), and under the authority of R.S. 49:230 and 10:9-410(3), the Department of State, Office of Uniform Commercial Code, hereby adopts the following emergency rules governing the submission of Master Assignment and Master Amendment filings, and other related amendments to UCC filing procedures, LAC 10:V.Chapter 1.

The Department of State, Office of Uniform Commercial Code, finds it necessary to adopt these emergency rules in order to comply with the provisions of Act 377 of the 1991 Regular Legislative Session, effective January 1, 1992. These rules shall remain in effect for 120 days from the date of the adoption hereof.

**Title 10
BANKS AND SAVINGS AND LOANS
Part V. Uniform Commercial Code**

Chapter 1. Secured Transactions

§103. Place of Filing - When Filing is Required in Louisiana

* * *

E. The filing of a financing statement otherwise required by the UCC is not necessary or effective to perfect a

security interest in property subject to the following statutes: R.S. 3:3651, et seq. pertaining to central registry of liens affecting farm products as defined in R.S. 3:3652(10) and not as defined in R.S. 10:9-109(3); however, during any period in which the collateral is inventory held for sale by a person who is in the business of selling or leasing goods of that kind, the filing provisions of the UCC apply to a security interest in that collateral created by the debtor.

1. - 2. Repealed.

§105. Formal Requisites of Financing Statement

A. To be effective, a financing statement must:

* * *

2. give the name of the secured party, an address of the secured party from which information concerning the security interest may be obtained, and set forth the social security number or employer identification number, as applicable, of the secured party.

* * *

C. The filing officer may reject any financing statement which does not set forth the social security number or employer identification number, as applicable, of each named secured party and debtor unless the secured party or debtor is not required to have such number.

§107. Forms To Be Used In Filing

A. Under the UCC, the notice to be filed with the filing officer is called a financing statement. The standard financing statement approved by the secretary of state, Louisiana Form UCC-1, measures 8 1/2" x 11". All filing officers will accept these standard forms. Failure to use Louisiana Form UCC-1 renders the filing subject to the nonstandard form penalty.

* * *

F. Repealed. (Reserved)

* * *

H. A financing statement may disclose an initial assignment of the security interest by giving the name, address, and social security number or employer identification number, as applicable, of the assignee. After disclosure of the assignment, the assignee is the secured party of record. The standard UCC-1 form approved by the secretary of state contains appropriate space to disclose such an initial assignment.

* * *

§113. Repealed. (Reserved)

§117. Subsequent Filings

A. Filings relating to changes affecting the original financing statement have been consolidated and incorporated into a single form prescribed by the secretary of state called a "UCC-3". This single composite form may be used as a Continuation Statement, a Partial Release Statement, a Statement of Partial Assignment, a Statement of Assignment (full assignment), a Termination Statement, an amendment to a financing statement, or a Statement of Master Assignment or Master Amendment (affecting 20 or more original financing statements filed in the same parish).

* * *

§123. Preparation of A UCC-3 Filing

Any UCC-3 filing changing the original financing statement must:

A. Be signed by the secured party of record.

* * *

C. Give the name, mailing address, and social security number or employer identification number, as applicable,

of the secured party of record.

* * *

§125. Additional Specific Requirements For Filings Changing The Status Of An Original UCC Filing

* * *

F. Master Assignment

1. A secured party of record may assign all of its rights under twenty or more financing statements filed in any one parish by filing a UCC-3 Master Assignment in the parish in which the original financing statements were filed.

2. The secured party shall specifically indicate the type of statement being filed by checking Item 7G on the standard form UCC-3 approved by the secretary of state and typing the words "Master Assignment" in the space provided therein.

3. As an exception to §123.B herein, debtor information (name, address and taxpayer identification numbers) relating to each original financing statement being assigned need not be provided. However, the following information shall be set forth on the UCC-3 Master Assignment:

a. the name, address, and social security number or employer identification number, as applicable, of the secured party of record.

b. the name, address, and social security number or employer identification number, as applicable, of the assignee.

c. the original file number of each financing statement being assigned. This information shall be provided on 8 1/2" x 11" sheets attached to the UCC-3, headed by the name and taxpayer identification number of the secured party of record.

d. the parish of original filing.

e. the secured party of record must sign the UCC-3 Master Assignment.

G. Master Amendment

1. A secured party of record may amend its name, mailing address or taxpayer identification number shown in 20 or more financing statements filed in any one parish by filing a UCC-3 Master Amendment in the parish in which the original financing statements were filed.

2. The secured party shall specifically indicate the type of statement being filed by checking Item 7G on the standard form UCC-3 approved by the secretary of state and typing the words "Master Amendment" in the space provided therein.

3. As an exception to §123.B herein, debtor information (name, address and taxpayer identification numbers) relating to each original financing statement being amended need not be provided. However, the following information shall be set forth on the UCC-3 Master Amendment:

a. the name, address, and social security number or employer identification number, as applicable, of the secured party of record.

b. the new name, address, and social security number or employer identification number, as applicable, of the secured party, which should be set forth in Item 8 on the UCC-3 form.

c. the original file number of each financing statement in which the secured party's name, address or taxpayer identification number is being amended. This information shall be provided on 8 1/2" x 11" sheets attached to the UCC-3, headed by the name and taxpayer identification number of the secured party of record.

d. the parish of original filing.

e. the secured party of record must sign the UCC-3 Master Amendment.

§127. Reinscription of Pre-Chapter 9 Filings

* * *

D. The filing officers shall collect fees applicable for the filing of a UCC continuation statement. Additionally, the uniform fee for filing a termination statement shall be prepaid at the time the reinscription is filed. Fees collected shall be allocated between the filing officer and the secretary of state as set forth in R.S. 9:2737(A)(1)(a).

§129. Request for Information or Copies

A.1. Background: The secretary of state's master index of information is composed of UCC filing data submitted by the 64 filing officers statewide. The data base is a composite of all presently effective financing statements, as well as any statements of assignment, continuation, release, or amendment, and original financing statements which have been terminated within the one-year period prior to a request for a certificate. All UCC filings are indexed according to the name and social security number or employer identification number, as applicable, of each particular debtor set forth on the financing statement.

2. The secretary of state's master index does not contain information on statutory liens or tax liens, except for statements filed pursuant to R.S. 23:1546 relative to unemployment compensation contributions, and IRS tax liens affecting movable property filed on or after September 1, 1990. In addition, the master index does not contain any information on notices of assignments of accounts receivable, or chattel mortgage or collateral chattel mortgage filing information, except for those pre-Chapter 9 filings which have been reinscribed under the UCC filing provisions in accordance with R.S. 9:3112(B) and R.S. 9:5356(J).

3. Original UCC documents filed with the parish filing officers remain at the local level in the parish of filing. Any filings which change the status of an original UCC filing must be made with the filing officer with whom the financing statement was originally filed, and the original will remain on file in that parish. The secretary of state does not receive copies of UCC filings. Therefore, requests for copies of documents must be made in the parish in which the filing was originally made. If filings on a particular debtor have been made in more than one more parish, each parish filing officer must be contacted for copies of such filings. If the file numbers cannot be provided by the requesting party, a certificate must be requested from the filing officer.

B. Prescribed Forms To Be Used In Requesting Information Or Copies

A standard UCC-11 has been prescribed by the secretary of state to be used in requesting (1) copies of filings, and/or (2) the filing officer's certificate showing whether there is listed any presently effective financing statements or other statements naming a particular debtor or secured party identified by social security number or employer identification number. It is recommended that the standard form UCC-11 be utilized to facilitate accurate responses, but there is no penalty for failure to use the form.

* * *

D. Information Request (Certificate) on Secured Parties UCC-11 requests for information on secured party names may be submitted to any of the 64 filing officers statewide. The request must contain the social security number or

employer identification number, as applicable, of the secured party who is the subject of the request. The UCC certificate issued by the filing officer will disclose all financing statements or other statements filed in the UCC master index on or after January 1, 1990, in which the secured party's taxpayer identification number was provided on the original statement or subsequent filing relating thereto.

§131. Schedule of Fees For Filing and Information Requests

A. Form UCC-1

- *Financing Statement \$ 15
- *Financing Statement with Assignment \$ 20
- *Financing Statement relating to fixture or mineral filings \$ 25
- *Financing Statement (Transmitting Utility) \$200
- *Extra fee of \$5 for each additional debtor name or tradename
- *Nonstandard form penalty (UCC-1 and UCC-3) \$ 15 (plus \$1 per page in excess of 10 pages)

B. Form UCC-3

- *Amendment \$ 15
- *Assignment (Full or Partial) \$ 15
- *Continuation \$ 15
- *Reinscription of Pre-Chapter 9 Filing \$ 15
- *Release \$ 15
- **Termination \$ 5
- Master Assignment or Master Amendment . . \$ 5 per affected financing statement, plus \$ 1 per affected financing statement in excess of 300
- *Extra fee of \$5 for each additional debtor name or tradename
- **Termination fee of \$5 per debtor name is prepaid at time of original filing of financing statement.
- *Nonstandard form penalty (UCC-1 and UCC-3) . . \$ 15 (plus \$1 per page in excess of 10 pages)

C. Form UCC-11

- ***UCC Certificate (per name) \$ 15
- Copies of Documents \$ 1 per page (Minimum \$3 per request)
- ***If a certificate contains listings for more than 10 statements, add \$1 for each statement in excess of 10.

W. Fox McKeithen
Secretary

DECLARATION OF EMERGENCY

**Department of the Treasury
Board of Trustees of the State Employees' Retirement System**

The Board of Trustees of the State Employees' Retirement System, at its meeting on November 20, 1991, adopted the following emergency rule concerning renunciation of benefits, effective November 20, 1991.

**EMERGENCY RULE
Renunciation of Benefit**

Any person eligible to receive, or receiving, a benefit from the Louisiana State Employees' Retirement System (LASERS) may renounce such benefits on the following terms and conditions:

1. The renunciation shall be unconditional and irrevocable. Once a benefit is renounced, LASERS shall have no further obligation or liability with respect to that benefit, and the person renouncing the benefit shall under no circumstances be eligible to receive that benefit.

2. A base benefit may only be renounced in its entirety. If a base benefit is renounced, there shall be no eligibility for later adjustment of benefits of any kind. An adjustment to a base benefit (cost-of-living adjustment or adjustment for inflation) may only be renounced in its entirety. If an adjustment is renounced, the base benefit need not be renounced.

3. A benefit may be renounced before or after payment begins. If the renunciation is after the start of payments, any payments received prior to the effective date of the renunciation are not affected.

4. If the party making the renunciation is married, the spouse must join in the renunciation.

5. If the person making the renunciation is subject to an executed and effective community property settlement, only that portion of the benefit due the person making the renunciation may be renounced, except as provided for in R.S. 42:577(E).

6. If the person making the renunciation is legally separated or divorced, but is not subject to an executed and effective community property settlement, the renunciation must be approved by the court having jurisdiction over the separation or divorce.

7. If the person making the renunciation is retired and has named a joint and survivor beneficiary, the renunciation cannot affect the joint and survivor beneficiary or benefit, including adjustments to the joint and survivor benefit.

8. If a benefit is renounced by a member prior to receipt by the member of a sum equal to his or her accumulated contributions, the balance of the accumulated contributions will be paid to the member.

9. A renunciation must be made on a form provided by LASERS, and must be executed before a notary public and two witnesses, neither of whom may be a spouse or presently named beneficiary. The renunciation is effective and irrevocable when received by LASERS, and may not be retroactive.

10. A person revoking or participating in revocation of a benefit must hold LASERS harmless from such action.

11. A revocation may not be used to terminate active participation in LASERS.

12. Amounts credited to a DROP account cannot be renounced.

13. LASERS makes no representation with respect to the effect of a revocation on a person's eligibility for receipt of any state or federal benefits, or for participation in any private, local, state or federal program. Eligibility for or participation in such programs, or eligibility for or receipt of such benefits, is an issue for which the person making the revocation is solely responsible. Ineligibility for or termination of participation in such programs or benefits shall not affect the irrevocable character of the renunciation.

Thomas D. Burbank, Jr.
Executive Director

DECLARATION OF EMERGENCY

Department of the Treasury Bond Commission

The State Bond Commission amended the commission's rule on November 21, 1991 as originally adopted on November 20, 1976. The commission amended Rule No. 15 of the original commission rules and increased the maximum amount of authorized lines of credit as follows:

15. LINE OF CREDIT - a line of credit is an authorization to a state agency to proceed with a project and draw from the state treasury funds for the project prior to the sale of bonds for that project. The maximum amount of lines of credit which may be authorized by the commission shall be \$225,000,000. Bonds shall be issued to replenish lines of credit granted in the fiscal year in which the line of credit was granted. No lines of credit may be granted for a project unless and until either the bonds have been sold, lines of credit have been granted, or a certificate of impossibility and impracticality has been issued for all projects of higher priority as stated in the comprehensive capital budget adopted by the Louisiana Legislature. The maximum amount of lines of credit provided herein shall not apply in cases where the commission shall deem an item to be an emergency matter.

Monies advanced on a line of credit for any project shall be spent only in accordance with the description in the bond authorization act authorizing bonds to be issued for that project.

Prior to the execution of any contract agreement obligating the expenditure of monies received by any state department or agency or any other entity from line of credit funds, the Attorney General's Office shall be requested to review such proposed contracts or agreements for the sole purpose of determining whether expenditure of funds thereunder is for the purpose of furthering the applicable project adopted by the Legislature. If given, such prior approval by the Attorney General's Office shall be in writing to the appropriate state department, agency or other entity with a copy to be furnished to the Bond Commission.

Should the Attorney General's Office determine that the proposed expenditure of line of credit funds not be in order, no funds may be used to pay obligations which may be incurred if such contracts are executed after an adverse conclusion by the Attorney General's Office.

All approvals of lines of credit shall be conditioned on compliance by the state department, agency or other entity with the aforementioned procedure, and it shall be their duty to request approval from the Attorney General's Office, stating to which bond act and to which project the contract or agreement in question pertains. Failure to comply with such procedure by any such department, agency or other entity shall result in the immediate revocation of the line of credit, and all information regarding the possible expenditure of line of credit funds for other than authorized purposes shall be forwarded immediately by the commission to the Attorney General's Office and the District Attorney's Office.

This emergency rule is necessary to ensure continued construction and funding of all projects heretofore begun and contained in Priority 2 of the current Capital Outlay Act, Act No. 1013 of the 1991 Regular Session of the Louisiana Legislature.

This rule is effective immediately and will remain in effect for 120 days.

Rae W. Logan
Director

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Office of the Secretary

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, R.S. 49:967 which allows the commission and the secretary to use emergency procedures to set shrimp seasons, R.S. 56:497 and the authority granted to the secretary of the Department of Wildlife and Fisheries by the Wildlife and Fisheries Commission, the secretary of the Department of Wildlife and Fisheries adopts the following emergency rule relative to shrimp seasons.

EMERGENCY RULE

The fall inshore shrimp season in Zones II and III (that portion of Louisiana's inshore waters from South Pass of the Mississippi River to the Texas state line) will close at 12:01 a.m. Tuesday, December 10, 1991.

The fall inshore shrimp season in Zone I (that portion of Louisiana's inshore waters from South Pass of the Mississippi River to the Mississippi state line, including Breton and Chandeleur Sounds) will close at 12:01 a.m. on Wednesday, January 1, 1992.

The secretary finds that shrimp in Zones II and III are not of legal size count and water temperatures are such that growth, if any, will be slow and continued harvest of these shrimp may affect the numbers of larger, more valuable white shrimp available in the Spring of 1992. Some larger shrimp remain in inshore waters in Zone I, and the closure of that Zone is delayed to allow continued harvest of these shrimp.

A. Kell McInnis III
Secretary

Rules

RULE

Department of Culture, Recreation and Tourism Office of Cultural Development Division of the Arts

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Division of the Arts announces the adoption of a revised and amended "Guide to Arts Programs." Notice of intent to adopt the rule was published in the August issue of the *Louisiana Register*.

The rule, published pursuant to authority established in R.S. 20:894, sets out the rules governing the submission of applications for arts grants in programs administered by the division and the administration of such grants.

The deadline for applications for the 1992-93 grant year is 4:30 p.m., March 2, 1992. Copies of the rule are available by contacting the Office of the State Register, 1051 Riverside North, Baton Rouge, LA (504) 342-5015.

Henry A. Truxillo
Secretary

RULE

Department of Economic Development Racing Commission

Title 35

HORSE RACING

Part III. Personnel, Registration and Licensing

Chapter 57. Association's Duties and Obligations

§5742. Cellular Telephones Prohibited

Repealed in its entirety.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, 148 and 172.

HISTORICAL NOTE: Promulgated by Department of Economic Development, Racing Commission, LR 17:257 (March 1991), repealed LR 17: (December 1991).

Claude P. Williams
Executive Director

RULE

Department of Economic Development Racing Commission

Title 35

HORSE RACING

Part I. General Provisions

Chapter 17. Corrupt and Prohibited Practices

§1793. Testing for Alcohol Abuse

A. Any person licensed by the commission shall, when directed by the state steward, submit to a breathalyzer test and, if the results thereof show a reading of .05 percent or more of alcohol in the blood, such person shall not be permitted to continue his duties.

B. For the first offense, any person having a reading of .05 percent or more shall be fined \$50 and not be permitted to perform his duties for the day. For the second offense, any person having a reading of .05 percent or more shall be fined \$100 and not be permitted to perform his duties for the day. For a third offense, any person having a reading of .05 percent or more shall be suspended for 30 days and be subjected to an evaluation as called for in §1791.

C. Failure or refusal to submit to a breathalyzer test when directed by the state steward shall result in a minimum seven-day suspension. Failure or refusal to submit to a brea-

thalyzer test for a second time shall result in a suspension by the stewards to the full extent of their power and referral to the commission.

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

HISTORICAL NOTE: Promulgated by Department of Commerce, Racing Commission, LR 13:290 (May 1987), amended by Department of Economic Development, Racing Commission, LR 17:172 (February 1991), amended 17: (December 1991).

Claude P. Williams
Executive Director

RULE

Board of Elementary and Secondary Education

Bulletin 741,
Standards 2.105.47 and 2.108.02

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published September 20, 1991 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, amended the rule listed below:

Bulletin 741, Louisiana School Administrators' Handbook

Standard 2.105.47 - change to read:

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

Standard 2.108.02 - change to read:

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

Carole Wallin
Executive Director

RULE

Board of Elementary and Secondary Education

Bulletin 746
English as a Second Language

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published September 20, 1991 and under the authority contained in the Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, amended the rule listed below:

Bulletin 746, Louisiana Standards for State Certification of School Personnel

English as a Second Language - amend to read:

"English as a Second Language" will be added to the certificate of any teacher who holds a standard teaching certificate and successfully completes the following course work with the understanding that this certification applies only to teachers of children with limited English-speaking ability.

1. Methods for Teaching English as a Second Language—the theories and practical approaches and techniques for teaching English as a second language to elementary, secondary, and adult education students 3 semester hours

2. An Introduction to Language and Culture—the relationship of language acquisition to social and cognitive development 3 semester hours

3. The Structure of the English Language—a study of the distinctive sound patterns and grammatical systems of American English 3 semester hours

4. Curriculum Design for the Multicultural Classroom—adapting curricula for the multi-ethnic classroom as well as a review of existing English as a second language materials (elementary, secondary, and adult education levels) 3 semester hours

NOTE: English as a Second Language certification will be valid only in the teaching area(s) in which one is certified.

AUTHORITY NOTE: R. S. 17:273.

Carole Wallin
Executive Director

2. Documentation kept on file in the LEA's Superintendent's/Personnel Office shall include:

- a. copies of transcripts showing the degree earned;
- b. documentation that efforts for recruitment for certified teachers have been made (e.g. newspaper advertisements, letters, contacts with colleges, and so forth);
- c. documentation that the teacher is eligible for admission to a teacher education program.

3. In addition:

a. It is required that these teachers take the NTE at the earliest date that it is offered in their geographical area.

b. These individuals must have a minimum of a baccalaureate degree from a regionally accredited institution and be eligible for admission to a teacher education program.

c. To be re-employed under this policy, an individual must have earned at least six semester hours toward completion of a teacher education program or six semester hours appropriate in the area of the NTE (General Knowledge, Professional Knowledge, Communication Skills, Specialty Area) in which the score was not achieved.

d. Effective with the 1992-93 school year, the total number of years a person may be employed according to the provisions of this policy, inclusive of experience prior to 1992-93, is five years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Amended by the Board of Elementary and Secondary Education, LR 17: (December 1991).

Carole Wallin
Executive Director

RULE

Board of Elementary and Secondary Education

Interim Emergency Policy for Hiring
Full-Time/Part-Time Noncertified School Personnel

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published September 20, 1991 and under the authority contained in the Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, amended the rule listed below:

**Title 28
EDUCATION**

Part I. Board of Elementary and Secondary Education

Chapter 9. Bulletins, Regulations, and State Plans

§903. Teacher Certification Standards and Regulations

* * *

I. Non-Certified School Personnel

1. Full-time/part-time non-certified school personnel, excluding speech, language, and hearing specialists, may be employed by parishes having difficulty in employing certified persons in certain positions, provided that the following documentation is submitted to the Department of Education:

a. a signed affidavit by the local superintendent that the position could not be filled by a certified teacher;

b. submission of names, educational background, subject matter and grade level being taught as an addendum to the Annual School Report.

RULE

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

Under the authority of R.S. 30:2001 et seq., particularly R.S. 30:2054 and 2060, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended LAC 33:III.Chapter 51.Sub-chapters A, E, F, J, M, P & V (AQ12A).

The regulations establish a comprehensive toxic air pollutant control program and provide for emission reductions, require records, provide for orders, procedures, fees, and other related matters. Chapter 51 contains portions of rules originally promulgated in the now repealed Chapter 25, as well as new regulations. See *Federal Registers* dated September 9, 1986, 51 FR 34904, #189; January 10, 1989, 54 FR 912, #06; March 7, 1990, 55 FR 8341, #45; and July 10, 1990, 55 FR 28346, #132.

Copies of this rule are available at the Office of the State Register, 1051 Riverside North, Capitol Annex Building, 5th Floor, Room 512, Baton Rouge, LA, 70804.

J. Terry Ryder
Assistant Secretary

RULE

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

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and Act 184 of the 1989 Louisiana Regular Session, the secretary has amended LAC 33:III.6511 and 6523 (AQ50A).

These regulations provide for air toxics emissions fees and air toxics application fees. These fees will be collected upon promulgation in order to provide funding for the Toxic Air Pollutant Control Program. It is expected that the majority of minor sources will emit at a rate lower than the minimum emission rate and thus be exempt from the program. The first notice of intent was published on April 20, 1991. See *Federal Registers* dated September 9, 1986, 51 FR 34904, #189; January 10, 1989, 54 FR 912, #06; March 7, 1990, 55 FR 8341, #45; and July 10, 1990, 55 FR 28346, #132.

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

**Chapter 65. Rules and Regulations for the Fee System of
the Air Quality Control Programs**

§6511. Methodology

A. Formula to apportion fees

Air Toxics Application Fee (based on type of facility and on rated production capacity/ throughput)	Surcharge of 10% of the application fee
Air Toxics Annual Emission Fee (based on Air Toxic Pollutants emitted)	Variable

* * *

B. Fee Methodology

15. Air Toxics Annual Emission Fees shall be assessed on actual annual emissions which occurred during the previous calendar year.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 13:741 (December 1987), amended LR 14:610 (September 1988), LR 17: (December 1991).

§6523. Fee Schedule Listing

* * *

Fee Number	Fee Description	Amount	
2200*Note 13	Air Toxics Annual Fee per ton emitted on an annual basis		
	Class I Pollutants	\$100	\$100
	Class II Pollutants	\$ 50	\$ 50
	Class III Pollutants	\$ 25	\$ 25

EXPLANATORY NOTES FOR FEE SCHEDULE

* * *

NOTE: 13 - Fees will be determined by aggregating actual annual emissions of each class of toxic air pollutants (as delineated in LAC 33:III.Chapter 51, table 51.1) for a facility and applying the

appropriate fee schedule for that class. Fees shall not be assessed for emissions of a single toxic air pollutant over and above 4,000 tons per year from a facility.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 13:741 (December 1987), amended LR 14:610 (September 1988), LR 15:735 (September 1989), LR 17: (December 1991).

J. Terry Ryder
Assistant Secretary

RULE

**Office of the Governor
Department of Veterans Affairs**

The Department of Veterans Affairs has adopted the following rules relative to the payment of a bonus to Louisiana citizens who were members of the Armed Forces or Coast Guard and served in the Desert Shield/Desert Storm Operation. Pursuant to the authority and provisions of Act 12, Section 20-8xxx, Military Bonus Payments of the 1991 Regular Session, a bonus in the amount of \$250 will be paid to these certain Louisiana citizens as authorized by the Act and the Louisiana Department of Veterans Affairs shall have the authority for the distribution of the bonuses authorized. The executive director, with the approval of the Veterans Affairs Commission, shall make such rules and regulations, not inconsistent herewith, as are necessary for the distribution of the bonus and for the proper administration of this Section.

**Title 4
ADMINISTRATION
Part VII. Governor's Office**

Chapter 9. Veterans Affairs

Subchapter A. Veterans Affairs Commission

§913. Desert Shield/Desert Storm Bonus Payments

A. Eligibility for the bonus will be restricted to include only those persons who are Louisiana citizens who served as members of the U.S. Armed Forces or Coast Guard in the Desert Shield/Desert Storm Theater of Operations as defined by Presidential Executive Order dated March 13, 1991, between the date of August 2, 1990, and the cease fire date of April 11, 1991, and received the Southwest Asia Service Medal.

B. In the event of death of an eligible recipient of causes unrelated to this service after earning entitlement to the authorized bonus prior to application for or payment of, certain survivors may receive the \$250 bonus in the following order:

1. unremarried surviving spouse; if no unremarried surviving spouse, to
2. minor child or children under 18 years of age, equally divided.
3. if there is no unremarried surviving spouse or minor children under 18, then no bonus will be paid.

C. In the event an eligible recipient died as a result of the Operation Desert Shield/Desert Storm Conflict, certain

survivors may receive a bonus in the amount of \$1,000 in the same order as listed in Paragraphs 1 and 2 above.

D. No bonus as herein provided shall be paid to any serviceman or servicewoman, or to the surviving spouse or child of any such serviceman or servicewoman unless a claim therefor is filed in writing with the executive director of the Louisiana Department of Veterans Affairs on or before April 11, 1996.

AUTHORITY NOTE: Promulgated by Act 12, Section 20-8xxx, Military Bonus Payments, 1991 Regular Session.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Department of Veterans Affairs, LR 17: (December 1991).

Printice A. Darnell
Executive Director

RULE

Office of the Governor Architects Selection Board

Pursuant to the provisions of R.S. 38:2310 et seq. as amended, the Louisiana Architects Selection Board, herein-after referred to as board, has amended such rules and procedures as it deemed necessary to carry out the provisions of the said statutes. These rules are established by the board, and are subject to change by said board, in accordance with the Administrative Procedure Act.

Title 4 ADMINISTRATION Part VII. Governor's Office

Chapter 1. Architects Selection Board

Subchapter A. Organization

§111. Meetings

A. A regular meeting of the board shall be held on the last Friday of January and July.

B. Special meetings may be called by the chairman or shall be called upon the written request of a simple majority of the total membership of the board. Except in cases of emergency, at least three days' notice shall be given for special meetings.

C. A simple majority of all members of the board shall constitute a quorum.

D. All meetings shall be held in public except as provided in §128. Interview Procedure, Subsection A.6.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Louisiana Architects Selection Board, LR 1:180 (April 1975), amended LR 4:494 (December 1978), re-promulgated LR 10:454 (June 1984), amended LR 17: (December 1991).

Subchapter B. Selection Procedure

§128. Interview Procedure

A. The interview procedures of the board are as follows:

1. The user agency notifies the Division of Administration or the Division of Administration may determine on its own that the proposed project is of a special nature and should be considered under the interview procedure.

2. The user agency, the Division of Administration, and the chairman of the board (vice chairman in the absence of a chairman) shall decide if the nature of the project warrants utilizing the interview procedure. This may be done in a meeting or by teleconference.

3. The chairman of the board authorizes the Division of Administration to advertise the project under these procedures. The advertisement will contain:

- a. the deadline for applications;
- b. the date of the meeting;
- c. the proposed interview meeting date.

4. The selection procedure (§127. Selection) will be followed from Subsections A. and B. 1, 2, 3, 4, and 6. However, if an applicant is not selected unanimously on the first ballot, those applicants receiving at least 20 percent of the votes cast will be invited to be interviewed by the board members on the date advertised for the interview meeting.

5. The interview meeting will be held in accordance with criteria that the board sets forth in a letter to those applicants receiving 20 percent of the vote.

6. At the interview meeting, the board will begin in a open meeting and vote to go into executive session to conduct the interviews in accordance with the criteria set forth in Paragraph 5 above and pursuant to R.S. 42:6 and 42:6.1.

7. After all the interviews have been conducted, the board will return to a public meeting.

8. At this time, the selection procedure will resume from §127. Selection, Subsection B. 5, 7, 8, 9 and 10.

AUTHORITY NOTE: Promulgated in accordance with RS 38:2310 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Architects Selection Board, LR 17: (December 1991).

Roger Magendie
Director

RULE

Office of the Governor Office of Risk Management

The Office of Risk Management has the responsibility in accordance with the provisions of R.S. 39:1527 et seq., to manage all state insurance except as specifically otherwise provided to the contrary, and in accordance with R.S. 39:1527 et seq., the Office of Risk Management hereby amends the following rules.

Title 37 INSURANCE

Part I. Risk Management

Subpart 1. Structured Settlements

Chapter 3. Structured Settlement Services

§301. Qualifying Criteria for Acceptable Structured Settlement Firms

A. 1-2. ...

3. It shall be able to make such purchases as agent or broker from at least five valid structured settlement annuity carriers which meet the qualifying criteria for plan offerors and providers established in these rules and regulations and

with none of which it has an ownership, equity, capital, or proprietary relationship or interrelationship whatsoever. For each case the broker's top three quotes and the names of the carriers will be furnished to the Office of Risk Management.

AUTHORITY NOTE: Promulgated in accordance with R.S. 13:5114.

§309. Qualified Plan Officers and Providers

A. ...

B. All annuities to be used in structured payment plans shall be purchased from plan offerors or providers which are insurance companies qualified to do business in Louisiana and which have, from the most recently issued Best Insurance Report, a rating of "A+" with a classification of "IX" or higher and have either a designation of "AA" or better by Standard & Poor or Duff & Phelps or the equivalent "Aa2" by Moody. Company must have these ratings from two of the three rating services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1527 et seq.

Seth E. Keener, Jr.
State Risk Director

RULE

**Office of the Governor
Office of Elderly Affairs**

In accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Governor's Office of Elderly Affairs has adopted the State Plan on Aging (LAC 4:VII.1301 - 1321) for the period October 1, 1991 through September 30, 1993, effective immediately.

The proposed plan which was distributed pursuant to the notice of intent published in the September 20, 1991 *Louisiana Register* (Vol. 17, No. 9) has been approved by the federal Administration on Aging. The plan has been amended to incorporate comments received in response to the notice of intent.

A copy of the plan or the amendment can be obtained by contacting the Office of the State Register, 1051 Riverside N., (Capitol Annex, fifth floor) Baton Rouge, LA 70804.

Vicky Hunt
Director

RULE

**Department of Health and Hospitals
Board of Nursing**

The Board of Nursing has amended LAC 46:XLVII.3541.

**Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLVII. Nurses**

Subpart 2. Registered Nurses

Chapter 35. Nursing Educational Programs

§3541. Preceptorship Learning Experiences

A. Nurse faculty shall retain the responsibility for selecting and guiding student learning experiences and the evaluation of student performance with input from preceptors.

B. Preceptor experiences for students shall only occur during the last two academic semesters of a baccalaureate program and during one of the last two semesters of a diploma or associate degree program.

C. The total preceptorship experience shall be limited to a maximum of 25 percent of the total clinical weeks in the program of study. Students required to repeat courses in which preceptorship experiences are conducted due to academic failure or withdrawal are excepted.

D. Preceptors shall be selected according to written criteria jointly developed by faculty, nursing administration in the clinical facility, and in accordance with guidelines established by the Board of Nursing.

E. A faculty member shall be available to preceptors while students are involved in a preceptorship experience.

F. The educational program shall maintain a ratio of not more than 12 students to one faculty member for the preceptorship experience.

G. The faculty member shall confer with each preceptor and preceptee at least once during each daily learning experience.

H. The preceptor shall have at least two years of practice as a R.N. and a minimum of one year in the clinical area in which the preceptorship experience occurs.

I. The preceptor shall have attained the educational preparation of the graduates of the program conducting the preceptorship experience. It is preferable that all hold at least a Baccalaureate in Nursing. Preceptors shall hold a minimum of a Baccalaureate Degree in Nursing, effective January 1, 1996.

J. There shall be one preceptor for each preceptee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 10:1028 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 17: (December 1991).

Barbara L. Morvant, M.N., R.N.
Executive Director

RULE

**Department of Health and Hospitals
Board of Nursing**

The Board of Nursing has amended LAC 46:XLVII.3503.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLVII. Nurses
Subpart 2. Registered Nurses
Chapter 35. Nursing Education Programs
§3503. Definitions

G. *Curriculum* - The planned studies and learning activities designed to lead to graduation and eligibility for registered nurse licensure.

1. *Preceptorship Experience* - An individualized teaching-learning strategy in which a nursing student participates in clinical nursing practice while assigned to a preceptor.

H. *Faculty* -

3. *Preceptor* - A registered nurse who is employed in a clinical setting and serves as a role model, resource person, and clinical teacher to enhance the learning experiences of a nursing student on a one-to-one basis for a specified time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:913 and R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:184 (April 1977), amended by the Department of Health and Hospitals, Board of Nursing, LR 17: (December 1991).

Barbara L. Morvant, M.N., R.N.
Executive Director

RULE

Department of Health and Hospitals
Office of the Secretary

The Department of Health and Hospitals, Office of the Secretary, is adopting, effective January 1, 1992, the following rule to be contained in LAC 48:I.Chapter 21. This replaces the existing Chapter 21.

Title 48

PUBLIC HEALTH — GENERAL

Part I. General Administration

Subpart 1. General

Chapter 21. Liability Limitation Schedule for DHH Provided Services

§2101. Statement of Purpose, Scope and Eligibility

A. The Department of Health and Hospitals' (DHH) Liability Limitation Schedule will standardize the method by which DHH will limit the annual amount which the client/patient is responsible to pay by using the Federal Poverty Income Guidelines as a basis for determining what portion, if any, of a patient's/client's charges will be billed.

B. Any bona-fide resident of the state of Louisiana shall be eligible for services or treatment by any facility owned and operated by the DHH. Those persons who are determined not to be indigent shall be billed in accordance with this policy for any treatment or services received. However, in no event shall emergency treatment be denied to anyone. Persons seeking treatment shall furnish all information requested by the facility or program office providing the

service. Eligibility established in one office may be used for service/treatment in any facility or program throughout the DHH.

C. The DHH Liability Limitation Schedule will apply to all offices of DHH exclusive of the Office of Public Health, which provide services for which there is a charge to the patient/recipient/client except as expressly prohibited by federal or state statutes, rules or regulations.

D. This policy will apply, but not be limited to the following DHH programs and services.

1. Inpatient and outpatient services provided by state general hospitals.

2. Inpatient and outpatient services provided by the Office of Human Services.

3. Residential facilities and out-of-home care (See definition below).

E. Nothing in this policy is intended to be in conflict with federal or state law, rule or policy pertaining to the provision of services to the indigent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 15:92 (February 1989); repealed and repromulgated LR 17: (December 1991).

§2103. Definitions

The following definitions shall apply to the DHH Liability Limitation Schedule for patient billing:

A. *Indigent* - as used herein means any client, patient, or recipient whose family unit size and gross income is equal to or less than 200 percent of the Federal Poverty Income Guidelines for that size family unit rounded up to the nearest thousand dollars.

B. *Gross Income* - as used herein means income as determined under Federal Title XIX (Medicaid) guidelines. Gross income as determined shall be rounded down to the nearest thousand dollars when applied to the DHH Liability Limitation Schedule.

C. *Dependent* - as used herein means all persons dependent on the household income as accepted by the Internal Revenue Service (IRS) for federal income tax purposes. In case of a minor not claimed as a dependent or income tax purposes, the parents are still responsible for payment based on the Liability Limitation Schedule but may increase the dependent deductions by the client(s) in question. (See Appendix A for IRS definition).

D. *Family* - for purpose of establishing liability limitations under this policy, the basic family unit is defined as consisting of one or more adults and children, if any, related by blood, marriage, adoption, or residence in the same household.

E. *Responsible Persons* - as used herein means the client's parents or guardians if the client is under the age of 18, unless someone else claims the client as a dependent, in which case it is that person. If the client is over 18, the client is responsible for his/her contribution based on his/her gross family income and allowed deductions, unless claimed as a dependent, in which case the claimant becomes responsible for the fee toward the cost of care based on the claimant's family income.

F. *DHH Residential Facilities and Out-of-Home Placements* - state mental hospitals and schools for the mentally retarded or developmentally disabled, in-patient treatment fa-

cilities, and out-of-home placement programs operated or partially funded by the Office of Human Services.

G. *Third-Party Payor* - as used herein shall mean any party other than the service recipient and/or family unit and the state who is or may be legally liable for payment of incurred expenses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 15:92 (February 1989); repealed and repromulgated LR 17: (December 1991).

§2105. Regulations

A. Billing for services rendered shall be made to the client/recipient/patient or responsible party in accordance with this policy.

B. A person responsible for the payment of charges for services rendered who refuses or fails to supply the information necessary for an accurate determination of the liability limitation on services rendered shall be presumed to pay the full charge for services rendered and shall be billed accordingly. Any person who is potentially eligible for medical assistance benefits from any federal or state program who refuses to provide evidence of application for said benefits shall be presumed to be able to pay the full charge for services rendered and shall be billed accordingly, or in the case of voluntary, non-emergent services, may be refused DHH assistance, dependent upon individual program policies.

C. Eligibility will be good for one year. Periodic checks may be made with the responsible person to make charge adjustments as necessary. The responsible person shall be advised of his responsibility to report any change in the family unit income, employment, composition, etc.

D. If the responsible person refuses to assign insurance benefits to the treating facility to cover the charges for services/treatment received, the responsible person will be presumed to be able to pay full charges for services/treatment and shall be billed accordingly.

E. Wherever applicable, billing for services rendered shall be sent monthly to the client or responsible person in accordance with the Liability Limitation Schedule. When a recipient/client becomes delinquent in his account, the delinquency shall be handled in accordance with DHH Policy #4300-76, regarding collection procedures for patient bills.

F. All insurance companies or any other third party payor which the responsible person claims has issued a policy or contract covering the charges for treatment/services, or who is otherwise legally responsible for payment, shall be liable and billed the full charge for services rendered. Billings shall be made directly to the insurer or other third-party payor by the treating facility after securing execution of the necessary forms (including an assignment of benefits to the treating facility) by the responsible person. The responsible person shall be liable for the amount of charges not covered and/or paid by insurance or other third-party payor up to the amount that the responsible person would have been obligated if no third-party had been involved. In the case where Medicare is the third-party payor, charges cannot exceed the amount of coinsurance or deductible allowed by Medicare.

G. The following procedure applies to those hospitals without designated counsel for liability intervention appointed by the attorney general under R.S., Title 46. For liability cases only, upon receipt of a letter from an attorney or an

insurance company or other third-party payor requesting a patient's records, the attorney or company shall be sent, within 30 days from receipt, a bill for full charges applicable to that patient. At the same time as the mailing of that bill, a copy of that patient's file pertaining to charges for treatment/services and their collection, as well as a copy of the requesting letter, shall be forwarded to the Division of Fiscal Management. Patient's records are not to be released until a properly executed consent by the patient, parent or guardian (as applicable) is received and the fee for copies of records is paid in advance, except to any office of the DHH for the purpose of facilitating the meeting of its responsibilities.

H. Whenever a service is requested, in addition to an eligibility card, one of the following shall be checked to verify identity:

1. Medicaid card;
2. a valid driver's license;
3. voter's registration card;
4. a recent utility bill;
5. birth certificate;
6. picture identification;

I. The secretary of DHH or his designee will be authorized to approve exceptions to the Liability Limitation Schedule Policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 15:92 (February 1989); repealed and repromulgated LR 17: (December 1991).

§2107. Liability Limitation Schedule

A. Each office shall develop internal management procedures for billing. A copy of these procedures shall be housed in the Office of Management and Finance, Division of Policy and Program Development.

B. Family income shall be determined in accordance with Federal Title XIX (Medicaid) guidelines.

C. Any individual or family unit who is "indigent" as defined herewith shall be eligible for treatment/services in any state facility or through program offices at no cost to the family unit.

D. Any family unit whose gross income exceeds 200 percent of the Federal Poverty Income Guidelines for that family unit rounded up to the nearest thousand dollars shall be liable for treatment/service in accordance with the DHH Liability Limitation Schedule.

E. The DHH Liability Limitation schedule is used as follows:

1. The Federal Poverty Guidelines are multiplied times 200 percent and rounded UP to the nearest thousand dollars.

2. The family unit income rounded DOWN to the nearest thousand dollars is compared to the scale.

3. For each \$1,000 over the Federal Poverty Income Guidelines for the appropriate family unit, the responsible person is liable for \$200 of the total cost of services provided.

F. The secretary of DHH shall have the authority to adjust the Liability Limitation Schedule to the same extent that changes in the Federal Poverty Income Guidelines are published annually in the *Federal Register*.

G. When documented medical bills, incurred within the 12 months prior to treatment/service equals to or exceeds 20 percent of the annual gross family unit income,

treatment/services shall be provided at no cost to the family unit. The period of eligibility begins at the date at which liability reached the 20 percent figure through the end of calendar year. Such patients with third-party payors or potential third-party payors shall be provided no cost medical services or only that portion of their bill for which no third-party payor is or may be liable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 15:92 (February 1989); repealed and repromulgated LR 17: (December 1991).

§2109. Regulations for Services and Facilities Other Than State General Hospitals

A. Long-term Inpatient Clients Receiving Social Security

1. Facilities treating patients who receive Social Security funds shall arrange to have those funds, less a personal needs allowance, paid directly to the treating facility.

2. Upon receipt of the Social Security payment, the treating facility shall apply those payments to the bill. The excess of those Social Security payments over the charges for treatment shall be deposited into an account maintained by the facility/program on behalf of the patient/client. Upon discharge of the patient/client or upon his demand, the balance of funds remaining in that account shall be paid to the patient/client or the responsible person as provided by law.

3. If payment of Social Security funds directly to the treating facility/program is not made, billing shall be in accordance with this policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 15:92 (February 1989); repealed and repromulgated LR 17: (December 1991).

J. Christopher Pilley
Secretary

RULE

**Department of Insurance
Commissioner of Insurance**

The Department of Insurance adopted Rule 12 regarding the implementation of an Informational Transmittal Rule in the state of Louisiana as follows.

RULE NUMBER 12

SECTION ONE: All forms, documents, applications, filings, financial reports and any and all other forms and types of documents required by law or voluntarily filed with the Commissioner of Insurance by any company regulated by the Office of the Commissioner shall be filed by depositing the same in the United States Mail, postage prepaid. Payment fees, including license fees, premium taxes, and contract forms including any materials collected therewith, shall be exempt from this rule.

SECTION TWO: No document of any sort or kind described hereinabove will be accepted or received by the per-

sonnel of the department as filed with the department unless the same is transmitted to the department via the United States Mail.

SECTION THREE: Upon receipt of such document mailed to the department, the employees of the department charged with the duty of receiving the same shall cause the envelope in which the document was mailed to the department to be attached to the document received in such a way that it shall remain permanently attached to the same and no employee of the department may remove said envelope for any reason.

James H. "Jim" Brown
Commissioner of Insurance

RULE

**Department of Revenue and Taxation
Tax Commission**

In accordance with provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), the Louisiana Tax Commission has amended the following sections of the Louisiana Tax Commission Real/Personal Property rules and regulations:

Title 61

REVENUE AND TAXATION

Part V. Ad Valorem Taxation

Chapter 1. Constitutional and Statutory Guides to Property Taxation

§103. Exempt Property

A. The following property, in addition to the homestead exemption, is exempt from the ad valorem tax:

16. Property used for cultural, Mardi Gras Carnival, or civic activities and not operated for profit to the owners.

AUTHORITY NOTE: Promulgated in accordance with Louisiana Constitution of 1974, Article VII, §21.

HISTORICAL NOTE: Promulgated by Department of Revenue and Taxation, Louisiana Tax Commission, LR 8:102 (February 1982), amended LR 12:36 (January 1986), amended LR 15:1097 (December 1989), amended LR 17: (December 1991).

Chapter 7. Watercraft

§703. Tables - Watercraft

(Tables can be found in Appendix A.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by Department of Revenue and Taxation, Louisiana Tax Commission, LR 8:102 (February 1982), amended LR 10:924 and 10:925 (November 1984), amended LR 12:36 (January 1986), amended LR 13:188 (March 1987), amended LR 13:764 (December 1987), amended LR 14:872 (December 1988), amended LR 15:1097 (December 1989), amended LR 16:1063 (December 1990), amended LR 17: (December 1991).

Chapter 9. Oil and Gas Properties

Subchapter A. Oil and Gas Properties

§901. Guidelines for Ascertaining the Fair Market Value of Oil and Gas Properties

A. The Well

1. The well includes all of the equipment and any other taxable property located below the well head, as well as the casing head, well head and/or Christmas tree.

2. Each string of casing runs from the surface down. There will always be at least two sizes of casing; the surface pipe, which seals off fresh water zones, and the production string. The larger surface pipe usually extends only a few feet, depending on the depth of usable underground water, while the small production string extends to the depth of the oil producing formations. However, in some wells, and in particular the deeper wells it may be necessary to set more than two strings of casing, each of which extends to a specific depth.

3. Each well is normally assessed in accordance with guidelines establishing "Fair Market Value."

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by Louisiana Tax Commission, LR 2:359 (November 1976). Amended by Department of Revenue and Taxation, Louisiana Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), amended LR 17: (December 1991).

§909. Tables - Oil and Gas

(Tables can be found in Appendix A.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2326.

HISTORICAL NOTE: Promulgated by Department of Revenue and Taxation, Louisiana Tax Commission, LR 8:102 (February 1982), amended LR 12:36 (January 1986), amended LR 13:188 (March 1987), amended LR 13:764 (December 1987), amended LR 14:872 (December 1988), amended LR 15:1097 (December 1989), amended LR 16:1063 (December 1990), amended LR 17: (December 1991).

Chapter 11. Drilling Rigs and Related Equipment

§1103. Drilling Rigs and Related Equipment Table

(This table can be found in Appendix A.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by Department of Revenue and Taxation, Louisiana Tax Commission, LR 8:102 (February 1982), amended LR 10:939 (November 1984), amended LR 12:36 (January 1986), amended LR 13:188 (March 1987), amended LR 16:1063 (December 1990), amended LR 17: (December 1991).

Chapter 13. Pipelines

§1305. Reporting Procedures

F. 1. Assessment will be based on Fair Market Value (refer to column on LAT Form 14) unless taxpayer provides evidence that conditions exist that warrants change. Economic and/or functional obsolescence is a loss in value of personal property above and beyond physical deterioration. Upon a showing of evidence of such loss, substantiated by the taxpayer in writing, economic or functional obsolescence shall be given.

2. If economic and/or functional obsolescence is not given when warranted, an appreciated value greater than Fair Market Value may result.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837.

HISTORICAL NOTE: Promulgated by Department of Revenue and Taxation, Louisiana Tax Commission, LR 8:102 (February 1982), amended LR 10:940 (November 1984), amended LR 17 (December 1991).

Chapter 15. Aircraft

§1503. Aircraft Table (Including Helicopters)

(This table can be found in Appendix A.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by Department of Revenue and Taxation, Louisiana Tax Commission, LR 8:102 (February 1982), amended LR 10:943 (November 1984), amended LR 12:36 (January 1986), amended LR 13:188 (March 1987), amended LR 13:764 (December 1987), amended LR 14:872 (December 1988), amended LR 15:1097 (December 1989), amended LR 16:1063 (December 1990), amended LR 17: (December 1991).

Chapter 17. Inventories

§1705. Guidelines Pertaining to Specific Merchandise Inventories

A. Motor Vehicles, Boats, Outboard Motors and Boats With Motors Dealers

5. Collection and Distribution

e. Each dealer, upon receipt of his final tax bill from the Tax Collector each year, shall determine whether additional taxes are due on motor vehicles, boats, outboard motors and boats with motors held in inventory and, if so, remit same at the usual time for payment. If payments to the dealer's account exceed that dealer's ad valorem tax liability on motor vehicles, boats, outboard motors and boats with motors for the current year, the sheriff or tax collector shall apportion any overpayments among the taxing bodies for which he collects (R.S. 47:1961.2(C-2)(D)).

f. Each dealer shall keep a reasonable record of each transaction and the ad valorem tax charged for the transaction (R.S. 47:1961.2(E)).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837, R.S. 47:1961.2 and R.S. 47:2322.

HISTORICAL NOTE: Promulgated by Department of Revenue and Taxation, Louisiana Tax Commission, LR 13:188 (March 1987), amended LR 13:764 (December 1987), amended LR 14:872 (December 1988), amended LR 15:1097 (December 1989), amended LR 16:1063 (December 1990), amended LR 17: (December 1991).

Chapter 21. Leased Equipment

§2101. Guidelines for Ascertaining the Fair Market Value of Leased Equipment

G. Consideration of Obsolescence

1. Economic and/or functional obsolescence is a loss in value of personal property above and beyond physical deterioration. Upon a showing of evidence of such loss, substantiated by the taxpayer in writing, economic or functional obsolescence shall be given.

2. If economic and/or functional obsolescence is not given when warranted, an appreciated value greater than Fair Market Value may result.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1952 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by Louisiana Tax Commission, LR 4:209 (May 1978). Amended by Department of Revenue and Taxation, Louisiana Tax Commission, LR 8:102 (February 1982), amended LR 10:40 (January 1984), repromulgated LR 13:248 (April 1987), amended LR 13:764 (December 1987), amended LR 16:1063 (December 1990), amended LR 17: (December 1991).

Chapter 25. General Business Assets

§2501. Guidelines for Ascertaining the Fair Market Value of Office Furniture and Equipment, Machinery and Equipment, and Other Assets Used in General Business Activity

G. Alternative Procedure 2

1. If an assessor determines that economic lives are over or understated for certain personal property, an appropriate composite multiplier can be derived as illustrated below:

d. Multiply the percent good times the cost index to calculate the composite multiplier.

e. Multiply the composite multiplier times the acquisition cost of the personal property in order to derive the fair market value of the personal property.

H. Alternative Procedure 3

2. This procedure should be used only if the assessor has evidence that the personal property has incurred significant economic and/or functional obsolescence.

3. If economic and/or functional obsolescence is not given when warranted, an appreciated value greater than fair market value may result. Otherwise, use Procedure 1 to calculate the fair market value.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2323.

HISTORICAL NOTE: Promulgated by Department of Revenue and Taxation, Louisiana Tax Commission, LR 8:102 (February 1982), amended LR 10:943 (November 1984), amended LR 12:36 (January 1986), amended LR 15:1097 (December 1989), amended LR 16:1063 (December 1990), amended LR 17: (December 1991).

§2503. Ascertaining Economic Lives of Business and Industrial Personal Property Tables

(Tables can be found in Appendix A.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by Department of Revenue and Taxation, Louisiana Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), amended LR 10:944 and 10:945 (November 1984), amended LR 12:36 (January 1986), amended LR 13:188 (March 1987), amended LR 13:764 (December 1987), amended LR 14:872 (December 1988), amended LR 15:1097 (December 1989), amended LR 16:1063 (December 1990), amended LR 17: (December 1991).

Chapter 27. Use Value

Guidelines for Application, Classification and Assessment of Land Eligible to be Assessed at Use Value

§2705. Classification

A. The *Modern Soil Surveys* published by the U.S. Department of Agriculture, Soil Conservation Service, in cooperation with the Louisiana Agricultural Experiment Station, listed in *Map Index*, together with the conversion legends prepared and distributed by the Soil Conservation Service, shall be used for determining the Use Value classification of agricultural, horticultural and timberland. The parishes in which Modern Soil Surveys have been completed and published are as follows:

Acadia	Livingston
Allen	Madison
Ascension	Morehouse
Assumption	Natchitoches
Avoyelles	Orleans
Bossier	Ouachita
Caddo	Pointe Coupee
Calcasieu	Rapides
Caldwell	Red River
Catahoula	St. Bernard
Claiborne	St. Charles
Concordia	St. James
East Baton Rouge	St. John The Baptist
East Carroll	St. Landry
Evangeline	St. Martin
Franklin	St. Tammany
Grant	Tangipahoa
Iberia	Tensas
Iberville	Terrebonne
Jefferson	West Baton Rouge
Lafayette	West Carroll
Lafourche	

B. The *General Soil Maps*, published by the U. S. Department of Agriculture, Soil Conservation Service, listed in *Map Index*, together with the conversion legends prepared and distributed by the Soil Conservation Service, shall be used for determining use value classification *in all other parishes* until the time that the Modern Soil Surveys for such parishes are completed. On January 1 of the year after which the Modern Soil Survey for any parish is completed, such Modern Soil Survey shall then be used for determining use value classifications for said parish and the use of the General Soil Map in said parish shall thereafter be discontinued.

C. It is the intent that General Soil Maps are to be used only in the absence of and until Modern Soil Surveys are completed in the future by the U.S. Department of Agriculture, Soil Conservation Service, on presently unmapped areas. However, at the option of and by agreement between the assessor and the land owner, Modern Soil Surveys that have been completed on any part of any parish (including individual farms or tracts of land), can be used for determining use value classifications until such time as the Modern Soil Survey for that parish is completed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2307.

HISTORICAL NOTE: Promulgated by Louisiana Tax Commission, LR 3:290 (June 1977), amended LR 10:945 (November 1984), amended LR 12:36 (January 1986), amended LR 13:764 (December 1987), amended LR 14:872

(December 1988), amended LR 15:1097 (December 1989), amended LR 16:1063 (December 1990), amended LR 17: (December 1991).

§2707. Map Index Table

(This table can be found in Appendix A.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2301 and R.S. 47:2308.

HISTORICAL NOTE: Promulgated by Louisiana Tax Commission, LR 3:290 (June 1977). Amended by Department of Revenue and Taxation, Louisiana Tax Commission, LR 10:946 (November 1984), amended LR 12:36 (January 1986), amended LR 13:188 (March 1987), amended LR 13:764 (December 1987), amended LR 14:872 (December 1988), amended LR 15:1097 (December 1989), amended LR 16:1063 (December 1990), amended LR 17: (December 1991).

§2711. Tables - Agricultural and Horticultural Lands

(These tables can be found in Appendix A.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2301 through R.S. 47:2308.

HISTORICAL NOTE: Promulgated by Department of Revenue and Taxation, Louisiana Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), amended LR 12:36 (January 1986), amended LR 17: (December 1991).

§2713. Assessment of Timberland

Use Value Table LAC 61:V.2717.(B), see Appendix A, presents the use value and the assessed value of all bona fide timberland.

A. Classification of Timberland

Timberland shall be classified into four categories as follows:

Class 1 timberland is timberland capable of producing more than 120 cubic feet of timber per acre per annum.

Class 2 timberland is timberland capable of producing more than 85 but less than 120 cubic feet of timber per acre per annum.

Class 3 timberland is capable of producing less than 85 cubic feet of timber per acre per annum.

Class 4 timberland is timberland capable of producing less than 85 cubic feet of timber per acre per annum and which is subject to periodic overflow from natural or artificial water courses, and which is otherwise considered to be swampland.

B. Range of Productivity of Timberland

The timberland productivity of each of the four classifications of timberland is hereby established to be as follows:

Class 1 = 84.4 cu. ft. of growth/acre/year.

Class 2 = 72.6 cu. ft. of growth/acre/year.

Class 3 = 54.9 cu. ft. of growth/acre/year.

Class 4 = 54.9 cu. ft. of growth/acre/year.

C. Production Costs of Timberland

The average timberland production costs are hereby established to be \$7.53/acre/year.

D. Gross Returns of Timberland

The gross value per cubic foot of timber production is hereby established to be \$0.379/cu. ft.

E. Capitalization Rate for Timberland

The capitalization rate for determining use value of timberlands is hereby established to be as follows:

	Timberland Class 1, 2, and 3	Timberland Class 4
(a) Risk Rate	2.55%	5.55%
(b) Illiquidity Rate	0.42%	3.42%
(c) Safe Rate	8.65%	8.65%
Total Capitalization Rate	11.62%	17.62%

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2301 through R.S. 47:2308.

HISTORICAL NOTE: Promulgated by Department of Revenue and Taxation, Louisiana Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), amended LR 12:36 (January 1986), amended LR 13:248 (April 1987), amended LR 14:872 (December 1988), amended LR 17: (December 1991).

§2717. Tables - Use Value

(These tables can be found in Appendix A.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2301 through R.S. 47:2308.

HISTORICAL NOTE: Promulgated by Department of Revenue and Taxation, Louisiana Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), amended LR 12:36 (January 1986), amended LR 13:248 (April 1987), amended LR 13:764 (December 1987), amended LR 14:110 (February 1988), amended LR 17: (December 1991).

Title 61. Revenue and Taxation

§703.(B)

FLOATING EQUIPMENT
MOTOR VESSELS

YEAR	COST INDEX (AVERAGE) INDEX	AVERAGE ECONOMIC LIFE 12 YEARS		
		EFFECTIVE AGE	PERCENT GOOD	COMPOSITE MULTIPLIER
1991	0.996	1	94	.94
1990	1.016	2	87	.88
1989	1.043	3	80	.83
1988	1.099	4	73	.80
1987	1.146	5	66	.76
1986	1.162	6	58	.67
1985	1.173	7	50	.59
1984	1.191	8	43	.51
1983	1.223	9	36	.44
1982	1.245	10	29	.36
1981	1.304	11	24	.31
1980	1.438	12	22	.32
1979	1.582	13	20	.32

CONSIDERATION OF OBSOLESCENCE WHEN USING THE COST APPROACH

Economic and/or functional obsolescence is a loss in value of personal property above and beyond physical deterioration. Upon a showing of evidence of such loss, substantiated by the taxpayer in writing, economic or functional obsolescence shall be given.

If economic and/or functional obsolescence is not given when warranted, an appreciated value greater than Fair Market Value may result.

Appendix A

\$703.(c)

FLOATING EQUIPMENT
BARGES (NON - MOTORIZED)

YEAR	COST INDEX (AVERAGE) INDEX	AVERAGE ECONOMIC LIFE		
		EFFECTIVE AGE	20 YEARS PERCENT GOOD	COMPOSITE MULTIPLIER
1991	0.996	1	97	.97
1990	1.016	2	93	.94
1989	1.043	3	90	.94
1988	1.099	4	86	.95
1987	1.146	5	82	.94
1986	1.162	6	78	.91
1985	1.173	7	74	.87
1984	1.191	8	70	.83
1983	1.223	9	65	.79
1982	1.245	10	60	.75
1981	1.304	11	55	.72
1980	1.438	12	50	.72
1979	1.582	13	45	.71
1978	1.729	14	40	.69
1977	1.860	15	35	.65
1976	1.958	16	31	.61
1975	2.081	17	27	.56
1974	2.321	18	24	.56
1973	2.687	19	22	.59
1972	2.784	20	21	.58
1971	2.877	21	20	.58

CONSIDERATION OF OBSOLESCENCE WHEN USING THE COST APPROACH

Economic and/or functional obsolescence is a loss in value of personal property above and beyond physical deterioration. Upon a showing of evidence of such loss, substantiated by the taxpayer in writing, economic or functional obsolescence shall be given.

If economic and/or functional obsolescence is not given when warranted, an appreciated value greater than Fair Market Value may result.

§909.(B)

SURFACE EQUIPMENT

Listed are the FAIR MARKET VALUES and ASSESSED VALUES of major items used in the production, storage, transmission and sale of oil and gas. Any equipment not shown shall be assessed on an individual basis.

Economic and/or functional obsolescence is a loss in value of personal property above and beyond physical deterioration. Upon a showing of evidence of such loss, substantiated by the taxpayer in writing, economic or functional obsolescence shall be given.

If economic and/or functional obsolescence is not given when warranted, an appreciated value greater than Fair Market Value may result.

All surface equipment, including other property associated or used in connection with the oil and gas industry in the field of operation, must be rendered in accordance with guidelines established by the Louisiana Tax Commission and in accordance with requirements set forth on LAT-12—“Personal Property Tax Report — Oil and Gas Property” Form.

- Oil and Gas Wells (Subsurface Equipment)
- Oil and Gas Equipment (Surface Equipment)
- Tanks (Surface Equipment)
- Lines (Oil and Gas Lease Lines)
- Inventories (Materials and Supplies)
- Field Improvements (Docks, platforms, buildings, etc.)
- Other Property (Other property not included above)

PROPERTY DESCRIPTION	FAIR MARKET VALUE	ASSESSED VALUE
ACTUATORS - (See Metering Equipment)		
AUTOMATIC CONTROL EQUIPMENT - (Assessed on an individual basis)		
AUTOMATIC TANK SWITCH UNIT - (See Metering Equipment)		
BARGES - CONCRETE - (Assessed on an individual basis)		
BARGES - STORAGE - (Assessed on an individual basis)		
BARGES - UTILITY - (Assessed on an individual basis)		
BARGES - WORK - (Assessed on an individual basis)		
COMMUNICATION EQUIPMENT - (Assessed on an individual basis)		

Appendix A

§909.(B)

<u>PROPERTY DESCRIPTION</u>	<u>FAIR MARKET</u> <u>VALUE</u>	<u>ASSESSED</u> <u>VALUE</u>
<u>PUMPING UNITS - CONVENTIONAL & BEAM BALANCE UNITS</u>		
(Unit Value includes motor)		
Assessed according to well depth on which unit is operating.		
0 - 1,250 ft. well depth.....	\$ 600	\$ 90
1,251 - 2,500 ft. well depth.....	1,220	180
2,501 - 3,750 ft. well depth.....	2,520	380
3,751 - 5,000 ft. well depth.....	3,960	590
5,001 - 7,500 ft. well depth.....	4,320	650
7,501 - 10,000 ft. well depth.....	5,750	860
10,001 - 12,500 ft. well depth.....	6,480	970
12,501 - 15,000 ft. well depth.....	7,920	1,190
15,001 - 17,500 ft. well depth.....	9,350	1,400
17,501 - 20,000 ft. well depth.....	12,950	1,940
20,001 - deeper ft. well depth.....	15,110	2,270
For "Air Balance" and "Heavy Duty" units multiply the above values by 1.30.		
<u>REGENERATORS (ACCUMULATOR)- (See Metering Equipment)</u>		
<u>SAMPLER - (See Metering Equipment "Fluid Meters".)</u>		
<u>SCRUBBERS - TWO CLASSES</u>		
<u>CLASS I</u> - Manufactured, for use with other major equipment and at times included with such equipment as part of a package unit.		
8 In. Diameter Vessel.....	790	120
10 In. Diameter Vessel.....	1,140	170
12 In. Diameter Vessel.....	1,300	200
<u>CLASS II</u> - Small "in-line" scrubber used in flow system usually direct from gas well. Much of this type is "shop-made" and not considered as major scrubbing equipment.		
8 In. Diameter Vessel.....	210	30
12 In. Diameter Vessel.....	290	40
<u>NO METERING OR REGULATING EQUIPMENT INCLUDED IN THE ABOVE.</u>		

Appendix A

\$1103

DEPTH 13,000 TO 19,999 FEET

<u>AGE BRACKET</u>	<u>PERCENT GOOD</u>	<u>FAIR MARKET VALUE</u>	<u>ASSESSMENT</u>
0-3 Years	100%	\$ 899,250	134,900
4-6 Years	85%	764,250	114,600
7-9 Years	70%	629,500	94,400
10-12 Years	55%	494,500	74,200
13 Years or Older	40%	359,750	54,000

DEPTH 20,000 TO 24,999 FEET

<u>AGE BRACKET</u>	<u>PERCENT GOOD</u>	<u>FAIR MARKET VALUE</u>	<u>ASSESSMENT</u>
0-3 Years	100%	\$ 1,124,250	168,600
4-6 Years	85%	955,500	143,300
7-9 Years	70%	787,000	118,100
10-12 Years	55%	618,250	92,700
13 Years or Older	40%	449,750	67,500

DEPTH 25,000 FEET OR DEEPER

<u>AGE BRACKET</u>	<u>PERCENT GOOD</u>	<u>FAIR MARKET VALUE</u>	<u>ASSESSMENT</u>
0-3 Years	100%	\$ 1,335,250	200,300
4-6 Years	85%	1,135,000	170,300
7-9 Years	70%	934,750	140,200
10-12 Years	55%	734,500	110,200
13 Years or Older	40%	534,000	80,100

BARGES (HULL)

Assess Barges (Hull) at 25% of the assessment for the Rig Age and Value Bracket, and add this to the proper rig assessment to arrive at total for barge and its drilling rig. Living quarters are to be assessed on an individual basis.

WORKOVER RIGS

Assess Workover Rigs at 25% of the assessment for the Rig Age and Value Bracket.

CONSIDERATION OF OBSOLESCENCE WHEN USING THE COST APPROACH

Economic and/or functional obsolescence is a loss in value of personal property above and beyond physical deterioration. Upon a showing of evidence of such loss, substantiated by the taxpayer in writing, economic or functional obsolescence shall be given.

If economic and/or functional obsolescence is not given when warranted, an appreciated value greater than Fair Market Value may result.

Title 61. Revenue and Taxation

\$1503

AIRCRAFT (INCLUDING HELICOPTERS)

YEAR	COST INDEX (AVERAGE) INDEX	AVERAGE ECONOMIC LIFE		
		EFFECTIVE AGE	10 YEARS PERCENT GOOD	COMPOSITE MULTIPLIER
1991	0.996	1	92	.92
1990	1.016	2	84	.85
1989	1.043	3	76	.79
1988	1.099	4	67	.74
1987	1.146	5	58	.66
1986	1.162	6	49	.57
1985	1.173	7	39	.46
1984	1.191	8	30	.36
1983	1.223	9	24	.29
1982	1.245	10	21	.26
1981	1.304	11	20	.26

Title 61. Revenue and Taxation

\$2503.(B)

COST INDEXES

<u>YEAR</u>	<u>NATIONAL AVERAGE</u> 1926 = 100	January 1, 1991 = 100*
1991	928.5	0.996
1990	910.2	1.016
1989	886.5	1.043
1988	841.4	1.099
1987	806.9	1.146
1986	795.4	1.162
1985	787.9	1.173
1984	776.4	1.191
1983	755.8	1.223
1982	742.4	1.245
1981	709.2	1.304
1980	642.8	1.438
1979	584.4	1.582
1978	534.7	1.729
1977	497.1	1.860
1976	472.1	1.958
1975	444.3	2.081
1974	398.4	2.321
1973	344.1	2.687
1972	332.1	2.784
1971	321.3	2.877
1970	303.3	3.048
1969	285.1	3.243
1968	273.2	3.384
1967	262.9	3.517
1966	252.5	3.661

*Reappraisal Date: January 1, 1991 - 924.5 (Base Year)

COMPOSITE MULTIPLIER
1992 (1993 Orleans Parish)

SUB-TABLE #1		SUB-TABLE #2		SUB-TABLE #3		SUB-TABLE #4		SUB-TABLE #5		SUB-TABLE #6		SUB-TABLE #7		SUB-TABLE #8	
3 Years		5 Years		8 Years		10 Years		12 Years		15 Years		20 Years		25 Years	
AGE	C.M.	AGE	C.M.	AGE	C.M.	AGE	C.M.	AGE	C.M.	AGE	C.M.	AGE	C.M.	AGE	C.M.
1	.70	1	.85	1	.90	1	.92	1	.94	1	.95	1	.97	1	.98
2	.50	2	.70	2	.80	2	.85	2	.88	2	.91	2	.94	2	.97
3	.35	3	.54	3	.70	3	.79	3	.83	3	.89	3	.94	3	.97
4	.22	4	.37	4	.59	4	.74	4	.80	4	.87	4	.95	4	.99
		5	.26	5	.49	5	.66	5	.76	5	.84	5	.94	5	1.00
		6	.23	6	.38	6	.57	6	.67	6	.79	6	.91	6	.98
				7	.30	7	.46	7	.59	7	.73	7	.87	7	.95
				8	.26	8	.36	8	.51	8	.66	8	.83	8	.93
				9	.24	9	.29	9	.44	9	.60	9	.79	9	.92
						10	.26	10	.36	10	.54	10	.75	10	.88
						11	.26	11	.31	11	.45	11	.72	11	.89
								12	.32	12	.45	12	.72	12	.92
								13	.32	13	.41	13	.71	13	.95
										14	.40	14	.69	14	.97
										15	.39	15	.65	15	.97
										16	.39	16	.61	16	.94
												17	.56	17	.92
												18	.56	18	.91
												19	.59	19	.91
												20	.58	20	.84
												21	.58	21	.75
												22		22	.70
												23		23	.68
												24		24	.68
												25		25	.70
												26		26	.73

Data sources for tables are:

1. Cost Index. Marshall and Swift Publication Company.
2. Percent Good. Marshall and Swift Publication Company.
3. Average Economic Life. Louisiana Survey of Other States.

Appendix A

\$2707

MAP INDEX
LISTING OF GENERAL SOIL MAPS
& MODERN SOIL SURVEYS
FOR THE STATE OF LOUISIANA

PUBLISHED BY
U.S. DEPT. OF AGRICULTURE, SOIL CONSERVATION SERVICE
IN COOPERATION WITH
LOUISIANA AGRICULTURAL EXPERIMENT STATION

Parish	General Soil Map		Modern Soil Surveys
	Date	Map No.	Date Published or Status
<u>Acadia</u>	<u>July, 1972</u>	<u>4-R-14566-A</u>	<u>Sept., 1962 (Series 1959#15)</u>
<u>Allen</u>	<u>Jan., 1970</u>	<u>4-R-28814-A</u>	<u>September, 1980</u>
<u>Ascension</u>	<u>Sept., 1972</u>	<u>4-R-16165-B</u>	<u>August, 1976</u>
<u>Assumption</u>	<u>July, 1970</u>	<u>4-R-15698-A</u>	<u>August, 1978</u>
<u>Avoyelles</u>	<u>Nov., 1970</u>	<u>4-R-15240-A</u>	<u>September, 1986</u>
<u>Beauregard</u>	<u>Nov., 1971</u>	<u>4-R-28744-A</u>	<u>(Survey Complete - Being Published)</u>
<u>Bienville</u>	<u>Nov., 1971</u>	<u>4-R-16791-B</u>	<u>(Survey Complete - Being Published)</u>
<u>Bossier</u>	<u>Nov., 1971</u>	<u>4-R-13994-B</u>	<u>August, 1962 (Series 1959#13)</u>
<u>Caddo</u>	<u>Nov., 1971</u>	<u>4-R-16024-A</u>	<u>September, 1980</u>
<u>Calcasieu</u>	<u>Aug., 1972</u>	<u>4-R-28741-B</u>	<u>June, 1988</u>
<u>Caldwell</u>	<u>Dec., 1970</u>	<u>4-R-15485-A</u>	<u>July, 1990</u>
<u>Cameron</u>	<u>Nov., 1971</u>	<u>4-R-28743-A</u>	<u>(Survey Complete - Being Published)</u>
<u>Catahoula</u>	<u>June, 1971</u>	<u>4-R-16812-A</u>	<u>November, 1986</u>
<u>Claiborne</u>	<u>June, 1970</u>	<u>4-R-17132-A</u>	<u>May, 1989</u>
<u>Concordia</u>	<u>Dec., 1970</u>	<u>4-R-14761-A</u>	<u>February, 1988</u>
<u>DeSoto</u>	<u>Nov., 1971</u>	<u>4-R-29144-A</u>	<u>(Survey Complete - Being Published)</u>
<u>East Baton Rouge</u>	<u>May, 1972</u>	<u>4-R-25895-A</u>	<u>September, 1968</u>
<u>East Carroll</u>	<u>Jan., 1970</u>	<u>4-R-28748-A</u>	<u>February, 1988</u>
<u>East Feliciana</u>	<u>Nov., 1971</u>	<u>4-R-17441-A</u>	<u>(Survey Complete - Being Published)</u>
<u>Evangeline</u>	<u>Nov., 1971</u>	<u>4-R-28936-A</u>	<u>August, 1974</u>
<u>Franklin</u>	<u>Sept., 1972</u>	<u>4-R-15069-B</u>	<u>August, 1981</u>
<u>Grant</u>	<u>Sept., 1972</u>	<u>4-R-16051-B</u>	<u>December, 1986</u>
<u>Iberia</u>	<u>Feb., 1974</u>	<u>4-R-15681-A</u>	<u>August, 1978</u>
<u>Iberville</u>	<u>Nov., 1971</u>	<u>4-R-16280-A</u>	<u>June, 1977</u>
<u>Jackson</u>	<u>Jan., 1971</u>	<u>4-R-16811-A</u>	<u>(Survey Complete - Being Published)</u>
<u>Jefferson</u>	<u>Nov., 1971</u>	<u>4-R-17344-A</u>	<u>January, 1983</u>
<u>Jefferson Davis</u>	<u>Jan., 1970</u>	<u>4-R-28746-A</u>	<u>(Survey Complete - Being Published)</u>
<u>Lafayette</u>	<u>Nov., 1970</u>	<u>4-R-15827-A</u>	<u>August, 1977</u>
<u>Lafourche</u>	<u>June, 1969</u>	<u>4-R-16329-A</u>	<u>October, 1984</u>
<u>LaSalle</u>	<u>Aug., 1970</u>	<u>4-R-16813-A</u>	<u>(Survey Complete - Being Published)</u>
<u>Lincoln</u>	<u>Sept., 1972</u>	<u>4-R-17131-B</u>	<u>(Survey Complete - Being Published)</u>
<u>Livingston</u>	<u>Feb., 1971</u>	<u>4-R-17440-A</u>	<u>January, 1991</u>
<u>Madison</u>	<u>Mar., 1970</u>	<u>4-R-28745-A</u>	<u>May, 1982</u>
<u>Morehouse</u>	<u>Aug., 1972</u>	<u>4-R-15071-B</u>	<u>September, 1985</u>
<u>Natchitoches</u>	<u>Aug., 1972</u>	<u>4-R-16790-B</u>	<u>February, 1990</u>
<u>Orleans</u>	<u>July, 1970</u>	<u>4-R- 3865-A</u>	<u>September, 1989</u>
<u>Ouachita</u>	<u>June, 1971</u>	<u>4-R-15070-A</u>	<u>February, 1974</u>

Appendix A

\$2711

The following table is hereby established as the gross returns, production cost and net income per acre per year of agricultural and horticultural lands:

WEIGHTED AVERAGE INCOME PER ACRE
1987 - 1990

Commodity	Acres	Percent	Net Income	Weighted Fractional
Soybeans (Wheat)*	1,838,000	26.674	\$ - 1.48	\$ ---
Beef	2,216,000	32.159	24.61	791.43
Non-productive**	773,000	11.218	---	---
Rice	510,000	7.401	39.77	294.34
Cotton	689,000	10.000	78.63	786.30
Sugar	269,000	3.904	241.94	944.53
Dairy	235,000	3.410	95.83	326.78
Corn	185,000	2.685	.25	.68
Sorghum Grain	126,000	1.829	11.64	21.29
Cons. Reserve***	28,000	0.406	44.40	18.03
Sweet Potatoes	20,000	0.290	9.79	2.84
Strawberries	700	0.010	-1,442.22	---
Tomatoes	500	0.007	- 577.09	---
Irish Potatoes	500	0.007	-19.39	---
Total	6,890,700	100.000	---	\$3,186.22

Weighted Average Net Income - \$31.86

*Approximately 330,000 acres of soybean acreage assumed to be double cropped with wheat. Wheat net income added to soybeans.

**Non-productive includes cropland used for soil improvement crops, crop failure, cultivated summer fallow and idle cropland as reported by the 1987 Census of Agriculture.

***Conservation Reserve acreage includes land placed in the Conservation Reserve program for 10 years. Farmers receive payments for not producing crops on this acreage.

Title 61. Revenue and Taxation

§2711

SUGGESTED CAPITALIZATION RATE

FOR

AGRICULTURAL AND HORTICULTURAL LAND

Risk Rate	2.55%
Illiquidity Rate	0.42%
Safe Rate*	<u>8.65%</u>
Capitalization Rate**	11.62%

*Safe Rate is 4 year average of 30 year U. S. Treasury securities.

**Statutory minimum Capitalization Rate of 12% used in calculations instead of actual rate as developed above.

Appendix A

§2717.(A)

AVERAGE ASSESSED VALUE PER ACRE OF AGRICULTURAL
AND HORTICULTURAL LAND, BY CLASS

CLASS	ASSESSED VALUE PER ACRE	
	UPPER	LOWER
Class I	\$ 43.28	\$ 36.38
Class II	\$ 36.11	\$ 26.82
Class III	\$ 26.28	\$ 23.10
Class IV	\$ 22.57	\$ 14.60

Assessed Value obtained by multiplying 10 percent (10%) times Use Value.

§2717.(B)

AVERAGE ASSESSED VALUE PER ACRE
OF TIMBERLAND, BY CLASS

CLASS	ASSESSED VALUE
Class 1	\$ 21.05
Class 2	\$ 17.20
Class 3	\$ 11.43
Class 4	\$ 7.57

Assessed Value obtained by multiplying 10 percent (10%) times Use Value.

Mary K. Zervigon
Chairman

RULE

**Department of Social Services
Office of Community Services**

The Department of Social Services, Office of Community Services, has adopted, effective January 1, 1992, the following rule in the Foster Care Program as it relates to the requirement for parents to contribute toward the cost of care for their children who are in the care or custody of the Department of Social Services (DSS).

This rule is a change to the existing procedures used by the Department of Social Services (DSS) for assessing parents' ability to contribute to the care of their children who are in the care or custody of DSS. R.S. 46:51.1 requires that parents be assessed contributions commensurate with their ability to pay. Changes increase dependent deductions and standardizes the amount of contributions required of families.

Therefore, the Office of Community Services is adopting the procedures effective January 1, 1992.

RULE

Procedures for Determining the Amount of Contribution Required by Parents Whose Children are in the Care and/or Custody of the State of Louisiana

At initial assessment when children enter the custody of the state, the gross income of the family shall be consid-

ered as a base from which to begin the assessment process. From this amount, parents are allowed a deduction of \$1500 per dependent in the home. This includes the children who were residing in the home prior to the removal. Other deductions shall include the amount of federal and state taxes which were actually paid. The resulting figure shall be the adjusted family income which shall be used to determine the amount of contribution. The amount of the yearly assessment shall be 10 percent of the adjusted family income. Families will be billed monthly amounts, which would then be equal to 10 percent divided into 12 monthly payments. The amount would be the same for the family regardless of the number of children in care, i.e. families which have the same adjusted income but have different numbers of children in care would be billed the same amount.

At reassessment, the family would no longer be given the dependent deduction for the children who are no longer in the home, however; they shall be given a deduction equal to the amount of contribution which they actually paid the previous year. Dependent deductions for family members in the home and taxes will continue to be allowed. The resulting figure is the adjusted family income. The amount shall be used to determine the amount of contribution. The yearly contribution shall be equal to 10 percent of the adjusted family income. The family will pay this one amount regardless of the number of children who are in care.

May Nelson
Secretary

RULE

**Department of Social Services
Office of Community Services**

The Department of Social Services, Office of Community Services has adopted the following rule in the Day Care Program.

This rule is necessary to bring day care center programs into conformity with other day care providers. This was published as an emergency rule in the September 20, 1991, issue of the *Louisiana Register*.

RULE

Effective immediately, any proposed action to revoke a vendor day care agreement shall have prior review by the Department of Social Services' Office of the General Counsel before a final decision is made by the Office of Community Services.

Effective September 1, 1991, criminal record checks shall be completed by all vendor day care providers on all potential employees. All vendor day care programs, as a condition for participation, shall require that no individual employed or volunteering in the day care center or any other individual affiliated with the center who has or may have supervisory or disciplinary authority over the children in the center shall have been convicted of, pled nolo contendere to, or convicted of attempt or conspiracy to commit the criminal offenses listed in Louisiana Revised Statute 15:587.1(c) which are as follows: R.S. 14:30, R.S. 14:30.1, R.S. 14:31, R.S. 14:41 through R.S. 14:45, R.S. 14:74, R.S. 14:78, R.S. 14:80 through R.S. 14:86, R.S. 14:89, R.S. 14:89.1, R.S.

14:93, R.S. 40:966(A), R.S. 40:967(A), R.S. 40:968(A), R.S. 40:969(A), and R.S. 40:970(A).

If a center fails to remove from its employ an individual who has been convicted of one of the above crimes or who has entered a plea of nolo contendere to one of the above, such failure to terminate employment shall constitute grounds for immediate revocation of the center's provider agreement.

The Office of Community Services may terminate a center's participation in the vendor day care program if a center violates state licensing standards applicable to the center and/or the center does not take prompt action to correct the licensing violation.

Any knowledge of the above types of situations received by OCS shall be reviewed and acted upon in accordance with these conditions for participation in the vendor day care program.

May Nelson
Secretary

RULE

**Department of Social Services
Office of Family Support**

The Department of Social Services, Office of Family Support, has amended the Louisiana Administrative Code in the Sections indicated below. These amendments designate the authority for establishing agency programs as these citations are not contained in the *Louisiana Register*. Also, a correction is being made to a previous rule concerning the State Plan for the U.S. Citizens Repatriation Program (reference was incorrectly made to a copy of the "rule" being available for review, instead of a copy of the "plan").

**Title 67
DEPARTMENT OF SOCIAL SERVICES
Part III. Office of Family Support
Subpart 2. Aid to Families With
Dependent Children (AFDC)**

**Administration
Authority**

The Aid to Families With Dependent Children Program is established in accordance with applicable sections of 45 CFR.

AUTHORITY NOTE: Promulgated in accordance with applicable sections of 45 CFR.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 17: (December 1991).

* * *

Subpart 3. Food Stamps

**Administration
Subchapter A. General Provisions
Authority**

The Food Stamp Program is established in accordance with applicable sections of 7 CFR.

AUTHORITY NOTE: Promulgated in accordance with applicable sections of 7 CFR.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 17: (December 1992).

* * *

**Subpart 4. Support Services
Single State Agency Organization
Subchapter A. Designation, Authority, Organization and
Staffing**

Authority

Support Enforcement Services is established in accordance with U.S.C.A., Title 42, Section 651 et seq. and L.S.A., R.S. 46:236.1 et seq.

AUTHORITY NOTE: Promulgated in accordance with U.S.C.A., Title 42, Section 651 et seq. and L.S.A., R.S. 46:236.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 17: (December 1991).

* * *

Subpart 7. Refugee Cash Assistance

Administration

Authority

The Refugee Cash Assistance Program is established in accordance with applicable sections of 45 CFR.

AUTHORITY NOTE: Promulgated in accordance with applicable sections of 45 CFR.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 17: (December 1991).

* * *

**Subpart 8. U.S. Citizens Repatriation Program
Organization
Subchapter A. Designation and Authority of State Agency
Authority**

The U.S. Citizens Repatriation Program is established in accordance with applicable sections of 45 CFR.

AUTHORITY NOTE: Promulgated in accordance with applicable sections of 45 CFR.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 17: (December 1991).

State Plan

Effective November 1, 1985, Louisiana will implement the State Plan in order to allow for the activation of the Emergency Repatriation Program in the event that an emergency occurs in a foreign country which would require the immediate evacuation of American citizens and their dependents from overseas areas to the continental United States. A copy of this plan is available for review in each local Office of Family Security.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 212.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 17: (December 1991).

* * *

**Subpart 9. Refugee Resettlement Program
Administration
Authority**

The Refugee Resettlement Program is established in accordance with applicable sections of 45 CFR.

AUTHORITY NOTE: Promulgated in accordance with applicable sections of 45 CFR.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 17: (December 1991).

* * *

Subpart 10. Individual and Family Grant Program Administration Authority

The Individual and Family Grant Program is established in accordance with applicable sections of 44 CFR.

AUTHORITY NOTE: Promulgated in accordance with applicable sections of 44 CFR.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 17: (December 1991).

* * *

May Nelson
Secretary

RULE

**Department of Social Services
Office of Family Support**

The Department of Social Services, Office of Family Support, adopted the Job Opportunities and Basic Skills (JOBS) Training Program, also referred to as Project Independence, the name of Louisiana's program.

This rule is mandated because it will require an amendment to the Louisiana State Plan for JOBS.

RULE

The Department of Social Services, Office of Family Support, will implement the Community Work Experience Program (CWEP) as a component of Project Independence. The purpose of this component is to improve the employability of Project Independence participants not otherwise able to obtain employment by providing work experience and training to assist them to move promptly into regular public or private employment. This program will be administered in accordance with federal regulations at 45 CFR 250.63 and the Louisiana State Plan for JOBS.

This CWEP component will be initially implemented in Caddo Parish with subsequent expansion into other Project Independence parishes as deemed appropriate by the secretary of the Department of Social Services.

May Nelson
Secretary

RULE

**Department of Social Services
Office of Family Support**

The Department of Social Services, Office of Family Support, amends the Louisiana Administrative Code, Title 67, Part III., Subpart 5. Job Opportunities and Basic Skills Training Program.

This rule is mandated by federal regulations as published in the *Federal Register* of Friday, October 13, 1989, Vol. 54, No. 197, pages 42146-42267, and the Louisiana Welfare Reform Act, which require the implementation of the JOBS program for recipients of Aid to Families with Dependent Children (AFDC). Project Independence is administered in accordance with the above-referenced regulations and law, and the Louisiana State Plan for JOBS.

Title 67

DEPARTMENT OF SOCIAL SERVICES

Part III. Office of Family Support

**Subpart 5. Job Opportunities and
Basic Skills Training Program**

Organization

Subchapter A. Designation and Authority of State Agency Implementation

* * *

B. Participation Requirements

* * *

2. January 1992 Implementation Parishes

Project Independence is being implemented in the following parishes: Bossier, Concordia, Franklin, Grant, Jefferson (east and west bank offices), Lafayette, Rapides, St. Bernard, Terrebonne and West Baton Rouge. The program will be administered in these additional parishes in the same manner as in the 10 initial implementation parishes where it was established in October, 1990.

3. Individual Participation Requirements

* * *

AUTHORITY NOTE: Promulgated in accordance with F.R. 54:42146 et seq., 45 CFR 250.30, 45 CFR 250.33 and R.S. 460.3(A)(3).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 16:626 (July 1990), amended LR 16:1064 (December 1990) and LR 17: (December 1991).

May Nelson
Secretary

RULE

**Department of State
Office of the Secretary of State**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 9:3865, the Department of State has adopted rules to promulgate the form to be used for the Uniform Statutory Form Power of Attorney for Military Personnel as provided in R.S. 9:3862.

Title 19

CORPORATIONS AND BUSINESS

Part V. Secretary of State

Chapter 1. Powers of Attorney

§101. Uniform Statutory Form Power of Attorney for Military Personnel

A. The form to be used for the Uniform Statutory Form Power of Attorney for Military Personnel as provided in R.S. 9:3862 shall be as follows:

STATUTORY FORM POWER OF ATTORNEY FOR MILITARY PERSONNEL

STATE OF LOUISIANA

PARISH OF _____

BE IT KNOWN THAT on this _____ DAY OF _____ in the year of our Lord Nineteen Hundred and _____, before me, Notary Public in and for said Parish and State, duly commissioned and qualified as such, personally came and appeared _____, who declared that he is a member of the _____, a branch of the military designated in R.S. 29:3861, and did execute and sign the following Statutory Form Power of Attorney.

NOTICE: THE POWERS GRANTED BY THIS DOCUMENT ARE BROAD AND SWEEPING. THEY ARE EXPLAINED IN THE UNIFORM STATUTORY FORM POWER OF ATTORNEY ACT. IF YOU HAVE ANY QUESTIONS ABOUT THESE POWERS, OBTAIN COMPETENT LEGAL ADVICE. THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL AND OTHER HEALTH-CARE DECISIONS FOR YOU. YOU MAY REVOKE THIS POWER OF ATTORNEY IF YOU LATER WISH TO DO SO.

I _____ (YOUR NAME AND ADDRESS)

appoint _____ (NAME AND ADDRESS OF THE PERSON APPOINTED, OR OF EACH PERSON APPOINTED IF YOU WANT TO DESIGNATE MORE THAN ONE)

as my agent (Attorney-in-fact) to act for me in any lawful way with respect to the following initialed subjects:

TO GRANT ALL OF THE FOLLOWING POWERS, INITIAL THE LINE IN FRONT OF (M) AND IGNORE THE LINES IN FRONT OF THE OTHER POWERS.

TO GRANT ONE OR MORE, BUT FEWER THAN ALL, OF THE FOLLOWING POWERS, INITIAL THE LINE IN FRONT OF EACH POWER YOU ARE GRANTING.

TO WITHHOLD A POWER, DO NOT INITIAL THE LINE IN FRONT OF IT. YOU MAY, BUT NEED NOT, CROSS OUT EACH POWER WITHHELD.

INITIAL

- ____ (A) Tangible personal property transactions.
____ (B) Stock and bond transactions.
____ (C) Commodity and option transactions.
____ (D) Banking and other financial institution transactions.
____ (E) Business operating transactions.
____ (F) Insurance and annuity transactions.
____ (G) Estate, trust, and other beneficiary transactions.

- ____ (H) Claims and litigation.
____ (I) Personal and family maintenance.
____ (J) Benefits from social security, medicare, medicaid, or other governmental programs, or civil or military service.
____ (K) Retirement plan transactions.
____ (L) Tax matters.
____ (M) ALL OF THE POWERS LISTED ABOVE.

YOU NEED NOT INITIAL ANY OTHER LINES IF YOU INITIAL LINE (M).

SPECIAL INSTRUCTIONS:

ON THE FOLLOWING LINES YOU MAY GIVE SPECIAL INSTRUCTIONS LIMITING OR EXTENDING THE POWERS GRANTED TO YOUR AGENT.

UNLESS YOU DIRECT OTHERWISE ABOVE, THIS POWER OF ATTORNEY IS EFFECTIVE IMMEDIATELY AND WILL CONTINUE UNTIL IT IS REVOKED.

This Power of Attorney will:

- ____ Continue to be effective even though I become incapacitated.
____ Terminate when I become incapacitated.

EXERCISE OF POWER OF ATTORNEY WHERE MORE THAN ONE AGENT DESIGNATED

- If I have designated more than one agent, the agents are to act:
____ separately.
____ jointly.

I agree that my third party who receives a copy of this document may act under it. Revocation of the Power of Attorney is not effective as to a third party until the third party has actual knowledge of the revocation. I agree to indemnify the third party for any claims that arise against the third party because of reliance on this Power of Attorney.

____ (YOUR SIGNATURE)

____ (YOUR SOCIAL SECURITY NUMBER)

Done and passed at the Parish of _____,
Louisiana, on the day and date first above written, in the presence of
_____ and _____,
competent witnesses, who sign with appearer and me, officer, after
due reading of the whole.

WITNESSES:

(ADDRESS)

(ADDRESS)

NOTARY SEAL:

(SIGNATURE OF NOTARY PUBLIC)

B. The form to be used for the Uniform Statutory Form Power of Attorney for Military Personnel shall be available free of charge from the Administrative Services Division of the Office of the Secretary of State upon request. This rule is to become effective December 20, 1991.

W. Fox McKeithen
Secretary of State

Notices of Intent

NOTICE OF INTENT

Department of Agriculture and Forestry Agricultural and Environmental Sciences

The Department of Agriculture and Forestry advertises its intent to adopt rules enacting LAC Title 7, Part XXIII, Chapter 131, Subchapters Z and AA. These rules will codify existing policies and procedures for water protection and emergencies related to pesticides.

Title 7 AGRICULTURE AND ANIMALS Part XXIII. Pesticides

Chapter 131. Louisiana Advisory Commission on Pesticides

Subchapter Z. Emergency Procedures related to Pesticides

§13179. Definitions

In addition to the definitions listed below, and unless

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

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

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

Environment includes water, air and land and the inter-relationship which exists among and between water, air and land and all living things.

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, LR 18:

§13181. Identification of Emergency

A. Procedure

1. Persons detecting or discovering what they reasonably believe to be an emergency involving the use, misuse or storage of pesticides shall immediately contact the Office of Pesticide and Environmental programs via the 24-hour telephone hotline at (504) 925-3763.

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

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

4. Upon notification, the commissioner shall make a determination as to whether an emergency exists.

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, LR 18:

§13183. Declaration of Emergency

Upon determining that an emergency exists, the director shall immediately declare in writing that an emergency exists and direct that the following emergency procedures be employed. The director shall notify the appropriate governmental agencies as soon as is practical.

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, LR 18:

§13185. Response to Emergency

A. Containment

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

B. Identification of Pesticide

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

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

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

3. All emergency reports shall be reviewed by the director or his staff;

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

5. Samples shall be obtained at the earliest possible

time and analyzed in accordance with procedures approved by the Association of Official Analytical Chemists and/or other methods approved by the U. S. Environmental Protection Agency.

C. Reporting Requirements

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

D. Investigation

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

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

E. Remediation

1. At the earliest possible time the director shall develop a written plan for clean-up and disposal of pesticide waste as necessary to accomplish remediation of the emergency.

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

F. Health related complaints

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

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, LR 18:

§13187. Declaration of Termination of Emergency

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

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, LR 18:

Subchapter AA. Water Protection

§13189. Definitions

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

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

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

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

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

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

HISTORICAL NOTE: Promulgated by the Louisiana Department of Agriculture and Forestry, LR 18:

§13191. Establishment of Standards for Pesticides in Water

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

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

HISTORICAL NOTE: Promulgated by the Louisiana Department of Agriculture and Forestry, LR 18:

§13193. Procedures for the Determination of Threats

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

A. The department shall maintain a water monitoring program.

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

- a. those areas that have agricultural land use;
- b. those areas that have water drainage from agricultural lands; and
- c. the propensity for runoff due to topography, soil types and other characteristics.

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

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

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

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

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

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

by the U. S. Environmental Protection Agency.

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

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

HISTORICAL NOTE: Promulgated by the Louisiana Department of Agriculture and Forestry, LR 18:

§13195. Determination of Appropriate Action

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

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

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

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

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

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

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

HISTORICAL NOTE: Promulgated by the Louisiana Department of Agriculture and Forestry, LR 18:

These rules comply with R.S. 3:3203 and 3:3303 et seq. A public hearing on these proposed regulations will be held on January 24, 1992 in Baton Rouge, LA, at the Louisiana Department of Agriculture and Forestry Building at 5825 Florida Boulevard at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at that hearing. Bobby Simoneaux, Director of Pesticides and Environmental Programs, Box 3596, Baton Rouge, LA 70821-3596, is the person responsible for responding to inquiries about the proposed regulations.

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Water Protection and Emergency Procedures

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Costs of \$600 per year for the telephone hotline are anticipated, to be paid from an existing co-operative fund

of which EPA bears 85 percent of costs and the state 15 percent.

No costs or savings to local governmental groups are anticipated to result from the implementation of the proposed rules.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No effect on revenue collections of state or local governmental units is anticipated to result from the implementation of the proposed rules.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

No costs or economic benefits to directly affected persons are anticipated to result from the implementation of this rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition or employment is anticipated.

Richard Allen
Assistant Commissioner

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Louisiana Horticulture Commission will consider amending the Horticulture rules and regulations, LAC 7:XXIX. Chapter 151, as follows:

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

- A. ...
B. Retail Florist

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

2. ...
3. ...
C. ...
D. ...

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Horticulture Commission, LR 8:184 (April 1982), amended LR 14:7 (January 1988), LR 18: §15109. **Fees for License or Permit and Renewal Thereof**

- A. ...
B. Landscape Architect

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

1991 - \$350

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

1992

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

C. - H. ...

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Horticulture Commission, LR 8:184 (April 1982), amended LR 14:8 (January 1988), LR 18: §15113. Examination Schedule

A. Retail Florist

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

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

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

B. - D. ...

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

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

Persons interested in making comments relative to this notice may do so in writing to Craig M. Roussel, Director, Louisiana Horticulture Commission, Box 3118, Baton Rouge, LA 70821-3118. He is the person responsible for responding to inquiries regarding these proposed amendments.

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules**

**Rule Title: Title 7, Agriculture and Animals
Part XXIX, Horticulture Commission**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There are no estimated costs or savings to state or local governmental units.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF
STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is an estimated increase in revenues to the Horticulture Commission of \$1,000 from the landscape architect exam. However, this increase will be passed on to pay for the increase in cost of examination material from the Council for Landscape Architect Registration Board.

This will result in no net increase to the Horticulture Commission.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS
TO DIRECTLY AFFECTED PERSONS OR NON-
GOVERNMENTAL GROUPS (Summary)**

There will be an increase in costs to applicants for the landscape architect exam of \$45 per applicant. Re-take applicants will be affected less depending on sections to be retaken.

There will be no costs or benefits to retail florist applicants.

**IV. ESTIMATED EFFECT ON COMPETITION AND EM-
PLOYMENT (Summary)**

There are no estimated effects on competition and employment.

Richard Allen
Asst. Commissioner

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Economic Development
Real Estate Appraisal Subcommittee**

Notice is hereby given that the Louisiana Real Estate Appraisal Subcommittee intends to adopt the following amendments to the rules and regulations which appear as emergency rules in this December 20, 1991 issue of the *Louisiana Register*, LAC 46:LXVII, Subpart 2, Chapter 103, §§10313.D and 10315.D.

**Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LXVII. Real Estate
Subpart 2. Appraisers**

**Chapter 103. Certification
§10313. Residential Certification Minimum Experience**

* * *

D. Time Allowed for Meeting Experience (Repealed in its entirety)

Renumber Subsections E through F

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisal Subcommittee, LR 15:814 (October 1989), amended LR 16:493 (June 1990), amended LR 18:

§10315. General Certification Experience

* * *

D. Time Deadline for Meeting Requirement (Repealed in its entirety)

Renumber Subsections E through F

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisal Subcommittee, LR 15:814 (October 1989), amended LR 16:493 (June 1990), amended LR 18:

Interested persons may comment until 4:30 p.m., January 21, 1992 to Stephanie Fagan, Office Coordinator, Louisi-

ana Real Estate Commission, Box 14785, Baton Rouge, LA 70898.

Jane H. Moody
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Certification, LAC 46.LXVII.10313 and 10315

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no estimated costs (savings) to the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
If any impact at all, it would probably be to increase revenues; however, there is no way to measure the number of appraisers who will choose to seek certification after repeal of language.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There are no estimated costs. Groups directly affected by the proposed amendment include appraisers who may benefit economically in their status as a state certified appraiser. There is no way to estimate the benefits.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
Competition and employment may be affected by a possible increase in the number of certified appraisers; however there is no way to estimate the effect.

Jane H. Moody
Executive Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendment to Bulletin 741 -
Nonpublic School 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 an amendment to Standards 6.105.46 and 6.108.02 of Bulletin 741, *Louisiana Handbook for School Administrators - Nonpublic School Standards* relative to SAT scores which are acceptable for enrollment in college courses for high school credit as stated below:

Standard 6.105.46 - amend to read:

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

Standard 6.108.02 - amend to read:

The student shall have earned a minimum composite score of 24 on the ACT or the appropriate concordant values

on the Enhanced ACT, or a SAT score of 1050 and this score must be submitted to the college.

Interested persons may comment on the proposed policy changes in writing, until 4:30 p.m., February 8, 1992 at the following address: Eileen Bickham, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Carole Wallin
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

**Rule Title: SAT Scores for Enrollment in College
Courses Standard Nos. 6.105.46 & 6.108.02**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The only estimated costs is \$100 to update and distribute Bulletin 741.
- 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)
The only economic benefit would be to those students who take the SAT rather than the ACT. These students would not have to take the ACT in addition to the SAT in order to attend college and earn high school credits.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no estimated effect on competition and employment.

John Guilbeau
Acting Deputy Superintendent
for Management and Finance

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendment to Bulletin 1196

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved an amendment to Bulletin 1196, *Louisiana Food and Nutrition Programs Policies of Operation* to add the following:

Responsibility

The responsibility for the administration, operation, and supervision of the School Food Service Program is vested in the education authorities who are responsible for all other phases of the school program. All schools which are under the supervision and regulation of the Board of Elementary and Secondary Education shall furnish lunch to their students. Furthermore, a city or parish school board shall participate in the national school breakfast program if at least 25 percent of the students enrolled in one or more of the

schools in the school system are eligible for such program. A program in school food service must be well planned, organized, and administered on national, state, and local levels if it is to function as an integral part of the total school program.

This amendment incorporates the requirement of Act 842 of the 1991 Legislative Session into Bulletin 1196. The change requires school systems to provide lunch and, in certain circumstances, breakfast to students. This amendment was also adopted as an emergency rule, effective October 24, 1991.

Interested persons may comment on the proposed policy changes in writing, until 4:30 p.m., February 8, 1992 at the following address: Eileen Bickham, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70806-9064.

Carole Wallin
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Bulletin 1196 - Amended**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

A state cost of \$50 is estimated to print and distribute the revised page in Bulletin 1196.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Federal revenue collections by the state will be passed through to local governmental units on submittal of claims for reimbursement of meals served in the school breakfast program. Estimated increases in federal revenue collections for FY 91-92 and FY 92-93 are \$5,873,517 and \$6,086,915, respectively.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Students from households which meet the Federal Income Guidelines for being eligible to receive free or reduced price lunch meals will now be eligible to receive breakfast meals by the same category.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

John Guilbeau
Acting Deputy Superintendent
for Management and Finance

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

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

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the follow-

ing procedures for the distribution of school books and materials of instruction to home study students as recommended by the Department of Education in response to Act 338 of 1991. This amendment to Bulletin 1794, Textbook Adoption Policies and Procedures was also adopted as an emergency rule, effective November 20, 1991.

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

1. receive approval for the home study program;
2. secure verification of participation form from the local school district home study coordinator;
3. present the verification form to the textbook supervisor or designee;
4. select the materials needed from the listing provided by the textbook personnel (only materials approved by BESE and adopted by the local school district are provided through this Act);
5. submit requests for materials. A small deposit equal to 50 percent of the replacement is required. This deposit will be returned when books are returned. If books are not returned or paid for, the parent or legal guardian shall not be eligible to continue in the textbook program until such indebtedness is cleared.

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

Interested persons may comment on the proposed policy changes in writing, until 4:30 p.m., February 8, 1992 at the following address: Eileen Bickham, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Carole Wallin
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Distribution of School Books and Material of Instruction for Home Study Students**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Implementation of this rule will not cost or save the state or local governmental units because materials are to be on loan only upon availability (Act 338), however, approximately \$50 will be required for printing and disseminating the amended page of Bulletin 1794.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no added impact on revenue collection to implement this rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Parents or guardians who are approved and participate in the home study program will have to place a small deposit equal to 50 percent of the replacement cost until such material is returned to the local system.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule will not affect competition or employment.

Dr. Charles Carrick
Deputy Superintendent
of Education

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

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

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 Salary Schedule for Postsecondary Vocational-Technical Personnel, FY 1991-92 along with the Department of Education's recommendations listed below for funding of salaries for all postsecondary vocational-technical personnel for Fiscal Year 1991-92:

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

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

a. make each yearly step increase consistent by category;

b. add two steps to the base plus 12 step salary schedule. This will allow all unclassified employees to receive a one-step raise.

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

4. Authorize each technical institute director and regional management center director to work with other state agencies that are providing funding for personnel in the post-

secondary vocational-technical system to seek additional funds or budget revisions to accommodate salary adjustments for their personnel not on the State Table of Organization.

These recommendations, along with the salary schedule for state technical institutes were also adopted as an emergency rule, effective September 26, 1991 and printed in full in the October, 1991 issue of the *Louisiana Register*.

Interested persons may comment on the proposed policy changes and/or additions, in writing, until 4:30 p.m., February 8, 1992 at the following address: Eileen Bickham, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Recommendations for Funding of Salaries for Fiscal Year 1991-92 for all Postsecondary Vocational-Technical Personnel

- I. Suspend the new pay plan that was adopted by the Board in August 1989 for Fiscal Year 1991-92.
- II. Continue the use of the Board-approved, September 1, 1984 and revised August 20, 1990, salary schedule with the following changes:
 1. Make each yearly step increase consistent by category.
 2. Add two steps to the base plus 12 step salary schedule. (See salary schedule)
This will allow all unclassified employees to receive a one-step raise.
- III. All classified employees will receive their regular merit increase of four percent on their anniversary date, and those classified employees who qualify will receive an additional four percent pay equalization raise.
- IV. Authorize each technical institute director and regional management center director to work with other state agencies that are providing funding for personnel in the postsecondary vocational-technical system to seek additional funds or budget revisions to accommodate salary adjustments for their personnel not on the state T.O.

Carole Wallin
Executive Director

SALARY SCHEDULE FOR STATE TECHNICAL INSTITUTES
EFFECTIVE SEPTEMBER 26, 1991

INSTRUCTOR			ASSISTANT DIRECTOR		DIRECTOR (1-13 Staff)		DIRECTOR (14-26 Staff)		DIRECTOR (27-40 Staff)		DIRECTOR (41-55 Staff)		DIRECTOR (56 + Staff)	
* No Degree	B.S.	M.A.	B.S.	M.A.	B.S.	M.A.	B.S.	M.A.	B.S.	M.A.	B.S.	M.A.	B.S.	M.A.
B 22,299	23,316	23,993	B 27,583	28,260	B 34,370	34,986	B 35,110	35,726	B 35,850	36,466	B 36,590	37,206	B 37,330	37,946
1 22,976	23,993	24,670	1 28,397	29,074	1 35,110	35,726	1 35,850	36,466	1 36,590	37,206	1 37,330	37,946	1 38,070	38,686
2 23,653	24,670	25,347	2 29,211	29,888	2 35,850	36,466	2 36,590	37,206	2 37,330	37,946	2 38,070	38,686	2 38,810	39,426
3 24,330	25,347	26,024	3 30,025	30,702	3 36,590	37,206	3 37,330	37,946	3 38,070	38,686	3 38,810	39,426	3 39,550	40,166
4 25,007	26,024	26,701	4 30,839	31,516	4 37,330	37,946	4 38,070	38,686	4 38,810	39,426	4 39,550	40,166	4 40,290	40,906
5 25,684	26,701	27,378	5 31,653	32,330	5 38,070	38,686	5 38,810	39,426	5 39,550	40,166	5 40,290	40,906	5 41,030	41,646
6 26,361	27,378	28,055	6 32,467	33,144	6 38,810	39,426	6 39,550	40,166	6 40,290	40,906	6 41,030	41,646	6 41,770	42,386
7 27,038	28,055	28,732	7 33,281	33,958	7 39,550	40,166	7 40,290	40,906	7 41,030	41,646	7 41,770	42,386	7 42,510	43,126
8 27,715	28,732	29,409	8 34,095	34,772	8 40,290	40,906	8 41,030	41,646	8 41,770	42,386	8 42,510	43,126	8 43,250	43,866
9 28,392	29,409	30,086	9 34,909	35,586	9 41,030	41,646	9 41,770	42,386	9 42,510	43,126	9 43,250	43,866	9 43,990	44,606
10 29,069	30,086	30,763	10 35,723	36,400	10 41,770	42,386	10 42,510	43,126	10 43,250	43,866	10 43,990	44,606	10 44,730	45,346
11 29,746	30,763	31,440	11 36,537	37,214	11 42,510	43,126	11 43,250	43,866	11 43,990	44,606	11 44,730	45,346	11 45,470	46,086
12 30,423	31,440	32,117	12 37,351	38,028	12 43,250	43,866	12 43,990	44,606	12 44,730	45,346	12 45,470	46,086	12 46,210	46,826
13 31,100	32,117	32,794	13 38,165	38,842	13 43,990	44,606	13 44,730	45,346	13 45,470	46,086	13 46,210	46,826	13 46,950	47,566
14 31,777	32,794	33,471	14 38,979	39,656	14 44,730	45,346	14 45,470	46,086	14 46,210	46,826	14 46,950	47,566	14 47,690	48,306

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

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

*** COLLEGE CREDITS**

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

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

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Salary Schedule for Technical Institutes

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The Board of Elementary and Secondary Education with this revised pay plan will suspend the new pay plan and continue to use the salary schedule with revisions dated September 1, 1984. The cost to implement this change would be approximately \$75 for printing and postage to mail out the revised salary schedule. Also the cost for the FY 91/92 would have been \$38,568,741 for salaries, therefore with these revisions the cost in FY 91/92 will be \$32,158,280 for salaries using the revised salary schedule. The cost for FY 92/93 will be \$32,274,530.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There will be no costs or economic benefits to the non-governmental groups. There will be an economic impact on the vocational technical employees who will not

receive the raise the new pay plan would have given them.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment as a result of this action.

John J. Guilbeau
Deputy Superintendent
for Management & Finance

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Employment and Training
Office of Employment Security**

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

Title 40
LABOR AND EMPLOYMENT
Part IV. Employment Security

Chapter 3. Employment Security Law

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

A. Itinerant Service

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

- a. Delete
- b. Delete

* * *

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

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

Interested persons may submit oral or written comments to Frank T. Scott, Jr., Deputy General Counsel, Department of Employment and Training, Office of Employment Security, Box 94094, Baton Rouge, LA 70804-9094, (504) 342-3046. Comments will be accepted through the close of business at 4:15 p.m. Monday, January 6, 1992.

Alfreda Bester
Secretary

Fiscal and Economic Impact Statement
For Administrative Rules

Rule Title: Itinerant Services, LAC 40:IV.333

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This rule change will not cost the state or local government units any money. The proposed rule change will have no impact on state or local government units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units with this rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

With this rule change there will be no costs or any benefit affect on persons or groups. The proposed rule will not affect costs or economic benefits to directly affected persons or non-profit or non-government groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

With this rule change there will be no effect on competition or employment.

Wayne B. Cox
Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Employment and Training
Office of Employment Security

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

Title 40
LABOR AND EMPLOYMENT
Part IV. Employment Security

Chapter 3. Employment Security Law

§309. Reports on Magnetic Media

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

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

HISTORICAL NOTE: Promulgated by the Department of Employment and Training, Office of Employment Security, LR 18:

Interested persons may submit oral or written comments to Frank T. Scott, Jr., Deputy General Counsel, Department of Employment and Training, Office of Employment Security, Box 94094, Baton Rouge, La. 70804-9094, (504) 342-3046. Comments will be accepted through the close of business at 4:15 p.m. Monday, January 6, 1992.

Alfreda Bester
Secretary

Fiscal and Economic Impact Statement
For Administrative Rules

Rule Title: Magnetic Media, LAC 40:IV.309

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Employers reporting wages on Magnetic Tape would result in fewer positions in the Key punch Section. These positions could be moved or transferred to other areas that are in need of help due to the recent federal budget cuts.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This new rule 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)

Employers would benefit by having fewer claimant wage disagreements, thus having fewer costly audits by our field auditors; claimants would benefit by receiving

timely payments of benefits based on the current amount of their earnings.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule will have no effect on competition and employment.

Wayne B. Cox
Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001, et seq., particularly R.S. 30:2054, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality Regulations, LAC 33:III.6088, (Log Number AQ55).

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

These proposed regulations are to become effective on March 20, 1992, or as soon thereafter as practical upon publication in the *Louisiana Register*.

Proposed Rule

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

Chapter 60. Division's Source Test Manual

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

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

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

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

3. Interferences. Volatile materials which produce chloride ions upon dissolution during sampling are obvious interferences. Another likely interferant is diatomic chlorine (Cl₂) gas which reacts to form HCl and hypochlorous acid (HOCl) upon dissolving in water. However, Cl₂ gas exhibits a low solubility in water and the use of acidic, rather than neutral or basic collection solutions, greatly reduces the chance of dissolving any chlorine present. This method does not experience a significant bias when sampling a 400 ppm HCl gas stream containing 50 ppm Cl₂. Sampling a 220 ppm HCl gas stream containing 180 ppm Cl₂ results in a positive bias of 3.4 percent in the HCl measurement.

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

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

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

B. Apparatus

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

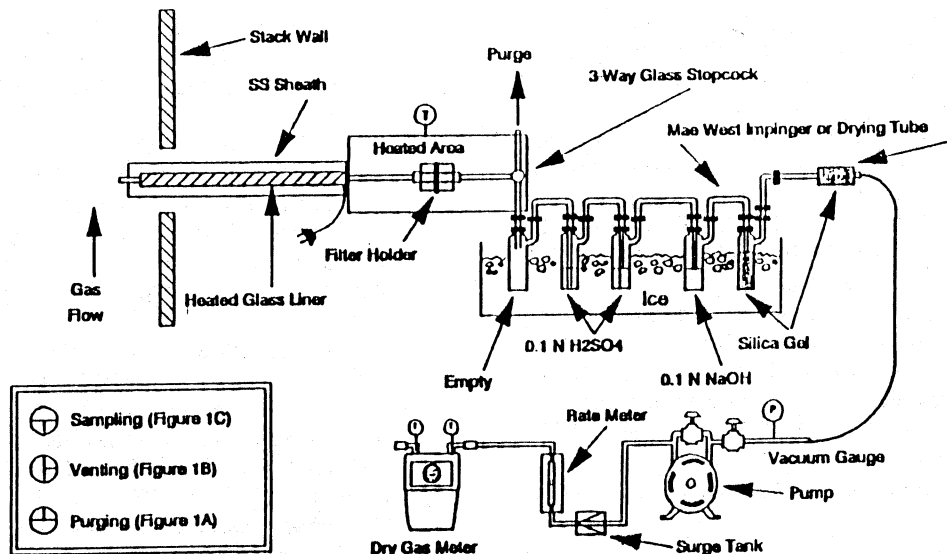


Figure 26-1. Sampling Train

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

b. Three-way Stopcock. A borosilicate, three-way glass stopcock with a heating system to prevent moisture condensation. The heated stopcock should connect directly to the outlet of the probe and the inlet of the first impinger. The heating system should be capable of preventing condensation up to the inlet of the first impinger. Silicone grease may be used, if necessary, to prevent leakage.

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

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

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

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

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

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

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

2. Sample Recovery.

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

b. Storage Bottles. 100 ml glass, with Teflon-lined lids, to store impinger samples (two per sampling run). During clean-up, the two front impinger contents (0.1 N H_2SO_4) should be combined. The contents of the two rear impingers (0.1 N NaOH) may be discarded, as these solutions are included only to absorb Cl_2 , and thus protect the pump.

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

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

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

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

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

1. Sampling.

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

b. Absorbing solution, 0.1 N Sulfuric Acid (H_2SO_4). To prepare 100 ml of the absorbing solution for the front impinger pair, slowly add 0.28 ml of concentrated H_2SO_4 to about 90 ml of water while stirring, and adjust the final volume to 100 ml using additional water. Shake well to mix the solution.

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

2. Sample Preparation and Analysis.

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

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

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

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

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

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

chromatography, if the "water dip" resulting from sample injection interferes with the chloride peak, use a 2 mM NaOH/ 2.4 mM sodium bicarbonate eluent.

D. Procedure

1. Sampling.

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

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

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

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

2. Sample Recovery. Disconnect the impingers after sampling. Quantitatively transfer the contents of the first three impingers (the knockout impinger and the two absorb-

ing solution impingers) to a leak-free storage bottle. Add the water rinses of each of these impingers and connecting glassware to the storage bottle. The contents of the scrubber impingers and connecting glassware rinses may be discarded. The sample bottle should be sealed, shaken to mix, and labeled. The fluid level should be marked so that if any sample is lost during transport, a correction proportional to the lost volume can be applied.

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

4. Sample Analysis.

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

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

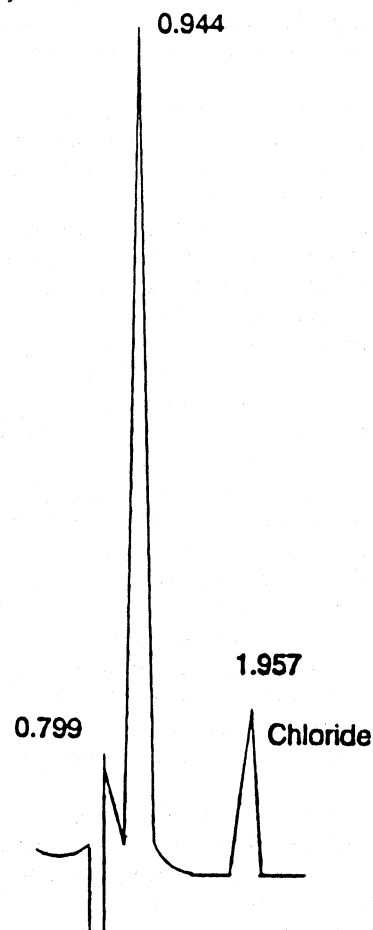


Figure 26-2. Example Chromatogram

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

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

E. Calibration

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

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

F. Quality Assurance

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

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

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

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

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

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

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

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

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

2. Total μg HCl Per Sample.

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

where:

m = Mass of HCl in sample, μg.

S = Concentration of sample, μg Cl⁻/ml.

B = Concentration of blank, μg Cl⁻/ml.

100 = Volume of filtered and diluted sample, ml.

36.46 = Molecular weight of HCl, μg/μg mole.

35.453 = Atomic weight of Cl, μg/μg mole.

3. Concentration of HCl in the Flue Gas.

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

where:

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

K = 10⁻³ mg/μg.

m = Mass of HCl in sample, μg.

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

H. Bibliography

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

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

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

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

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

A public hearing will be held on January 24, 1992, at 1:30 p.m. in the Maynard Ketcham Building, Room 341 (Re-

cital Room), 7290 Bluebonnet Boulevard, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than January 27, 1992, at 4:30 p.m., to David Hughes, Enforcement and Regulatory Compliance Division, Box 82282, Baton Rouge, LA 70884-2282 or to 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810. Commentors should reference this proposed regulation by the Log Number AQ55.

J. Terry Ryder
Assistant Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Method 26-Determination of Hydrogen Chloride Emissions from Stationary Sources, LAC 33:III.Chapter 60

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will not be any impact on cost or savings.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will not be any impact on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The benefit to the regulated community will be from a defined testing method that is enforceable.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is not expected to be any impact on competition and employment.

Mike D. McDaniel, Ph.D.
Assistant Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Environmental Quality Office of Air Quality and Radiation Protection

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001, et seq., particularly R.S. 30:2054, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality Regulations, LAC 33:III.3337, (Log Number AQ43).

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

These proposed regulations are to become effective on March 20, 1992, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be held on January 24, 1992, at 1:30 p.m. in the Maynard Ketcham Building, Room 341 (Recital Room), 7290 Bluebonnet Boulevard, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

Title 33 ENVIRONMENTAL QUALITY Part III. Air

Chapter 31. Standards of Performance or New Stationary Sources

* * *

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

A. Applicability and Designation of Affected Facilities

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

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

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

B. Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

C. Standards for Particulate Matter

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

from any affected facility any secondary emissions that:

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

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

c. Exit from a control device used solely for the collection of secondary emissions from a top-blown BOPF facility or from hot metal transfer or skimming for a top-blown or a bottom-blown BOPF facility and exhibit more than 5 percent opacity.

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

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

D. Monitoring of Operations

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

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

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

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

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

during the most recent performance test conducted under LAC 33:III.3115 in which the affected facility demonstrated compliance with the standard under LAC 33:III.3332.A.1 of this Chapter.

E. Test Methods and Procedures

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

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

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

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

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

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

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

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

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

b. For devices that monitor the level of exhaust ventilation and record only step changes when a set point rate is

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

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

F. Compliance Provisions

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

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

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

4. For the purpose of determining compliance with visible emission standards specified in Subsections C.1.a and c of this Section, the starting and stopping times of regulated process operations shall be determined, and the starting and stopping times of visible emissions data sets shall be determined accordingly.

5. To determine compliance with Subsection C.1.a of this Section, select the data sets yielding the highest and

second highest three-minute average opacities for each steel production cycle. Compliance is achieved if the highest three-minute average for each cycle observed is less than 20 percent and the second highest three-minute average is 10 percent or less.

6. To determine compliance with Subsection C.1.b of this Section, determine the concentration of particulate matter in exhaust gases exiting the secondary emission collection device with Reference Method 5 (LAC 33:III.6015). Compliance is achieved if the concentration of particulate matter does not exceed 23 mg/dscm (0.010 gr/dscf).

7. To determine compliance with Subsection C.1.c of this Section, construct consecutive three-minute averages for each steel production cycle. Compliance is achieved if no three-minute average is more than five percent.

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

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

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than January 27, 1992, at 4:30 p.m., to David Hughes, Enforcement and Regulatory Compliance Division, Box 82282, Baton Rouge, LA 70884-2282 or to 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810. Commentors should reference this proposed regulation by the Log Number AQ43.

J. Terry Ryder
Assistant Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Standards of Performance for Secondary Emissions from Basic Oxygen Steelmaking Facilities. (LAC 33:III.3337)

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no expected costs, or savings, to state or local governments expected from the implementation of the proposed rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no expected effect on revenue collections of state or local governmental units from the implementation of the proposed rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There is no expected incremental cost or economic benefits to directly affected persons or governmental groups from the implementation of the proposed rule.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no expected effect on competition or employment from the implementation of the proposed rule.

Mike D. McDaniel, Ph.D.
Assistant Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Office of the Governor Department of Veterans Affairs War Veterans' Home

The Department of Veterans' Affairs intends to publish an amendment to rule number 937, Admission Requirements for the LA War Veterans' Home, which is currently published as Chapter 9, Subchapter D in Volume 13, Number 3, March 20, 1987 issue of the *Louisiana Register* and currently amended in Volume 13, Number 10, October 20, 1987 issue of the *Louisiana Register*. This proposed amendment will add three new admission requirements.

Title 4 ADMINISTRATION

Part VII. Governor's Office

Chapter 9. Veterans Affairs Subchapter D. War Veterans' Home §937. Admission Requirements

A. For admission to the Louisiana War Veterans' Home, Jackson, Louisiana for domiciliary or nursing care, a veteran must be a resident of the state of Louisiana.

B. The veteran must have served on active military duty 90 days or more during a wartime period; or 90 days or more consecutive service must have begun or ended during a wartime period; or 90 days or more combined service during two or more wartime periods; or if less than 90 days, discharged due to a disability in line of duty; and in receipt of a discharge other than dishonorable.

C. The veteran applicant must undergo a medical examination and, as a result, it must be shown that he/she does not have a communicable disease, does not require medical or hospital care for which the home is not equipped to provide, and does not have violent traits which may prove dangerous to the physical well-being of the other residents or employees.

D. The veteran must consent to abide by all the rules and regulations governing the home and to follow the course of treatment prescribed by the Veterans' Home medical staff.

E. Every resident of the Home shall be responsible for payment of the full resident care and maintenance charges. The home administrator may consider waiver of payment of care and maintenance charges only for the amount of difference of income the veteran has and total charge of care and maintenance.

F. There will be no income limitation as an eligibility requirement for admission to the Louisiana War Veterans' Home. Applicants' income or net worth, available or lacking, shall not be a bar to admission.

There are no changes recommended to Subparagraphs A through F. Request that the following Subparagraphs be added under §937, Admission Requirements:

G. The veteran applicant must not have criminal charges pending against him/her.

H. The veteran applicant must not be confined in a correctional facility or treatment facility for the criminally insane.

I. Veteran applicants under judicial/court commitments will not be accepted for admission.

The adoption of these proposed amendments to the admission requirements for the LA War Veterans' Home will not have any fiscal or economic impact. The current practice

within this agency is not to accept veteran applicants that fall within the criteria cited in proposed Subparagraphs G, H, and I above. The purpose of this proposed amendment is to establish the ongoing practice as an official policy.

Interested persons may submit written comments on the proposed rules to John E. Donovan, Administrator, Louisiana War Veterans' Home, Box 748, Jackson, LA 70748.

Printice A. Darnell
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Admission Requirements**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The adoption of the proposed amendments to Rule Number 937, Admission Requirements for the LA War Veterans' Home will not have any implementation costs to state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The adoption of the proposed amendments will not have any effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The adoption of the proposed amendments will not cause any costs, but it will benefit the aged disabled veterans residing at this facility by guaranteeing to them that their home will not be infiltrated with veterans possessing undesirable character traits which would ultimately destroy the high image of the LA War Veterans' Home.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The adoption of the proposed amendments will not have any effect on competition and employment.

Printice A. Darnell
Executive Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Office of the Governor
Office of Elderly Affairs**

In accordance with Louisiana Revised Statutes 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs (GOEA) intends to amend the GOEA Policy Manual, effective March 20, 1992. The purpose of this rule change is to create an administrative procedure for appealing the State Ombudsman's decisions in cases where grievances are brought against ombudsmen.

**Proposed Rule
Title 4
ADMINISTRATION
Part VII. Governor's Office**

Chapter 11. Elderly Affairs

Subchapter F. Hearing Procedures

§1273. Hearing Procedures for Persons Filing Grievances with the Office of the State Ombudsman

A. Right to a Hearing

The Governor's Office of Elderly Affairs shall provide an opportunity for a hearing and issue a written decision to any person filing a formal grievance with the Office of the State Ombudsman pursuant to §1229 (L) (3) (b) or to the ombudsman against whom the grievance was filed, whenever either party disagrees with the decision rendered by the state ombudsman pursuant to LAC 4:VII.1229 (L) (3) (f) or (L) (5) (b) (iii).

B. Request for Hearing

1. A request for hearing must be received by the Governor's Office of Elderly Affairs within 30 days following petitioner's receipt of the notice of the state ombudsman's decision.

2. A request for hearing must be in writing and must state with specificity the grounds upon which the state ombudsman's decision is appealed and all grounds upon which petitioner refutes the basis of the decision. The request must include:

- a. the dates of all relevant actions;
- b. the names of individuals or organizations involved in the action; and
- c. a specific statement of any laws or regulations believed to have been violated.

C. Notice of Hearing

1. Upon receipt of a request for hearing, the director shall, within 10 working days, set a date for the hearing.

2. The Governor's Office of Elderly Affairs shall issue a written notice to the petitioner and other interested persons which shall include:

- a. a statement of time, date, location, and nature of the hearing;
- b. a statement of the legal authority and jurisdiction under which the hearing is to be held;
- c. a reference to the particular section of statutes, regulations, and rules involved; and
- d. a short and plain statement of the reasons for the decision that is being appealed and the evidence on which the decision was based.

3. Petitioner shall be given no less than 10 working days notice of the scheduled hearing. Notice shall be sent by registered or certified mail, return receipt requested.

D. Hearing Examiner

The director or his designated representative shall be the hearing examiner and preside at the hearing, subject to the provisions of LA R.S. 49:960. The hearing examiner shall conduct the hearing in an orderly fashion and in accordance with the procedures outlined herein. It is the responsibility of the hearing examiner to fully consider information relevant to the complaint and to draft a fair decision based on such information.

E. Rules of Evidence

The rules of evidence for hearings held under §1273 shall be as provided in Subsection G of §1267.

F. Ex Parte Consultations

Communications between the hearing examiner and any party or interested person or his representative shall be governed by R.S. 49:960, the Louisiana Administrative Procedure Act.

G. Depositions and Subpoenas

The taking and use of depositions and the issuance of subpoenas shall be governed by R.S. 49:956 (5)-(8) of the Louisiana Administrative Procedure Act.

H. Hearing

The procedure to be followed for hearings held under §1273 shall be as provided in Subsection J of §1267.

I. Transcript

The rules governing transcripts for hearings held under §1273 shall be as provided in Subsection K of §1267.

J. Final Decision

All decisions shall be in writing and shall be rendered and acted upon by the director within 60 days of the close of the hearing. A copy of the decision shall be sent immediately to the applicant by registered or certified mail, return receipt requested. A copy of the decision shall also be sent to any other persons directly affected by the decision.

K. Rehearing and Appeal

Procedures for rehearings and appeals shall be governed by LA R.S. 49:959 and 965.

L. Record

The record in a hearing under this Section shall consist of the materials listed in Subsection M of §1267.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 1321.11 (a), published in the *Federal Register*/Vol. 53, No. 169/Wednesday, August 31, 1988.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 18:

Interested persons may submit written comments to the following address: Linda Sadden, State Ombudsman, Box 80374, Baton Rouge, LA 70898-0374. She is the person responsible for responding to inquiries regarding this proposed rule change. Comments will be accepted until 5 p.m. January 29, 1992.

A public hearing on this proposed rule change will be held on Friday, January 24, 1992 in the GOEA Conference Room, 4550 North Boulevard, Second Floor, Baton Rouge, LA at 1:30 p.m. All interested parties will be afforded time to submit data, views, or arguments, orally or in writing, at said hearing.

Vicky Hunt
Director

Fiscal and Economic Impact Statement For Administrative Rules

**Rule Title: GOEA Policy Manual Amendments Section
1273**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Implementation costs are estimated at \$50 for manual revisions and distribution.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collection of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There will be no costs or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition and employment is anticipated.

Vicky Hunt
Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Office of the Governor Office of Elderly Affairs

In accordance with Louisiana Revised Statutes 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs (GOEA) intends to amend the GOEA Policy Manual, effective March 20, 1992. The purposes of this rule change are: to formalize the requirement that Ombudsman Coordinators complete a special training course prior to or within a specified time after assuming the position; to create an Ombudsman Advisory Council, naming eight ex-officio members and allowing for four at-large positions; and to add an administrative procedure for resolving complaints against ombudsmen, including a formal procedure that allows for appeal of the State Ombudsman's decision if any party is dissatisfied.

Proposed Rule

Title 4

ADMINISTRATION

Part VII. Governor's Office

Chapter 11. Elderly Affairs

Subchapter B. Area Agency on Aging

§1229. Office of the Long Term Care Ombudsman

A. - D. ...

E. Personnel Qualifications and Responsibilities

1. ...

2. Ombudsman Coordinator

a. Qualifications

i. The ombudsman coordinator: must have met all qualifications of an ombudsman; must have successfully completed one year of service as an ombudsman; must have completed the coordinator training session(s) conducted by the state ombudsman or his/her designee within three months of accepting the position; and must possess administrative, supervisory and public relations skills.

ii. ...

b. ...

3. - 4. ...

F. - J. ...

K. Ombudsman Advisory Council

1. Membership/Officers/Vacancies/Compensation

a. The council shall consist of the following persons:

i. The chairman of the Ombudsman Committee of Citizens for Quality Nursing Home Care or his/her designee.

ii. The director of the Advocacy Center for the Elderly and Disabled or his/her designee.

iii. The director of the Louisiana Nursing Home Association or his/her designee.

iv. The director of the Louisiana Association of Homes and Services for the Aging or his/her designee.

v. The president of the Louisiana Council on Aging Directors Association or his/her designee.

vi. The chairman of the American Association of Retired Persons (AARP) State Legislative Committee or his/her designee.

vii. The manager of the Health Standards Section, Department of Health and Hospitals or his/her designee.

viii. The chairman of the Aging Advisory Board or his/her designee.

ix. Four additional persons selected by the state ombudsman. These at-large members shall serve for two year terms, except that the initial appointments shall consist of two persons who will serve for two years, and two persons who shall serve for one year.

b. The council shall elect a chairman and such other officers as it sees fit.

c. If a vacancy occurs in an at-large position, the state ombudsman shall appoint a member to fill that position for the remainder of the unexpired term.

d. Advisory council members shall receive no compensation.

2. Meetings

The Ombudsman Advisory Council shall meet quarterly. Seven members shall constitute a quorum. The council shall keep a record of its proceedings.

3. Duties and Functions

a. The Ombudsman Advisory Council shall provide information and advice to the state ombudsman and the director of GOEA on matters of policy and rules and regulations pertaining to the Office of the State Ombudsman and on matters of relevance to the quality of life of nursing home residents.

b. The council may submit recommendations or reports on matters concerning the needs of nursing home residents or the operation of the Ombudsman Program.

L. Complaints against Ombudsmen

1. For purposes of this policy the following definitions apply:

a. *Complaint* - any allegation of wrongdoing or misconduct by an ombudsman. Complaints may be submitted orally or in writing.

b. *Grievance* - a formal complaint alleging misconduct. Grievances must be submitted in writing. Decisions rendered regarding grievances may be appealed.

c. *Misconduct* - any action by an ombudsman which is detrimental to the welfare of a resident or residents or which is directly in violation of the laws and regulations governing the ombudsman program, including §307 of the Older Americans Act, LA R.S. 40:2010.1 et seq., and LAC 4:VII.1229.

2. Complaints

a. The Office of the State Ombudsman shall act upon to any complaint regarding the conduct of an ombudsman in carrying out his/her duties.

b. Complaints against ombudsmen

i. Complaints against ombudsmen should be directed to the local coordinator.

ii. Upon receipt of a complaint, the coordinator shall notify the ombudsman and his/her immediate supervisor of the complaint; conduct an investigation to determine whether

the complaint is valid; take appropriate action to remedy the situation; and advise the complainant and the ombudsman of the findings.

iii. If a complaint is found to be valid and appears to constitute misconduct, the coordinator shall notify the state ombudsman of the findings within five working days of the completion of the investigation.

iv. If a coordinator fails to respond to or act upon a complaint within 30 days, the person filing the complaint may refer the complaint to the state ombudsman.

c. Complaints about a coordinator

i. Complaints about a coordinator should be directed to the state ombudsman.

ii. Upon receipt of a complaint, the state ombudsman shall notify the coordinator and his/her immediate supervisor of the complaint; conduct an investigation to determine whether the complaint is valid; take appropriate action to remedy the situation; and advise the following of the findings: the complainant, the coordinator, and the director and/or other supervisory staff of the local designated ombudsman entity.

iii. If the state ombudsman fails to respond to or act upon a complaint within 30 days, the person filing the complaint may refer the complaint to the director of the Office of Elderly Affairs.

d. The coordinator's supervisor and/or director of the local designated entity may assist in the investigation of a complaint if his/her involvement does not violate confidentiality requirements.

3. Grievances

a. Any person who has direct knowledge of actions which may constitute misconduct, as defined in Paragraph 1.a of of this Subsection, may file a grievance.

b. Grievances must:

i. specify the alleged misconduct and include to the degree possible, dates, times, locations and witnesses;

ii. be submitted within one year of the date of the alleged misconduct.

c. Grievances involving an ombudsman

i. Grievances involving an ombudsman must be submitted to the local coordinator;

ii. Upon receipt of the grievance, the coordinator shall submit a copy of the grievance to the state ombudsman, the ombudsman named grievance and his/her supervisor; request that the ombudsman submit a written response within 10 working days; inform the ombudsman and the complainant of the date by which a decision shall be issued; and investigate the allegation stated in the grievance.

iii. Upon completion of the investigation, the coordinator shall issue a written decision. The decision shall inform the state ombudsman, the ombudsman and his/her immediate supervisor, and the complainant of the findings of the investigation; the actions, if any, that will be taken as a result of the investigation; and the provisions for appealing the decision in accordance with Paragraph 5 of this Subsection.

iv. If a coordinator fails to respond to or act upon a grievance within 30 days, either the complainant or the person filing the grievance may refer the grievance to the state ombudsman for appropriate action.

d. Grievances against a coordinator

i. Grievances against a coordinator must be submitted to the state ombudsman;

ii. Upon receipt of the grievance, the state ombuds-

man shall submit a copy of the grievance to the coordinator and his/her immediate supervisor; request that the coordinator submit a written response within 10 working days; inform the coordinator and the complainant of the date by which a decision shall be issued; and investigate the allegation stated in the grievance.

e. The director and/or other supervisory staff of the local designated ombudsman entity may assist in the investigation of a grievance if their involvement does not violate confidentiality.

f. Upon completion of the investigation, the state ombudsman shall issue a written decision. The decision shall inform the coordinator, his/her immediate supervisor, and the complainant of the findings of the investigation; the actions, if any, that will be taken as a result of the investigation; and the provisions for appealing the decision in accordance with Paragraph 5 of this Subsection.

g. If the state ombudsman fails to respond to or act upon a grievance within 30 days, the complainant or the person named in the grievance may refer the grievance to the director of the Office of Elderly Affairs for appropriate action.

4. Remedial Actions

a. If an ombudsman is found to have engaged in misconduct, the state ombudsman or the local coordinator shall take appropriate remedial action.

b. The coordinator is authorized to take the following actions:

i. issue a written reprimand; and/or
ii. require attendance at or completion of supplementary or in-service training; or

iii. refer the grievance to the state ombudsman with a recommendation for facility reassignment or revocation of certification.

c. The state ombudsman may take any of the above actions or any other action he/she deems appropriate.

d. In determining appropriate remedial action, the following factors, at a minimum, shall be considered:

i. the nature of the misconduct;
ii. the degree to which the misconduct caused harm to a resident or residents;

iii. the degree to which the misconduct damages the effectiveness of the ombudsman or the local designated entity; and

iv. the ombudsman's previous record of service.

e. This policy in no way restricts the right of a designated local entity to take any personnel action it deems appropriate under its own internal personnel policies.

5. Appeals

a. Decisions rendered by a coordinator in response to a grievance may be appealed to the state ombudsman by the person filing the grievance or the ombudsman named in the grievance. An appeal must be submitted in writing within 30 days of receipt of the written decision and must state the basis on which the appeal is requested.

b. Upon receipt of an appeal pursuant to Subparagraph (a) above, the state ombudsman will:

i. review the written decision rendered by the coordinator;

ii. conduct further investigation if necessary; and

iii. issue a written decision to confirm and support, modify, or repeal the coordinator's decision.

6. Hearings

Decisions rendered by the state ombudsman in re-

sponse to a grievance may be appealed to the Director of the Office of Elderly Affairs. This appeal must be in the form of a request for a hearing as LAC 4:VII.1273.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:2010.4 and OAA Section 307(a)(12).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:35 (January 1985), LR 11:1078 (November 1985), LR 13:742 (December 1987), LR 15:379 (May 1989), LR 17:600 (June 1991), LR 18:

Interested persons may submit written comments to the following address: Linda Sadden, State Ombudsman, Box 80374, Baton Rouge, LA 70898-0374. She is the person responsible for responding to inquiries regarding this proposed rule change. Comments will be accepted until 5 p.m. January 29, 1992.

A public hearing on this proposed rule change will be held on Friday, January 24, 1992 in the GOEA Conference Room, 4550 North Boulevard, Second Floor, Baton Rouge, LA at 1:30 p.m. All interested parties will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

Vicky Hunt
Director

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: GOEA Policy Manual Amendments to Section 1229

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Implementation costs are estimated at \$50 for manual revisions and distribution.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collection of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON- GOVERNMENTAL GROUPS (Summary)

There will be no costs or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EM- PLOYMENT (Summary)

No effect on competition and employment is anticipated.

Vicky Hunt
Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Health and Hospitals Board of Examiners of Professional Counselors

The Licensed Professional Counselors Board of Examiners, under authority of the Louisiana Mental Health Counselor Licensing Act, R.S. 37:1101-1115, and in accord-

ance with the Administrative Procedure Act, R.S. 49:950 et seq., intends to adopt the following rule amendments and rules governing the practices of mental health counseling in the state of Louisiana.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LX. Professional Counselors, Board of Examiners

Chapter 7. Requirements for Licensure

§703. Licensing Requirements

The board shall issue a license to each applicant who files an application upon a form designated by the board and in such a manner as the board prescribes, accompanied by such fee required by R.S. 37:1106 and who furnishes satisfactory evidence to the board that he:

A. is at least 21 years of age;

B. is of good moral character;

C. is a citizen of the United States or has legally declared his intentions of becoming such;

D. is a resident of the state of Louisiana or is in the act of establishing residency in the state of Louisiana;

E. is not in violation of any of the provisions of R.S. 37:1101-1115 and the rules and regulations adopted herein;

F. can document a minimum of 3,000 hours of supervised experience during a minimum of two years of post-master's degree experience in professional mental health counseling under the supervision of a licensed professional counselor. Five hundred hours of supervised experience may be gained for each 30 graduate semester hours earned beyond the master's degree, provided that such hours are clearly related to the field of mental health counseling and are acceptable to the board provided that in no case the applicant has less than 2,000 hours of supervised experience;

G. has declared special competencies and demonstrated professional competence therein by passing a written examination as shall be prescribed by the board;

H. has received a graduate degree which is professional mental health counseling in content from a regionally accredited institution of higher education and has accumulated at least 48 graduate semester hours which meet the academic and training content standard established by the board showing evidence of a supervised mental health counseling practicum/internship and coursework in seven of the following areas:

1. Counseling/theories of personality
2. Human growth and development
3. Abnormal behavior
4. Techniques of counseling
5. Group dynamics, processes, and counseling
6. Lifestyle and career development
7. Appraisal of individuals
8. Substance abuse
9. Marriage and family studies

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Professional Counselors, LR 14:83 (February 1988), amended by the Department of Health and Hospitals, LR 18:

§705. Renewal

Repealed and repromulgated as §801.

§705. Supervised Experience

A. Supervision Requirements

1. Supervision is defined as assisting the counselor

intern in developing expertise in methods of the professional mental health counseling practice and in developing self-appraisal and professional development strategies. Supervision must comply with standards as set by the board.

2. Pursuant to R.S. 37:1107(A) an applicant for license must document a minimum of 3,000 hours of supervised mental health counseling experience during a minimum of two years post-master's degree experience. Five hundred hours of supervised experience may be gained for each 30 graduate semester hours earned beyond the master's degree, provided that such hours are clearly related to the field of mental health and provided that in no case the applicant has less than 2,000 hours of supervised experience.

a. Based on the above, the board has broken down the required 3,000 hours of counseling experience in the following manner:

i. A minimum of 1,850 hours (up to 2,850 hours) in direct client contact - individual or group counseling.

ii. A maximum of 1,000 hours in additional client contact, counseling related activities (i.e. case notes, staffing, case consultation, or testing/assessment of clients) or education at the graduate level in the field of mental health as defined above.

iii. A minimum of 150 hours of face-to-face supervision by a board approved supervisor.

b. The board recommends one hour of supervision for every 20 hours of direct client contact as outlined in (i). Supervision may not take place via mail, telephone, fax, computer, or video. This type of contact with supervisor may be counted under (ii) (i.e. consultation), however, it cannot replace face-to-face supervision as defined in (iii).

3. Acceptable modes for supervision of direct clinical contact are the following:

a. Individual supervision: The supervisory session is conducted by an approved supervisor with one counselor intern present.

b. Group supervision: The supervisory session is conducted by an approved supervisor with no more than five counselor interns present.

4. At least 150 hours of the counselor intern's direct clinical contact with clients must be supervised by an approved supervisor or supervisors, as defined below.

a. At least 100 of these 150 hours must be individual supervision as defined above. The remaining 50 hours of these 150 hours may be either individual supervision or group supervision as defined above.

b. A supervisor may not supervise more than five counselor interns at any given time.

5. The counseling activities of the counselor intern must be performed pursuant to the supervisor's order, control, oversight, guidance and full professional responsibility. The supervisor must read and co-sign all written reports including treatment plans and progress notes prepared by the counselor intern. The counselor intern will remain under the full professional responsibility and supervision of the supervisor until he/she is fully licensed.

6. The process of supervision must encompass multiple strategies of supervision, including regularly scheduled live observation of counseling sessions and review of audiotapes and/or videotapes of counseling sessions. The process may also include discussion of the counselor intern's self-reports, microtraining, interpersonal process recall, modeling, role-playing, and other supervisory techniques.

7. The supervisor must provide nurturance and support to the counselor intern, explaining the relationship of theory to practice, suggesting specific actions, assisting the counselor intern in exploring various models for practice, and challenging discrepancies in the counselor intern's practice.

8. The supervisor must ensure the counselor intern's familiarity with important literature in the field of counseling.

9. The supervisor must provide training appropriate to the counselor intern's intended area of expertise and practice.

10. The supervisor must model effective professional counseling practice.

11. The supervisor must ensure that the mental health counseling and the supervision of the mental health counseling is completed in an appropriate professional setting.

12. The supervisor and the counselor intern must share a similar area of specialty. Also,

a. The counselor intern must have received a letter of supervision approval from the board; and

b. The professional setting can not include private practice in which the counselor intern operates, manages or has an ownership interest in the private practice.

13. Supervisors may employ counselor interns in their private practice setting. The supervisor may bill clients for services rendered by the counselor intern; however, under no circumstances can the counselor intern bill clients directly for services rendered by him/herself.

14. The supervisor must certify to the board that the counselor intern has successfully complied with all requirements for supervised counseling experience.

B. Qualifications of a Supervisor

1. Those individuals who may provide supervision to counselor interns must meet the following requirements:

a. Licensure requirements: The supervisor must hold a Louisiana license as a Licensed Professional Counselor.

b. Counseling practice: The supervisor must have been in clinical practice in their field for at least five years.

c. Training in supervision: Supervisors must have successfully completed either i. or ii. below:

i. Graduate-level academic training: At least one graduate-level academic course in counseling supervision. The course must have included at least 45 clock hours (equivalent to a three credit hour semester course) of supervision training.

ii. Professional training: A board approved professional training program in supervision. The training program must be a minimum of 25 direct clock hours with the trainers and meet presentation standards established by the board.

d. One year of documented experience in the supervision of clinical case material.

2. A supervisor may not be a relative or the counselor intern. Relative of the counselor intern is defined as spouse, parent, child, sibling of the whole- or half-blood, grandparent, grandchild, aunt, uncle, one who is or has been related by marriage or has any other dual relationship.

3. No person shall serve as a supervisor if his/her license is expired or subject to terms of probation, suspension, or revocation.

C. Responsibility of Applicant Under Supervision

1. During the period of supervised counseling experience an applicant will identify him/herself as a counselor intern.

2. Each counselor intern must provide his/her clients

with a disclosure statement (as outlined in the Appendix of the LPC Code of Conduct) that includes:

a. His/Her training status; and

b. The name of his/her supervisor for licensure purposes.

3. Counselor interns must comply with all laws and regulations related to the practice of mental health counseling (R.S. 37:1101-1115).

4. Counselor interns may not initiate a private practice during their period of supervised counseling experience. Counselor interns who are employed within their supervisors' private practice setting can not, under any circumstances, bill clients directly for services they render.

5. Upon completion of the required number of hours of supervised counseling experience, the counselor intern needs to submit an application for licensure. Any individual who does not apply for licensure within three months after completing the required number of hours of supervised counseling experience cannot continue to practice professional mental health counseling.

D. Registration of Supervised Experience. All proposed supervision arrangements beginning on or after January 1, 1993 must be approved by the board prior to the starting date of the supervised experience.

1. The counselor intern will:

a. Along with his/her supervisor provide the board with a written proposal outlining with as much specificity as possible the nature of the counseling duties to be performed by the counselor intern and the nature of the supervision.

b. Submit this written proposal on forms provided by the board at least 60 days prior to the proposed starting date of the supervision.

c. Submit along with the written proposal the appropriate fee determined by the board.

2. Supervised experience rendered by the counselor intern in an exempt setting needs to meet the requirements in this rule if that supervised experience is to meet the requirements for licensure as set forth by R.S. 37:1107(A).

3. Following the board's review, the counselor intern will be informed by letter either that the proposed supervision arrangement has been approved or that it has been rejected. Any rejection letter will outline, with as much specificity as practicable, the reasons for rejection.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Professional Counselors, LR 18:

Chapter 8. Renewal of License

§801. Renewal

A licensed professional counselor shall renew his license every two years in the month of June by meeting the requirement that 25 clock hours of continuing education be obtained prior to each renewal date every two years in an area of professional mental health counseling as approved by the board and by paying a renewal fee. The licensee will also submit a current copy of his declaration statement at each renewal period. The chairman shall issue a document renewing the license for a term of two years. The license of any mental health counselor who fails to have this license renewed biannually during the month of June shall lapse; however, the failure to renew said license shall not deprive said counselor the right of renewal thereafter. A lapsed li-

cense may be renewed within a period of two years after the expired renewal date upon payment of all fees in arrears and presentation of evidence of completion of the continuing education requirement and a current copy of his/her declaration statement.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Professional Counselors, LR 18:

§803. Continuing Education Requirements

A. General Guidelines

1. A licensee must accrue 25 clock hours of continuing education by every renewal period every two years.

2. One continuing education hour (CEH) is equivalent to one clock hour.

3. Accrual of continuing education begins only after the date the license was issued.

4. CEH's accrued beyond the required 25 hours may not be applied toward the next renewal period. Renewal periods run from July 1 to June 30, every two years.

5. The licensee is responsible for keeping a personal record of his/her CEHs until official notification of renewal is received. Do not forward documentation of CEHs to the board office as they are accrued.

6. At the time of renewal ten percent of the licensees will be audited to ensure that the continuing education requirement is being met. If you are one of the ten percent chosen, you will be requested by letter to submit documentation of your CEHs.

B. Approved Continuing Education

1. Continuing education requirements are meant to encourage personal and professional development throughout the LPC's career. For this reason a wide range of options are offered to accommodate the diversity of counselors' training, experience and geographic locations.

2. An LPC may obtain the entire 25 CEHs by following Plan I, or one may follow Plan II and with a combination of options available satisfy the 25 CEH requirement.

a. Plan I:

i. Continuing education that is approved by either the American Association for Counseling and Development (AACD), its divisions, regions and state branches, Louisiana Association for Counseling and Development (LACD) or the National Board of Certified Counselors (NBCC) will be accepted by the Board of Examiners. One may contact these associations to find out which organizations, groups or individuals are approved providers.

ii. For those organizations, groups or individuals that do not carry provider status by one of the above associations, the continuing education hours will be subject to approval by the Board of Examiners at the time of renewal. The board will not preapprove any type of continuing education. The continuing education must be in one of the twelve approved content areas listed in Section C, and be given by a qualified presenter.

(a). A *qualified presenter* is considered to be someone at the master's level or above and trained in the mental health field or related services.

(b). Verification of workshops, seminars, or conventions can consist of copies of certificates of attendance.

iii. CEHs may also be gained by taking coursework (undergraduate or graduate) from a regionally accredited in-

stitution in one of the twelve approved content areas for continuing education listed in Section C. One may take a course for credit or audit a course.

(a). Verification for coursework can consist of either copies of transcripts for coursework taken for credit or letter of attendance from instructor for courses audited.

iv. Calculating CEHs in Plan I:

(a). CEHs in Plan 1 are defined as the number of actual clock hours spent in direct participation in a structured educational format as a learner. Typically one Continuing Education Unit (CEU) is equivalent to 10 clock hours. In a college or university program, one semester hour is equivalent to 15 clock hours and one quarter hour is equivalent to 10 clock hours. Therefore, 45 CEHs will be given for a three-hour university course completed at a regionally accredited university.

(b). Credit cannot be granted for the following portions of activities:

(1). Business/Governance Meetings

(2). Breaks

(3). Social activities including meal functions, except for actual time of a content speaker.

(c). Credit cannot be given for an approved session to persons who leave early from that session.

b. Plan II:

i. Of the 25 CEHs, 10 clock hours must be in the format described in Plan I.

ii. For the remaining 15 clock hours, the LPC may choose from the options listed below. Each particular option has a maximum number of clock hours per renewal period, so a combination of options must be used to accrue 15 total clock hours.

(a). *Home Study* (10 Hours Maximum Per Renewal Period). The LACD journal, video presentations and approved teleconferences are all approved home study options. Each option must carry a provider number from either NBCC, LACD or other board approved mental health organizations. Each activity will specify the number of CEHs that will be granted upon completion. Verification consists of a certificate issued by NBCC, LACD or certificates from other professional mental health organizations that will be reviewed by the board.

(b). *Presentations* (10 Hours Maximum Per Renewal Period). Presenter may get credit for original presentations at a rate of two clock hours per one-hour presentation. Presenters must meet the qualifications stated in Plan I. The presentation must be to the professional community; not to the lay public or a classroom presentation. The presentation must also be in one of the twelve approved content areas listed in Section C. Verification of your presentation consists of obtaining a letter from the workshop/convention coordinator stating the topic, date, and number of hours of presentation.

(c). *Publishing* (10 Hours Maximum Per Renewal Period). Authors may receive two clock hours per article or chapter in a book. The article must be published in a professional refereed journal. Both articles and chapters must be in one of the twelve approved content areas listed in Subsection C below. Verification will consist of either a reprint of the article/chapter, or xeroxed copy of the article/chapter, cover of the book/journal and page listing the editor or publisher.

(d). *Therapy* (10 Hours Maximum Per Renewal Period). One may receive one clock hour of continuing education per counseling hour as a client. To qualify, one must be a

client receiving services from a licensed mental health professional having qualifications equal to or exceeding those currently required of LPCs. Consultation and supervision hours do not qualify. Verification will consist of a letter from the counseling mental health professional verifying client therapy hours.

C. Approved Content Areas. Continuing Education Hours must be in one of the following 12 content areas:

1. *Counseling Theory*: includes a study of basic theories, principles and techniques of counseling and their application in professional settings.

2. *Human Growth and Development*: includes studies that provide a broad understanding of the nature and needs of individuals at all developmental levels, normal and abnormal human behavior, personality theory and learning theory within appropriate cultural contexts.

3. *Social and Cultural Foundations*: includes studies that provide a broad understanding of societal changes and trends, human roles, societal subgroups, social mores and interaction patterns, and differing lifestyles.

4. *The Helping Relationship*: includes studies that provide a broad understanding of philosophic bases of helping processes, counseling theories and their applications, basic and advanced helping skills, consultation theories and their applications, client and help self-understanding and self-development, and facilitation of client or consultee change.

5. *Group Dynamics, Processing and Counseling*: includes studies that provide a broad understanding of group development, dynamics, and counseling theories, group leadership styles, basic and advanced group counseling methods and skills, and other group approaches.

6. *Lifestyle and Career Development*: includes studies that provide a broad understanding of career development theories; occupational and educational information sources and systems; career and leisure counseling, guidance, and education; lifestyle and career decision-making; career development program planning and resources; and effectiveness evaluation.

7. *Appraisal of Individuals*: includes studies that provide a broad understanding of group and individual educational and psychometric theories and approaches to appraisal, data and information gathering methods, validity and reliability, psychometric statistics, factors influencing appraisals, and use of appraisal results in helping processes.

8. *Research and Evaluation*: includes studies that provide a broad understanding of types of research, basic statistics, research report development, research implementation, program evaluation, needs assessment, publication of research information, and ethical and legal considerations associated with the conduct of research.

9. *Professional Orientation*: includes studies that provide a broad understanding of professional roles and functions, professional goals and objectives, professional organizations and associations, professional history and trends, ethical and legal standards, professional preparation standards, professional credentialing and management of private practice and agency settings.

10. *Marriage and Family*: includes studies that provide a broad understanding of marriage and family theories and approaches to counseling with families and couples. This includes appraisal of family and couple systems and the application of these to counseling families and/or couples.

11. *Chemical Dependency*: includes studies that pro-

vide a broad understanding of chemical dependency issues, theories, and strategies to be applied in the helping relationship for chemical dependency counseling.

12. *Supervision*: includes studies in theory and techniques of supervision as well as ethical and legal issues, case management, and topics relative to the specific supervised setting.

D. Types Of Documentation Needed for Verification

1. Copy of certificate of attendance for workshops, seminars, or conventions.

2. Copy of transcript for coursework taken for credit/letter of attendance from instructor for courses audited.

3. Homestudy verification form or certificate issued by LACD/NBCC.

4. Letter from workshop/convention coordinator verifying presentations.

5. Copy of article, cover and editorial board page for publications.

6. Letter from counseling mental health professional verifying number of therapy hours.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Professional Counselors, LR 18:

Interested persons may present their views of the proposed rules in writing at the following address: Licensed Professional Counselors Board of Examiners, 4664 Jamestown Avenue, Suite 125, Baton Rouge, LA 70808-3218.

Peter Emerson, Ed.D.
Board Chairman

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Chapters 7 and 8**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no costs (savings) to other state or local governmental units as a result of these proposed rule amendments.

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, 1992, 1993, 1994.

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.

Peter Emerson, Ed.D.
Board Chair

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Health and Hospitals Board of Pharmacy

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., and Pharmacy Law R.S. 37:1178, the Louisiana Board of Pharmacy hereby gives its notice of intent to modify its present rules pertaining to continuing pharmacy education by amending §§729-751 and repealing §§753 and 755.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 7. Pharmacy Education

§729. Continuing Education Program

The board shall require continuing pharmacy education (CPE) from American Council on Pharmaceutical Education (ACPE) or board-approved providers as a prerequisite for annual pharmacist license renewal, as a means to improve the practice of pharmacy in the state.

A. Definitions. Continuing pharmacy education is a structured postgraduate educational program for licensed pharmacists to enhance professional competence in order to protect and promote the public health, safety and welfare.

B. Forums. The CPE program is a postgraduate educational experience acquired by participation in the following board accredited forums of study:

1. seminars;
2. lectures;
3. conferences;
4. workshops;
5. correspondence courses; and
6. miscellaneous - other authorized educational experience.

§731. Competency

The board, recognizing that a pharmacist's competency is a safeguard for the health, safety, and welfare of the public, hereby adopts the following CPE regulations as a prerequisite for pharmacist relicensure.

§733. Continuing Pharmacy Education Units

Continuing pharmacy education units are standards of measurements adopted by the ACPE or approved by the board for the purpose of accreditation of CPE programs. One CPE unit is equivalent to 10 credit hours.

§735. American Council on Pharmaceutical Education

The American Council on Pharmaceutical Education is a recognized reference authority for pharmacy educational standards.

§737. Continuing Pharmacy Education Requirements

A. Minimum Requirements. A minimum of one and one-half CPE units, or 15 hours, shall be required each year as a prerequisite for pharmacist relicensure.

1. Up to five hours of the required annual 15 hours of CPE may be required on a specific pharmacy subject when deemed appropriate and necessary by the board.

a. Implementation of Subsection 737.A.1 would require notification to all Louisiana pharmacists prior to January 1 of the year in which the CPE is required.

§739. Continuing Pharmacy Education Credits

1. Certification of CPE participation must be supplied by the approved CPE provider and must contain at least the following information:

- a. name of the approved provider;
- b. program ACPE or board identification number;
- c. program title;
- d. date of program;
- e. participant name;
- f. participant address;
- g. participant license number;
- h. credit hours earned.

§741. Out-of-State Continuing Pharmacy Education

The board may accept out-of-state ACPE or board-approved CPE credit when the standards are consistent with the CPE requirements of ACPE or the board.

§743. Calendar Year

CPE must be acquired during a calendar year prior to relicensure.

§745. Program Approval

All CPE programs must be accredited by the ACPE or approved by the board in accordance with board-approved guidelines.

§747. Pharmacist Responsibility

A. Pharmacists shall list, in space provided on the annual pharmacist renewal application, the date, identification number, and hours of credit for each CPE program completed during that year.

B. Records. A pharmacist must maintain individual records of personal CPE activities and present them when requested by the board. The CPE records shall include ACPE or other program identification number, program title, date of program completion, and credits earned. The CPE record shall be maintained for a period of two calendar years.

§749. Waiver

A pharmacist's inability to comply with the CPE requirements must be substantiated by a written explanation supported with extraordinary circumstances and submitted to the board for a compliance waiver which may be approved or disapproved.

§751. Compliance

A. Compliance. Complete compliance with the CPE rules is a prerequisite for renewal of a pharmacist's license.

B. Noncompliance

Noncompliance with the CPE requirements will be considered in violation of R.S. 37:1225(23) and shall constitute a basis for the board to refuse license renewal to practice pharmacy in the state as per R.S. 37:1225.

C. Records. A licensed pharmacist's failure to maintain proper records supporting CPE compliance or falsifying certification will be considered a violation of R.S. 37:1187.

There will be a public hearing on Monday, January 27, 1992, at 11 a.m., in the Gold Rush Room in the Student Center on the campus of Xavier University, College of Pharmacy, 7325 Palmetto Street, New Orleans, LA 70125. Written comments concerning the proposed rules may be directed to the Louisiana Board of Pharmacy, 5615 Corporate Boulevard, Suite 8-E, Baton Rouge, LA 70808-2537 and made to the attention of Howard Bolton, prior to January 20, 1992.

Howard B. Bolton
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

**Rule Title: Continuing Education Program - Title 46.LIII.
Chapter 7**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no implementation cost to any state or local governmental unit.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Northeast Louisiana University College of Pharmacy presently collects continuing pharmacy education (CPE) fees for the board and is reimbursed for their costs of seminars by contract with the board. Under the proposed rule, the college will collect their own fees for continuing pharmacy education seminars.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Xavier University College of Pharmacy at present collects continuing pharmacy education seminar fees for the board and is then reimbursed for their cost of producing the seminar by contract with the board. Under proposed regulation the providers of continuing pharmacy education seminars will collect their own fees.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Howard B. Bolton
Executive Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Wholesale Drug Distributors**

The Louisiana Board of Wholesale Drug Distributors hereby announces its intent to adopt the following rules and regulations in accordance with R.S. 37:3461-3482.

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

B. **DEFINITIONS.** As used in this regulation, unless the context otherwise requires:

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

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

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

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

i. habit-forming;

ii. toxic or having potential for harm;

iii. limited in its use to use under a practitioner's supervision by the new drug application for the drug.

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

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

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

6. *Blood* means whole blood collected from a single donor and processed either for transfusion or further manufacturing.

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

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

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

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

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

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

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

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

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

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

h. the sale, purchase or trade of blood and blood com-

ponents intended for transfusion.

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

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

C. WHOLESALE DRUG DISTRIBUTOR--LICENSING REQUIREMENTS

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

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

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

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

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

D. MINIMUM REQUIRED INFORMATION FOR LICENSURE

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

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

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

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

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

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

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

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

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

iv. if a sole proprietorship, the full name of the sole

proprietor and the name of the business entity.

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

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

E. MINIMUM QUALIFICATIONS

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

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

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

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

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

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

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

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

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

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

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

G. MINIMUM REQUIREMENTS FOR THE STORAGE AND HANDLING OF PRESCRIPTION DRUGS AND FOR THE ESTABLISHMENT AND MAINTENANCE OF PRESCRIPTION DRUG DISTRIBUTION RECORDS. The following are required for the storage and handling of prescription drugs, and for the establishment and maintenance of prescription drug distribution records by wholesale drug distributors and their officers, agents, representatives, and employees.

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

a. be of suitable size and construction to facilitate cleaning, maintenance, and proper operations;

b. have storage areas designed to provide adequate lighting, ventilation, temperature, sanitation, humidity, space, equipment, and security conditions;

c. have a designated and clearly identified quarantine area for storage of prescription drugs that are outdated, damaged, deteriorated, misbranded, or adulterated, or that are in immediate or sealed, secondary containers that have been opened;

d. be maintained in a clean and orderly condition; and

e. be free from infestation by insects, rodents, birds, or vermin of any kind;

f. drugs shall be redeemed from the quarantine area by the manufacturers identified by the NDC numbers thereof within 90 days after notification that such drugs are not saleable such prescription drugs shall be held in designated quarantine areas for not longer than 180 days.

2. Security

a. All facilities used for wholesale drug distribution shall be secure from unauthorized entry.

i. Access from outside the premises shall be kept to a minimum and be well-controlled.

ii. The outside perimeter of the premises shall be well-lighted.

iii. Entry into areas where prescription drugs are held shall be limited to authorized personnel.

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

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

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

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

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

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

4. Examination of Materials

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

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

c. The recordkeeping requirements in Paragraph 6 of this Section shall be followed for all incoming and outgoing prescription drugs.

5. Returned, Damaged, and Outdated Prescription Drugs

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

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

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

d. The recordkeeping requirements in Paragraph 6 of this Section shall be followed for all outdated, damaged, deteriorated, misbranded, or adulterated prescription drugs.

6. Recordkeeping

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

i. the source of the drugs, including the name and principal address of the seller or transferor, and the address of the location from which the drugs were shipped;

ii. the identity and quantity of the drugs received and distributed or disposed of, and

iii. the dates of receipt and distribution or other disposition of the drugs.

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

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

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

1. A procedure whereby the oldest approved stock of a

prescription drug product is distributed first. The procedure may permit deviation from this requirement if such deviation is temporary and appropriate.

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

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

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

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

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

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

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

J. COMPLIANCE WITH FEDERAL, STATE, AND LOCAL LAWS. Wholesale drug distributors shall operate in compliance with applicable federal, state, and local laws and regulations.

1. Wholesale drug distributors shall permit the state licensing authority and authorized federal, state and local law enforcement officials upon having shown appropriate identification to enter and inspect their premises and delivery vehicles, and to audit their records and written operating procedures, at reasonable times and in a reasonable manner, to the extent authorized by law.

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

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

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

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

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

M. PENALTIES

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

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

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

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

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

N. HEARING PROCEDURES. The procedure for notice, hearing and appeals therefrom shall be that of the Louisiana Administrative Procedure Act.

O. INSPECTION OF PREMISES AND RECORDS.

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

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

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

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

S. ADOPTING, AMENDING OR REPEALING RULES. The board shall adopt, amend or repeal any rule or regulation to govern its actions in strict accordance with the Louisiana Administrative Procedure Act.

T. CONTRACT FOR INSPECTIONS. The board may contract with the Louisiana Department of Health and Hospitals or any other appropriate state agencies to conduct any

inspections required by state or federal law but the board shall retain exclusive jurisdiction to adjudicate all complaints, allegations of misconduct, or noncompliance by any licensee and to impose appropriate sanctions.

U. HEARINGS

1. Notice of Hearings. The board shall inform the party against whom a complaint has been made when said complaint appears to be sufficient cause for either suspension or revocation of a license. This notice shall notify the party against whom the complaint is made at least 30 days prior to the hearing and such notice shall conform to the requirements of the Administrative Procedure Act.

2. Disposition of Complaint. The board shall conduct such investigations, order such hearings, and take such other action as it finds necessary to make an intelligent decision on the complaint submitted for review.

3. Appearance. The party against whom the complaint has been made and upon notice being served, must appear at the date, time and place fixed for the hearing.

4. Default in Appearing. In the event the party against whom the complaint has been made fails to appear at the hearing provided for and also that notice has been given as to the hearing date, time and place, the party so failing to appear or otherwise obtain approval of the board for its absence shall be deemed to be in default and the evidence as received by the board at that time may be entered into the record and may be taken as true and the order of the board entered accordingly.

5. Hearing Procedure. The hearings called according to these rules and regulations shall be conducted by the board in accordance with the Administrative Procedure Act.

a. The chairman of the board or the vice chairman in the absence of the chairman shall announce the title and docket number of the proceeding before the board and shall introduce into the record evidence of the notice of hearing. Attorneys and/or other representatives of the accused party shall be recognized along with the representatives of the board and other proper parties.

b. The board shall then present its evidence subject to cross examination by the accused and any other proper parties.

c. The accused shall then present its evidence subject to cross examination by the board and any other proper parties.

d. The board may make a disposition of the case by stipulation, agreed settlement, consent, order, or default.

6. Board's Decision. The decision of the board shall be rendered within 30 days after the matter is submitted, shall be in writing, and shall be dated and mailed to the accused and his attorney, if any, by certified mail.

7. Rehearings. A decision or order of the board shall be subject to rehearing, reopening, or reconsideration by the board within 10 days from the date of its entry. Rehearings, reopenings, or reconsiderations shall be conducted in strict accordance with the Administrative Procedure Act.

8. Recording of Hearing. The board shall make a full recording of all proceedings before it and shall at the request of any party have prepared and furnished to him a copy of the transcript or any part thereof upon payment of the actual cost thereof.

9. Judicial Review of Decision. A person who is aggrieved by a final decision or order of the board is entitled to Judicial Review in accordance with the Louisiana Administra-

tive Procedure Act whether or not that party has applied to the board for rehearing. Proceedings for Judicial Review may be instituted in the district court of the parish in which the board is located within 30 days after mailing of the notice of the final decision by the board or if a rehearing is requested, within 30 days after the decision thereon.

V. INITIATION OF COMPLAINT. Complaints may be initiated by any citizen, corporate entity, the state of Louisiana acting through any of its departments, or by the board on its own initiative.

W. PROCESSING COMPLAINTS AND INQUIRIES

1. Upon receipt of complaints or inquiries, the board shall take the following action.

a. Anonymous letters of complaint shall not be recognized as a basis for formal action.

b. If the information in the complaint is insufficient, the board may request further information by either written correspondence or the board may cause an investigation to be made.

2. All complaints received shall be assigned a docket code number which shall be utilized in all official references.

3. At its next meeting, the board shall officially receive and act upon all complaints and inquiries received.

4. The identity of all parties to a complaint shall be revealed to the involved parties unless it is certified to the board in writing by a proper law enforcement agency that to do so would jeopardize an ongoing criminal investigation.

5. The board shall inform the complainant of the action taken and any final result.

X. WITHDRAWAL OF A COMPLAINT. If the complainant wishes to withdraw the complaint, proceedings thereto are terminated except in cases where the board judges the issue to be of such importance as to warrant completing the investigation in its own right and in the interest of public health, safety and welfare.

Y. EMERGENCY ACTION REQUIRED. If at any point the board finds that public health, safety, or welfare requires emergency action, and incorporates a finding to that effect in its order, the board is hereby given authority to obtain a restraining order from a judge of the appropriate court to suspend the license pending investigation or proceedings for disciplinary action. The order may be issued without bond. If the board seeks and obtains such a restraining order, the investigation and disciplinary action shall be commenced and completed as rapidly as possible.

Interested parties may submit written comments on the proposed rule until 4:30 p.m. January 10, 1992 at the following address: Allen Dickson, Chairman of the Board, Box 5845, Shreveport, LA 71135.

A public hearing will be held to obtain comments from interested parties. The public hearing will be held in the auditorium of the Department of Transportation and Development Building, 1201 Capitol Access Road, Baton Rouge, LA at 10:30 a.m., January 28, 1992.

Allen Dickson
Chairman

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Board Operating Rules**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The estimated cost for implementing the proposed rule will be \$12,000. The funds will be available in the board's budget which is comprised of self-generated funds.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The board will collect approximately \$52,600 each year from licensees as self-generated funds.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Drug distributors (including manufacturers) who distribute in Louisiana will be licensed at a fee of \$200 per year.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment as a result of the proposed rule.

Allen Dickson
Chairman

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Office of Public Health**

The Department of Health and Hospitals, Office of Public Health, Sanitarian Section, Food and Drug Unit proposes to adopt rules pertaining to the regulation of Tanning Facilities and Equipment.

These regulations provide for the registration, certification and regulation of facilities and equipment which employ ultraviolet and other lamps for the purpose of tanning the skin of the living human body through the application of ultraviolet radiation.

Copies of the proposed rule may be obtained from the Office of the State Register, 1051 Riverside N., Baton Rouge, LA 70804-9095 or from the Office of Public Health, Box 60630, New Orleans, LA 70160.

Interested persons may submit written comments on the proposed rule to the following address: Joseph Kimbrell, Deputy Assistant Secretary, Office of Public Health, Department of Health and Hospitals, Box 60630, New Orleans, LA 70160. Comments will be accepted until 4:30 p.m. February 4, 1992.

A public hearing on the proposed rule has been scheduled for 10 a.m. on Tuesday, January 28, 1992. The public hearing will take place in the office of Public Health Metro Region I office, Conference Room located at 3308 Tulane Ave., New Orleans, LA 70119.

J. Christopher Pilley
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Tanning Facility Regulations**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is estimated that the cost for the first year of implementation, FY 91-92 will require \$68,802.
Estimates for the following years of FY 92-93 and FY 93-94 will require \$69,571 and \$72,065 respectively.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is estimated that revenue collection for the first year of implementation, FY 91-92 \$25,000 will be collected by required initial fees of \$50 per facility.
The following years of FY 92-93 and FY 93-94 the estimated revenue collections are \$20,000 and \$21,750 respectively.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Cost for additional recordkeeping will be minimal. However required fees for Registration - Permit will be \$50 per year for each facility initially. Thereafter, the fee will be \$35 per year for annual renewal. The fees are mandated by R.S. 40:2701-2719.
In addition, an estimated cost of \$75 per each tanning equipment operator will be necessary for a tanning school tuition fee.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be a negative impact on businesses that cannot meet minimum standards.

Dr. Joel L. Nitzkin, D.P.A.
Assistant Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Insurance
Commissioner of Insurance**

Pursuant to the provisions of R.S. 49:950 et seq. and R.S. 22:1009, the commissioner of insurance gives notice of his intent to repeal Regulation 31 as it currently exists and replace it with a new Regulation 31 for the purpose of implementing Act 794 of 1991. This regulation will establish the procedures and criteria necessary for compliance with the requirements of Act 794. It will set forth the reporting requirements, including form guidelines, for all insurers which are part of an insurance holding company system operating within the state.

Proposed Regulation 31 establishes the rules and reporting requirements which must be complied with by all insurers which are part of an insurance holding company system, as defined by R.S. 22:1002 (5), and subject to the provisions of R.S. 22:1002 et seq. The regulation begins with a statement of the authority for its issuance and its purpose. It then gives definitions of key terms used throughout the regulation. The regulation then sets forth when and what type of statement must be filed and the information which

must be included in the respective statements. It also includes forms to be used as guidelines along with instructions.

The proposed regulation is to become effective March 20, 1992. Interested parties may submit written comments on the proposed regulation until 4:30 p.m., January 10, 1992 at the following address: C. Noel Wertz, Staff Attorney, Box 94214, Baton Rouge, LA 70804-9214.

A public hearing on this proposed regulation will be held on January 10, 1992 in the Plaza Hearing Room of the Insurance Building, 950 N. 5th Street, Baton Rouge, LA at 2:30 p.m. All interested persons will be afforded an opportunity to make comments.

A copy of this proposed rule may be obtained by contacting the Office of the State Register, Box 94095, Baton Rouge, LA 70804-9095 or the Commissioner of Insurance, Box 94214, Baton Rouge, LA 70804-9214.

James "Jim" Brown
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Reg 31- Ins. Holding Co.**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The Insurance Dept. will incur costs of reviewing forms that insurers must now file to meet the requirements of R.S. 22:1001, et seq. The cost is estimated to be \$55,100 for fiscal year 91/92 rising to \$59,663 by fiscal year 93/94. These costs include the funding of two additional positions and operating expenses to support these positions.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Section 1011 calls for the imposition of fines on insurers or officers and directors of insurance holding company systems for certain activities. However, it is not known at this time the amount of revenue which might be generated by these fines.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Insurers will incur costs for preparing and filing the statements required under these regulations. However, the data necessary to determine the costs per insurer is not available at this time. Also, noncompliance will result in the imposition of fines ranging from \$100 to several thousand dollars. Closer regulation of insurance holding company systems will reduce the number of insolvencies thereby benefiting the consumer and the general public.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No data is available at this time to fully assess the impact of the rule on competition and employment. However, it is anticipated that additional personnel will be required by a portion of the insurance companies subject to this rule for the purpose of preparing the necessary reports to be filed with the department.

Darrell L. Cobb
Commissioner

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Natural Resources
Office of the Secretary**

Under the authority of the Louisiana Coastal Wetlands Conservation and Restoration Act, R.S. 49:214.1 et seq., particularly R.S. 49:214.4 and 214.5, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary of the Department of Natural Resources gives notice that rulemaking procedures have been initiated to adopt Coastal Restoration Project Construction Ranking Regulations LAC 43:I. Chapter 8.

These regulations provide for the construction ranking of coastal restoration projects based upon anticipated habitat benefits per Trust Fund (Wetlands Conservation and Restoration Trust Fund, as defined in R.S. 49:213.7) Dollar expended over the project life. These regulations also prescribe cost-sharing criteria for coastal restoration projects.

**Title 43
Natural Resources
Part I. Office of the Secretary**

**Chapter 8. Coastal Restoration
Subchapter A. Coastal Restoration Project Construction
Ranking**

§801. Scope

A. This Chapter prescribes coastal restoration project construction ranking and cost-sharing standards and criteria based upon anticipated habitat benefits per Trust Fund (Wetlands Conservation and Restoration Trust Fund, as defined in R.S. 49:213.7) Dollar expended over the project life.

B. This Chapter shall apply only to those coastal restoration projects which are not joint ventures by the state and federal government and which are included in the coastal vegetated wetlands conservation and restoration plan, and any amendments thereto, adopted and implemented in accordance with R.S. 49:213.1, et seq. and 49:214.1 et seq. respectively.

§803. Definitions

A. *Cost-Effectiveness Ranking* means the ranking established by dividing the cumulative habitat units of benefits by the aggregate trust fund dollar anticipated to be expended over the life of the proposed coastal restoration project. The cost-effectiveness ranking quotient shall be an indexing number used for assigning coastal restoration project construction priority.

B. *Suitability Index* means a unitless number ranging from zero to one wherein zero represents a low value for fish and wildlife habitat and one represents a high value for fish and wildlife habitat. The suitability index for an area shall be determined by using the Wetland Value Assessment Methodology employed for coastal restoration project evaluation and established in accordance with the Coastal Wetlands Planning, Protection, and Restoration Act of 1990, Public Law No. 101-646, 104 Stat. 4779-4783, (1990).

C. *Habitat Units* means the sum of the value(s) derived by multiplying the suitability index (SI) value by the acreage for each coastal wetland type of the area of impact ascribable to the proposed project, as defined in Wetland Value Assessment Methodology employed for coastal restoration project evaluation and established in accordance with the Coastal Wetlands Planning, Protection, and Restoration Act of 1990, Public Law No. 101-646, 104 Stat. 4779-4783, (1990).

D. *Total Habitat Units with Project* means the sum of the projected habitat units calculated over a time period equal to the life expectancy of the proposed project were it implemented.

E. *Total Habitat Units without Project* means the sum of the projected habitat units calculated over a time period equal to the life expectancy of the proposed project, were it not implemented.

F. *Cumulative Habitat Units of Benefit* means the total habitat units "with project" minus the total habitat units "without project."

G. *Trust Fund Dollars* means present value in 1990 dollars from the Wetlands Conservation and Restoration Trust Fund, as defined in 49:213.7, of design and construction costs (excluding feasibility costs), plus operation, maintenance, and monitoring costs, minus cost sharing.

H. *Cost-sharing* means a contribution, either monetary, in-kind, and/or both, by a local sponsor for a coastal restoration project from any non-trust fund source for any or all of the following: design, construction, operation, maintenance, and monitoring, excluding feasibility, over the anticipated life of a particular project.

§805. Ranking

Coastal restoration projects shall be constructed according to their cost-effectiveness ranking. In comparing projects, those projects with higher cost-effectiveness ranking indices shall have a correspondingly higher construction priority. In the event that two or more projects have identical cost-effectiveness rankings, projects benefiting the greatest number of coastal wetland acreage shall have a correspondingly higher construction priority. Coastal wetland acres shall include only those coastal wetland types as defined in Wetland Value Assessment Methodology employed for coastal restoration project evaluation and established in accordance with the Coastal Wetlands Planning, Protection, and Restoration Act of 1990, Public Law No. 101-646, 104 Stat. 4779-4783. (1990). Upon the initiation of the development of plans and specifications for the construction of a project, a project shall be removed from the construction ranking list.

§807. Cost-sharing

A. *Feasibility*. The state shall bear 100 percent of the feasibility costs of all coastal restoration projects.

B. *Design and Construction*. In all cases in which the local sponsor is able to identify and secure any appropriate non-trust fund source(s) to fund the design and/or construction of a coastal restoration project, the local sponsor share of the design and/or construction costs may consist of any form and/or amount of cost-sharing. The state share of the design and/or construction costs shall consist of any form and/or amount of cost-sharing sufficient to meet the remaining design and/or construction costs of the project for which the local sponsor is unable to cost-share.

C. *Operation, Maintenance, and Monitoring*

1. In all cases in which the local sponsor is able to identify and secure any appropriate non-trust fund source(s) to fund the operation, maintenance, and/or monitoring costs of a coastal restoration project, the state share of said costs shall consist of any form of cost-sharing not to exceed 75 percent of the said costs of the project for which the local sponsor is unable to cost-share and the local sponsor share of said costs shall consist of any form of cost-sharing not less than 25 percent of said costs from a non-trust fund source.

2. In all cases in which the local sponsor is unable to

identify and secure any appropriate non-trust fund source(s) to cost-share the operation, maintenance, and/or monitoring costs of a coastal restoration project, the state shall bear 100 percent of these costs for which the local sponsor is unable to cost-share.

D. The state shall accept any lawful cost-sharing, as defined in Section 803(H) and shall adjust the project's cost-effectiveness ranking accordingly.

The proposed regulations will take effect on March 20, 1992. Questions or comments relative to these proposed regulations may be directed to Dr. Bill Good, Acting Administrator, Coastal Restoration Division, Box 94396, Baton Rouge, LA 70804-9306, and must be received by January 17, 1992.

Martha Swan
Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Coastal Restoration Project Construction Ranking Regulations

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Minimal implementation of printing and advertising will be incurred by the state, but if a local (governmental or non-governmental) sponsor is able to identify and secure any appropriate non-trust fund, cost-sharing resources (cash or in-kind) it will have to incur 25 percent of state-implemented wetland restoration project operation, maintenance, and monitoring costs (cash or in-kind resources). In all cases in which a local (governmental or non-governmental) sponsor is unable to obtain funding, the state shall bear 100 percent of the operation, maintenance and/or monitoring costs.
Project rankings are affected by a proposed project's predicted net environmental benefits as well as cost-sharing -- all other factors being equal, projects having great environmental benefits will receive a more favorable cost-effectiveness index, and projects having a greater cost-share will receive a more favorable index.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of these rules will not have any impact upon the revenue collections of state or local governmental units. This program is funded from the Wetlands Conservation and Restoration Fund, which is a constitutionally dedicated fund. A local (governmental or non-governmental) sponsor may cost-share 25 percent of operation, maintenance, and monitoring, if they are able to identify and secure funding. If a local sponsor wishes to enhance the ranking of a project, it may incur cost-sharing for design, construction, operation, maintenance, and monitoring, excluding feasibility. Cost-sharing by local sponsors will make more funds available for coastal wetland projects; therefore, more projects in the plan may be constructed in any given time period.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
If a local (governmental or non-governmental) sponsor wishes to enhance the ranking of a project, they may incur cost-sharing (cash or in-kind resources) for design,

construction, operation, maintenance, and monitoring, excluding feasibility. Cost-sharing by local sponsors will make more funds available for coastal wetland projects; therefore, more projects in the plan may be constructed in any given time period.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

These proposed rules should not affect competition; however, they may stimulate employment to the extent that cost-sharing results in the construction of a greater number of projects in the plan in any given time period.

Mary Mitchell
Undersecretary
Department of Natural Resources

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of State Police**

The Department of Public Safety, Office of State Police in accordance with R.S. 36:408, R.S. 40:1485.4, and R.S. 49:950 et seq., gives notice that rulemaking procedures have been instituted to add parts G., H., and I. to LAC 55:I.1745, LAC 55:I.1773 and 1787 and also pursuant to R.S. 33:4861.24 intends to add LAC 55:I.2001 et seq., relative to Casino Nights to read as follows:

**Title 55
PUBLIC SAFETY
Part I. State Police**

Chapter 17. Charitable Bingo, Kenô and Raffle

Subchapter C. Manufacturers and Distributors

§1745. Licensing of Manufacturers and Distributors

A. - F. ...

G. Each licensed manufacturer of charitable gaming supplies and equipment selling such items or related services in the state of Louisiana shall make such items or services available to all distributors licensed to sell or operate such items or receive such services in Louisiana without discrimination and on the same prices and terms for all persons: Provided, that nondiscriminatory discounts offered to all distributors on the same conditions shall be permitted.

H. No distributor shall sell or otherwise provide charitable gaming supplies to anyone in this state other than a licensed charitable organization. This provision may be waived by the director or his designee allowing distributors to sell supplies to entities other than licensed charitable organizations on an individual basis upon receipt of a written request and satisfactory justification.

Subchapter E. Pull Tabs

§1773. Assembly and Packaging of Pull Tabs

A.-C. ...

D. No distributor or manufacturer of pull tabs shall sell or otherwise provide to any person in this state, or for use in

this state, any pull tabs series that does not conform to the following:

1. maximum 4,000 tickets per deal;
2. \$500.00 maximum prize for an individual ticket;
3. minimum payback percentage:

Ticket price	Minimum Payback %
.25	65%
.50	65%
1.00	70%
2.00	75%

4. Ticket price shall not exceed \$2.

Subchapter F. Civil Penalties

§1787. Penalty Provisions

A. Civil penalties may be assessed by the division against any person, licensee or other legal entity in accordance with the following schedule;

1. Except as provided in LAC 55:I.1755 B., violations of statutes or administrative rules relative to reporting requirements including, but not limited to submission of quarterly reports shall be subject to a civil penalty not in excess of \$100 per violation.

2. Violations of statutes or rules relative to the conducting of games of chance, including but not limited to conducting unauthorized games, participation by unauthorized persons, unauthorized distribution or procurement of supplies or equipment, failure to maintain proper records of gaming sessions, failure to properly use and retain records relative to the model accounting system shall be subject to a civil penalty not to exceed \$500 per violation.

3. Violations of statutes or administrative rules relative to making false statements in documents submitted to the division and maintained by the organization including but not limited to the applications, monthly or quarterly financial reports, inventories, session records, and any supporting documentation shall be subject to a civil penalty not in excess of \$1,000 per violation.

4. Violations of statutes or rules relative to the use of charitable gaming proceeds including but not limited to using net gaming proceeds in whole or in part for any uses other than educational, charitable, patriotic, religious or public spirited shall be subject to a civil penalty not to exceed \$2,000 per violation.

5. Violations of statutes or rules relative to theft or misappropriation of charitable gaming proceeds shall be subject to a civil penalty not to exceed \$5,000 per violation.

6. Failure to comply with orders, warnings or mandates of the division or to comply with agreements entered into with the division shall be subject to a civil penalty of \$500 per violation.

7. Any other violation of a statutory provision or administrative rule for which a penalty is not provided for in this section shall be subject to a civil penalty not to exceed \$500 per violation.

B. In addition to denial of a license, refusal to renew a license, restriction, suspension, revocation, civil penalty, or bar from participation in charitable gaming activities, the division may order any person, licensee, or other entity to make full restitution in the amount of any misused, misappropriated or stolen charitable gaming proceeds to the organization or persons deprived thereof and may institute appropriate action for the collection of said amounts.

Chapter 20. Casino Nights

Subchapter A. Licensing of Private Contractors for Casino Nights

§2001. Definitions

For the purposes of this Chapter the following definitions shall apply;

A. *Act* shall mean the Charitable Raffles, Bingo and Keno Licensing Law enacted as R.S. 33:3861.1 et seq., together with R.S. 40:1485.1 et seq., on regulation of charitable gaming including all amendments thereto that may hereafter be enacted.

B. *Bona fide, active, or volunteer member* shall mean a person accepted for membership in an organization eligible to be licensed under this Part upon application, with such action being recorded in the official minutes of a regular meeting or who has held full and regular membership status in the organization. The member functions shall not be limited to gaming related activities.

C. *Cash* shall mean all coins, currency, and legal tender of the United States and foreign governments including gold, silver, or other negotiable instruments such as cashier's checks, certified checks, money orders, stocks, bonds, or negotiable securities.

D. *Casino Night or Las Vegas Night* shall mean a charitable fund raising event utilizing authorized games of chance as enumerated in this Chapter being conducted by a charitable organization licensed by the division for such purposes.

E. *Certain related offenses* shall include the following offenses committed contrary to the laws of this state, local jurisdictions, other states, the federal government, or other countries:

1. any felony offense;
2. any offense directly or indirectly related to gambling or gaming laws;
3. the misdemeanor offense of any theft or related offense, any attempted theft or related offense, issuing worthless checks, illegal possession of stolen things, or false swearing or related offense.

F. *Immediate Family* shall mean the subject individual's spouse, children, parents, brothers and sisters, spouses of children, and spouses of brothers and sisters.

G. *Private Casino Contractor* shall mean any person or other entity licensed pursuant to the provisions of R.S. 33:4861.1 et seq. as a distributor of gaming supplies or equipment who is engaged directly or indirectly in the business of providing equipment, supplies, and/or services for the conducting of charitable casino nights for licensed charitable organizations.

H. *Reasonable Market Rental Rate* shall mean that rate at which similar facilities or equipment available for similar purposes, in the community may be leased or rented.

§2003. Compliance

Any person, corporation or other legal entity desiring to act as a private casino contractor in this state shall:

A. Comply with and meet all criteria as set forth in R.S. 33:4861.1 et seq., R.S. 40:1485.1 et seq., and the administrative provisions of LAC 55:I.Chapter 17 and as subsequently amended; and comply with all other applicable provisions of federal, state and local laws;

B. be issued and maintain all applicable federal, state, parish and municipal licenses; and

C. qualify for and possess a current valid license to

distribute gaming supplies issued by the division pursuant to the provisions of R.S. 33:4861.1 et seq. and R.S. 40:1485.1 et seq.

§2005. Commencement of Activity

No person, corporation, or other legal entity shall act as a private casino contractor until the effective date of any license which is granted by the division.

§2007. License Required for Leasing Equipment

No person, corporation, or other legal entity except a licensed private casino contractor shall lease casino night equipment to any person or organization for use during a casino night.

§2009. Information Required; Unsuitability

A. In conjunction with its application the private casino contractor shall furnish to the division for approval the following information for each of his employees or independent contractors to be used to work or assist during a casino night during the licensing year.

1. full name;
2. date of birth;
3. social security number; and
4. current physical address.

B. Any significant change in the information submitted on its application for licensure shall be filed by a licensee with the division within ten days of the change. Names of additional workers not provided in the application shall be provided to the division no later than two business days prior to the event. A significant change shall include but not be limited to any change in the officers, directors, managers, proprietors, employees, or persons having a direct or indirect financial interest in any licensed organization or entity.

C. The division may declare unsuitable and restrict from participation in charitable gaming any person assisting in the holding, operation or conduct of casino nights who:

1. has been convicted of certain related offenses as established by the division within the last five years or who presently has such a charge pending in any state or federal court;
2. any person who has ever been convicted of a gambling-related offense in any state or federal court;
3. any person who is or has ever been a professional gambler;
4. is in consideration of any of the factors enumerated in LAC 55:I.1751 determined unsuitable.

Subchapter B. General Provisions

§2011. Leasing Equipment from Licensed Private Casino Contractors

No organization shall lease casino night equipment for use during a casino night from anyone other than a licensed private casino contractor.

§2013. Specific License Required

No person, corporation, or organization shall conduct a casino night without a charitable gaming license issued by the division specifically authorizing the casino night at the specific date and times. Such license shall be conspicuously displayed at the premises where the event is conducted at all times during such activity.

§2015. Organization Compliance

Any person, corporation, or organization desiring to conduct casino nights shall:

A. Comply with and meet all criteria as set forth in R.S. 33:4861.1 et seq., R.S. 40:1485.1 et seq., and the administrative provisions of LAC 55:I. Chapter 17 and as subse-

quently amended; and comply with all other applicable provisions of federal, state and local laws.

B. Be issued and maintain all applicable federal, state, parish and municipal licenses; and

C. qualify for and possess a valid license to conduct charitable games of chance issued by the division pursuant to the provisions of R.S. 33:4861.1 et seq. and R.S. 40:1485.1 et seq.

§2017. Contracts

A. Each organization leasing casino night equipment or utilizing private casino contractor labor or services shall submit to the division a copy of the contract for such equipment, labor and/or services no later than seven days prior to the scheduled event. The casino night contract shall include, but not be limited to the following:

1. name of licensed charitable organization;
2. name and address of distributor or private casino contractor company;
3. date, times and location of event;
4. detailed list of games to be conducted;
5. description of gaming equipment including number of gaming tables to be supplied;
6. rental price of each gaming table and any other rental terms and conditions;
7. number of dealers or other workers to be supplied;
8. proposed charges for labor and services;
9. signature of organization official; and
10. signature of private casino contractor.

B. Any changes in the information contained in Subsection A which occur within seven days of the event shall be provided to the division in writing within 10 days after the event.

§2019. Additional Consideration Prohibited

A. No organization shall pay any consideration, other cost or service charge, directly or indirectly, over the agreed rental price for the rental of casino night equipment and/or for private casino contractor labor or services.

B. No lease providing for a rental arrangement for premises, equipment, labor or services in conjunction with a casino night shall provide for payment in excess of the reasonable market rental rate for such premises, equipment, labor or services. Any charges for premises, equipment, labor or services in excess of the reasonable market rental rate shall be waived or reimbursed within 10 days of such determination by the division.

§2021. Percentage Payments Prohibited; Use Fees

A. No organization shall pay a percentage of the receipts or net profits from the casino night for the rental of casino night equipment or for private casino contractor labor or services.

B. Use fees shall be based on rental, lease, or sale of equipment excluding any charge for labor or services.

§2023. Name Tags

Each organization member, organization worker, or private casino contract worker assisting in the conduct of a casino night shall wear a printed or typed name tag clearly visible by the participants. The printing on the tag shall include, but not be limited to the following:

1. the name of the person; and
2. the name of the private casino contractor's company for whom the person is working, if applicable; or
3. the name of the organization of which the person is a member, if applicable.

Subchapter C. Conduct of Authorized Games

§2025. Authorized Games

A. During a casino night, an organization or private casino contractor may conduct only the following authorized games of chance:

1. Blackjack;
2. Roulette;
3. Any dice game where the player competes against the house;
4. Money wheel;
5. Baccarat;
6. Poker; and
7. Bourree.

B. Nothing shall prohibit an organization from also conducting, during a licensed scheduled casino night, the games of chance authorized by R.S. 33:4861.4(A), when such games are conducted in accordance with the Act. The authorized games of chance enumerated in this Section shall not be conducted utilizing any electromechanical device or other mechanism employing cathode ray tubes, video display screens, or microprocessors.

§2027. Wagering on Authorized Games Only

A wager shall not be placed on any contest other than an authorized game of chance being conducted at the designated time and location. Sidebets shall not be permitted.

§2029. Display of Rules

The private casino contractor or the organization conducting the casino night shall notify players of the rules governing each game by posted rules with letters a minimum of one-half inch high or by a legibly printed program provided to all participants.

§2031. Miscellaneous Provisions

A. In all dice games, the size of each die shall be a minimum of 3/4 inch.

B. Equipment used in the conduct of a casino night shall be maintained in good repair and proper working condition.

C. The utilization of equipment and method of play shall be such that each participant is afforded an equal chance of winning.

D. Each game must be conducted by a dealer present at the gaming table.

E. No organization worker or contract worker shall accept tips, either with real or imitation money, from the participants.

F. No organization worker or contract worker shall conduct the game when his or her immediate family member is a participant at the worker's table.

G. No person under 18 years of age shall be permitted to participate in gaming at the casino night or assist in the conduct of the casino night.

H. No private casino contract worker or organization worker shall be eligible to bid on prizes in the event an auction is conducted.

§2033. Tickets; Recordkeeping Requirements

A. The organization conducting a casino night shall require tickets for admission to the event. No ticket shall be sold for less than the price printed on it.

B. Nothing shall prohibit an organization from printing separate, complimentary invitations or tickets for dignitaries or selected persons. However, the organization shall maintain a list of every person who is admitted free of charge. The list shall be considered part of the session records and be

retained for three years.

C. Each admission ticket sold for admission to a casino night shall be preprinted and prenumbered in consecutive order. Each admission ticket shall include, but not be limited to the following:

1. organization name;
2. organization license number;
3. date, time, and location of event; and
4. ticket price.

D. Admission tickets shall be sold only by bona fide members of the organization licensed to conduct the casino night or bona fide members of another licensed organization. No tickets shall be sold by the private casino contractor, his agents, or employees regardless of whether said person is a member of a licensed charitable organization.

E. The organization shall maintain a log including, but not limited to the following:

1. name of each worker issued tickets;
2. name of organization to which each worker belongs if the worker is not a bona fide member of the organization licensed to conduct the casino night;
3. serial numbers of tickets issued, sold, and returned by each worker;
4. amount of money submitted by each worker for advance ticket sales.

The log and all unsold tickets shall be considered part of the session records and shall be retained for three years.

§2035. Accountability

Imitation money sales shall be fully and accurately documented. Each organization shall insure strict accountability for the handling of cash and imitation money by all participating members. Said system shall provide a sound audit trail and allow for the systematic accumulation of data for the SP-7 financial report.

§2037. Imitation Money

A. Upon admission, each participant shall be given the same amount in value of imitation money that other participants are given.

B. No cash shall be wagered or paid as winnings during a casino night.

C. Imitation money shall be sold only by organization workers on the floor or at selected sales areas. Imitation money shall not be sold at an individual gaming table.

D. Imitation money shall have no actual cash value.

E. If redeemed, the imitation money must be bid on merchandise prizes in an auction which must be completed no later than two hours after the conclusion of the authorized games of chance. Cash prizes shall not be awarded.

F. After the original issue of imitation money, no person shall provide imitation money to any participant except for the original issue price.

§2039. Register of Workers

The charitable organization conducting a casino night shall prepare and maintain a register of workers including the following information;

- A. name;
- B. current residential address;
- C. date of birth;
- D. job description; and
- E. name of organization.

Interested persons may submit written comments on the proposed rule to: Frank T. Brown, Director, Division of Charitable Gaming Control, Office of State Police, Louisiana

Department of Public Safety and Corrections, Box 66614,
Baton Rouge, LA, 70896. Telephone: (504) 925-1835.

Marlin A. Flores
Deputy Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Casino Night Regulations, LAC 55:I.Chapters 17 and 20

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation costs of the proposed rule will be approximately \$688 for FY 91-92. Thereafter, no costs will be associated with the proposed rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed action will have no impact on local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The antimonopoly provisions of Rule 1745 may have a small economic benefit in the form of reduced costs for charitable gaming supplies provided by charitable organizations.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
If there is an effect on competition it will be to increase competition between regulated charitable gaming distributors. No effect on employment is anticipated.

Marlin A. Flores
Deputy Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Revenue and Taxation Sales Tax Division

The Department of Revenue and Taxation advertises its intent to amend the rule which prescribes a standardized format for reporting local sales and use tax. The original rule was promulgated in accordance with Act 738 (1985) and published on December 20, 1985 in the *Louisiana Register*, Volume 11, No. 12, page 1179.

In accordance with R.S. 33:2713.1, 2737(G), and 2741.1, the board of directors of the Louisiana Association of Tax Administrators have adopted two changes to the standard format and have submitted the changes to the Department of Revenue and Taxation for promulgation. The changes which the board adopted were made to reflect two legislative changes, Act 1028 (1986) which exempts food paid for with USDA food stamps and WIC Vouchers, and Act 1029 (1991) which excludes local political subdivisions from the definition of "person" for sales tax purpose.

The amendment will revise format lines 6 thru 8 to appear as follows:

* * *

6. Sales to Agencies of the U.S. Government, the State of Louisiana and its Political Subdivisions.

7. Sales of Food Paid for with USDA Food Stamps or WIC Vouchers.

OTHER DEDUCTIONS AUTHORIZED BY LAW (explain briefly)

8.

* * *

Interested persons may submit their written comments on the proposed amendment to Ned Gauthier, Tax Research Analyst, Department of Revenue and Taxation, Bureau of Policy and Planning, Box 201, Baton Rouge, LA 70821.

This amendment complies with R.S. 33:2713.1, 2737(G), and 2741.1, as enacted by Act 738 of 1985.

Leon R. Tarver II
Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Reporting Format For Local Sales and Use Tax

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Local tax collectors will be allowed to exhaust their stock of current forms before having to utilize the new form. It is not anticipated that there will be any implementation cost or savings to either state or local governmental units as a result of this rule change.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The amended form provides for explicitly reporting transactions that are already exempt from tax. There will be no effects whatsoever on the revenue collections of either state or local governmental units if this rule change is adopted.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Since the transactions that are being included on the new reporting form are already exempt, no additional record keeping should be required. This rule change will not result in any cost or economic benefit to directly affected persons or non-governmental groups, including taxpayers, merchants, suppliers, consumers, etc.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The adoption of this rule change will have no impact upon competition and employment.

Raymond E. Tangney
Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Social Services Office of Family Support

The Department of Social Services, Office of Family Support, proposes to amend LAC 67:III, Subpart 3, Food Stamps.

This rule is mandated by federal regulations as published in the *Federal Register* of Monday May 20, 1991, Vol. 56, No. 97, pages 23003-23005.

Title 67 DEPARTMENT OF SOCIAL SERVICES Part III. Office of Family Support Subpart 3. Food Stamps.

Chapter 19. Certification of Eligible Households

Subchapter H. Resource Eligibility Standards

Exclusions From Resources

A. Effective April 1, 1987, the following items shall not be counted as a resource in the Food Stamp Program

B. Effective October 1, 1991 resources of an individual household member who receives SSI or AFDC benefits shall be excluded for food stamp purposes during the period the resources are excluded under SSI or AFDC policy if the individual meets the gross income limit for a one-person household.

1. This policy change is applicable to "mixed (NPA) food stamp households", i.e., households in which all members do not receive SSI and/or AFDC.

2. The resources shall be counted in the household's resource calculations when it is no longer excluded under SSI or AFDC policy.

AUTHORITY NOTE: Promulgated in accordance with F. R. 52:26937 et seq., 7 CFR 273.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security in LR 13:656 (November 1987). Amended by the Department of Social Services, Office of Family Support in LR 18:

Interested persons may submit written comments within 30 days to the following address: Howard L. Prejean, Assistant Secretary, Office of Family Support, Box 94065, Baton Rouge, LA 70804-4065. He is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on the proposed rule will be held on January 29, 1992 in the Second Floor Auditorium, 755 Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at said hearing.

May Nelson
Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Food Stamp Program Exclusion From Resources

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The estimated implementation costs to state government associated with this rule will be the cost of printing of the executive bulletin announcing the change and the cost of printing approximately four pages of the Financial Assistance Manual to incorporate the change into existing policy. The projected estimated cost of the printing is \$436.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This rule will have no effect on revenue collection.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There are no costs or economic benefits associated with this rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect projected on competition or employment.

Howard L. Prejean
Assistant Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Social Services
Office of Family Support**

The Department of Social Services, Office of Family Support, proposes to amend LAC 67:III., Subpart 7. Refugee Cash Assistance.

This rule is necessary in order to comply with a directive from the Office of Refugee Resettlement in the U.S. Department of Health and Human Services to amend this change in the eligibility period for Refugee Cash Assistance.

Title 67

**DEPARTMENT OF SOCIAL SERVICES
Part III. Office of Family Support**

Subpart 7. Refugee Cash Assistance

Chapter 39. Application, Eligibility, and Furnishing Assistance

**Subchapter B. Coverage and Conditions of Eligibility
Eligibility Periods**

Periods of eligibility for Refugee Cash Assistance will be determined by, and are subject to change according to, the extent of federal funding available. As such eligibility periods may vary based on federal appropriations, these eligibility periods are determined by the Office of Refugee Resettlement of the U.S. Department of Health and Human Services. The Department of Social Services shall provide notice of these eligibility periods by means of Potpourri notices in the *Louisiana Register*.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 400.202.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support in LR 18:

Interested persons may submit written comments to Howard L. Prejean, Assistant Secretary, Office of Family Support, Box 94065, Baton Rouge, LA 70804-4065. He is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on the proposed rule will be held on January 29, 1992 in the Second Floor Auditorium, 755 Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested

persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at said hearing.

May Nelson
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Refugee Cash Assistance - Eight-month period of eligibility

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This rule is estimated to result in a decrease in expenditures for cash assistance in the Refugee Cash Assistance program as follows:

FY	TOTAL	FEDERAL	STATE
91/92	< 96,488 >	< 96,488 >	-0-
92/93	< 229,051 >	< 229,051 >	-0-
93/94	< 229,051 >	< 229,051 >	-0-

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Federal matching funds from the U.S. Department of Health and Human Services are estimated to decrease as follows:

- < 96,488 > in FY 91/92
- < 229,051 > in FY 92/93
- < 229,051 > in FY 93/94

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Families eligible to receive cash assistance through the Refugee Cash Assistance (RCA) Program will receive such cash benefits for an eight-month period instead of the current 12 months. It is estimated that this shorter eligibility period will result in savings of \$96,488 for FY 91/92. Savings of \$229,051 are projected for FY 92/93 and FY 93/94.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect projected on competition or employment.

Howard L. Prejean
Assistant Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Social Services
Office of the Secretary**

The Department of Social Services, Office of the Secretary proposes to adopt the following rule in the Child Care and Development Block Grant Program and the Title IV-A At-Risk Child Care Program, effective May 1, 1992.

The entire text of this rule in Title 67, Part I can be viewed in its entirety in the emergency rule section of the December 20, 1991 issue of the *Louisiana Register*.

Interested persons may submit written comments by

January 29, 1992 to the following address: William Ludwig, Deputy Secretary, Department of Social Services, Box 3776, Baton Rouge, LA 70821. He is the person responsible for responding to inquiries regarding this proposed rule.

Copies of the State Plan and/or Application for funding can be obtained by writing the Department of Social Services, Box 3078, Baton Rouge, LA 70821.

A public hearing on the proposed rule will be held on January 29, 1992 in the Second Floor Auditorium, 755 Riverside, Baton Rouge, Louisiana 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: Child Care Assistance Program**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This rule is estimated to result in an increase in expenditures for child care services and the agency expenditures necessary to administer them, as follows:

FY	TOTAL	FEDERAL	STATE
91/92	\$27,558,967	\$26,098,234	\$1,460,733
92/93	\$29,033,571	\$27,572,838	\$1,922,061
93/94	\$29,033,571	\$27,572,838	\$1,922,061

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Federal Funding by the U.S. Department of Health and Human Services is estimated as follows:

\$26,098,234 in FY 91/92
\$27,572,838 in FY 92/93
\$27,572,838 in FY 93/94

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Low income families in need of assistance in paying for child care in order to work or attend training or educational programs will be assisted by this program. The agency will make direct payment to child care providers on a sliding scale based on gross family income minus regular medical expenses if such expenses exceed \$35 per month. The agency will pay from 10 percent to 95 percent of the child care provider's actual charges or the maximum state rate, whichever is less. The agency will also enter into vendor contracts for before and after-school child care and other quality improvement efforts.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is expected that the proposed action will increase the supply of child care services available statewide, since parents will be able to afford quality care for their children. The stated intent of federal law and regulation is to allow maximum parental choice in selecting child care arrangements, so it is expected that competition in the industry will increase. As more entities enter the market, and existing facilities expand to meet demand, it is expected that employment in the child care industry will

increase. It is not possible at this time to estimate the extent of the increase, because it is not known what child care arrangements parents will select.

William Ludwig
Deputy Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Transportation and Development
Division of Flood Control and Water Management**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt revisions to its rule entitled "Port Construction and Development Priority Program," in accordance with the provisions of Act 452 of the 1989 Regular Session of the Louisiana Legislature.

The proposed revisions are briefly as follows:

1. In order to be eligible for consideration for funding, a proposed project must have a minimum rate of return on the state's investment of 3.7 percent.

2. A proposed project must have a minimum benefit-cost ratio of one to be considered.

3. Program funds will be distributed to projects solely based upon the project's evaluation and scoring. This eliminates the provision to allocate $\frac{2}{3}$ of the appropriation to deep draft ports and $\frac{1}{3}$ to shallow draft.

4. The program's revised "Procedural Manual" is included in this notice to establish procedures which assist in developing and constructing the project and provide for operation and maintenance.

5. Provides further details and clarification of the existing methodology.

Interested persons are invited to submit written comments on the proposed regulations to Curtis Patterson, DOTD, Box 94245, Baton Rouge, LA 70804-9245 no later than the close of business, January 21, 1992.

Copies of the proposed regulations are available from the Office of the State Register, 1051 Riverside North, Fifth Floor, Baton Rouge, LA 70804 or from DOTD, Division of Flood Control and Water Management, 1201 Capitol Access Road, Baton Rouge, LA 70804.

Neil L. Wagoner
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Priority Program Rules and Regulations**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

None

Fiscal impacts associated with the Port Construction and Development Priority Program were outlined in the Fiscal and Economic Impact Statement submitted for your review November 19, 1990. The current change relates to rules and regulations governing program operations. It will have no fiscal impact.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated effect.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There are neither costs nor benefits associated with this rule change to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule change should have no impact on competition or employment.

Neil Wagoner
Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Transportation and Development
Utility and Permit Section**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt the attached rule entitled "Bus Stops and Advertising within Highway Right-of-Way", in accordance with the provisions of Act 220 and Act 1078 of the 1990 Regular Session of the Louisiana Legislature.

Title 70

**DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT**

Part I. Office of the General Counsel

**Chapter 2. Bus Stops and Advertising within Highway
Right-of-Way**

§201. The rules governing the placement of bus shelters, bus benches, and advertising within highway right-of-way.

A. A permit may be issued by the Department of Transportation and Development for the placement of bus shelters, bus benches and advertising within highway right-of-way.

B. A fee of \$50 shall be assessed for each permit to defray the DOTD's cost of processing and inspecting permits.

C. If there are manholes, aerial electrical lines, or other utilities in close proximity to the proposed location of the bus shelter, bus bench, or sign, a letter of no objection from the utility must be submitted with the permit request.

D. Clear zones, site angles and all other engineering standards shall be maintained at all times.

E. These facilities shall not interfere with normal DOTD maintenance activities. In order to accommodate mowing equipment, a six foot concrete buffer zone shall be constructed around each facility.

F. Detailed drawings specifying the design and exact location of each facility shall accompany each permit request.

1. All drawings shall be stamped by an engineer li-

censed by the Louisiana State Board of Registration for Professional Engineers and Land Surveyors. In stamping the drawings, the engineer shall attest to the structural soundness of the facility, and to the safeness of the location of the facility.

2. The drawings shall indicate the dimensions and design of the facility.

3. The drawings shall show the exact location of the facility, highway, right-of-way, and frontage owned by the business.

4. The drawings shall include a plot plan showing all structures and hard surfaced areas located in the vicinity.

G. Each structure shall require a separate permit. Anyone failing to obtain a permit, or failing to comply with the conditions of the permit shall be subject to a civil penalty of \$100 per day for each location, until the violation is corrected. Said penalty shall be assessed by the chief engineer of DOTD and deposited in the general fund.

1. Any permittee who resists payment of the penalty assessed against him shall pay the amount of the penalty assessed to the chief engineer of the Department of Transportation and Development and shall give the chief engineer at the time of payment notice of his intention to file suit for the recovery of such penalty.

2. Any permittee who pays an assessed penalty under protest in accordance with the provisions of this Section shall have a period of 90 days after the date of payment to institute a civil suit against DOTD to recover the penalty so paid.

3. The right to sue for recovery of a penalty paid under protest shall afford a legal remedy and right of action in any state district court for a full and complete adjudication of any questions arising in the enforcement of a penalty respecting the legality of any penalty assessed or the method of enforcement thereof. Any such suit may be instituted either in the Parish of East Baton Rouge or in the parish where the permittee is domiciled. In any such suit, service of process shall be made on DOTD through the secretary. DOTD shall be a necessary and proper party defendant in any such suit.

4. If upon expiration of the 90-day period referred to above the penalty assessed remains unpaid, the department may institute a civil suit in the parish in which the permittee is domiciled to collect any penalty assessed but unpaid. DOTD shall have one year from the date of expiration of the 90-day period to institute such a suit.

5. Issuance of permits to anyone failing to comply with DOTD permitting regulations may be suspended until said permittee complies, and existing permits issued to said permittee may be canceled if lack of compliance continues.

H. Utility facilities, drainage and driveway permits shall have priority over permits for bus shelters, bus benches, and signs. The DOTD shall request the owner to remove or relocate the sign at the owner's expense, if this is necessary to accommodate drainage, maintenance, utility facilities, driveways, safety or other construction.

I. The owner shall comply with any request made by the DOTD within 30 calendar days of receiving written notice. If the owner fails to comply within 30 days, the DOTD may remove the facility, and may charge the owner for all costs associated with the facility's removal.

J. New permit requests must be submitted for any structural modifications, or changes in location of the facility, or for any changes in the content of the sign.

K. The owner of facilities within highway right-of-way

agrees to hold the DOTD harmless, and to assume full liability in all cases where the facility is alleged to be the cause of harm.

AUTHORITY NOTE: Promulgated in accordance with Act 220 and 1078 of the 1990 Regular Session.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 18:

§203. Rules governing the placement of outdoor advertising within highway right-of-way.

A. Section 461.2 of Title 48, Louisiana Revised Statutes allows advertising within highway right-of-way when: "Notwithstanding any other provision of law, when the right-of-way along a state rural arterial route and its urban extensions exceeds 150 feet per side or 300 feet total, any business adjacent to the right-of-way may enter into an agreement with the department to erect outdoor advertising, provided that such advertising is consistent with regulations set forth in §461.4 of this Part."

B. The regulations herein set forth the rules by which the Louisiana Department of Transportation and Development shall determine whether or not an advertising sign, display, or device comes within the exempt categories set forth by §461.2, Title 48, Revised Statutes. It is the purpose of the following rules to prevent abuses or obvious attempts to erect and maintain illegal outdoor advertising.

1. The sign shall only identify the business. It may not advertise accessory activities, products or services offered by the business. Also, it may not advertise land that is for sale or lease.

2. The property upon which the business is located must be adjacent to the highway right-of-way and its principal access must be from that highway. The principal business activity must be adjacent to the highway right-of-way and must not be separated from the right-of-way by some unrelated use such as:

- a. the raising of crops;
- b. residential use;
- c. farmstead uses;
- d. other commercial or industrial uses not related to that activity;
- e. roadways or easements;
- f. undeveloped wooded areas.

3. The maximum height of the sign face shall not exceed 20 feet and the maximum width of the sign face shall not exceed 20 feet with the total area of the sign face not to exceed 200 square feet. The overall height of the sign shall not exceed 40 feet from the elevation of the roadway. The bottom of the sign must be at least 15 feet from the elevation of the roadway.

4. The drawings shall include a plot plan showing all structures and hard surfaced areas located on the property owned by the business.

5. Signs shall be placed no closer than 100 feet from the edge of the highway.

6. Internal lighting or back lighting may be allowed at the DOTD's discretion, provided that it meets all DOTD standards. Special attention should be given to shielding the glare caused by back lighting. All cable and conduit within highway right-of-way shall be buried a minimum of four feet below the surface of the ground. Meters and non-structural poles are prohibited.

7. There shall be no moving parts or electronic variable messages.

8. These signs shall comply with the DOTD's normal spacing requirements for off-premise signs.

9. Each permit request must be approved by the Federal Highway Administration prior to final approval by the DOTD.

AUTHORITY NOTE: Promulgated in accordance with Act 220 and 1078 of the 1990 Regular Session.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 18:

§205. Rules governing the placement of bus stop shelters within highway right-of-way.

A. In accordance with Louisiana Revised Statute 32:236(C), permits for advertising on bus shelters may be issued to parish or municipal governing authorities provided:

1. The structure must be a minimum of 15 feet from the edge of the highway, or a minimum of six feet in curbed areas.

2. Selection of advertisers shall be at the discretion of the governing authority; however, the DOTD reserves the right to reject any advertiser or advertisement.

3. The governing body shall not charge a fee to the advertiser, except to recoup reasonable operating expenses and the permit fee charged by the DOTD.

4. In order to maintain the see-through nature of the shelter, no advertising shall be allowed on the sides of the shelter.

5. All advertising shall be restricted to a sign placed on top of the shelter. The width of the sign shall not exceed six feet, and height shall not exceed four feet.

6. The sign shall be placed directly on top of the shelter, and shall not overhang the shelter at any point.

7. There shall be no moving parts or electronic variable messages. Lighting of the sign is specifically prohibited.

8. Shelters shall only be permitted along bona fide bus routes. Shelters shall be removed within 30 days of cancellation of all of the bus routes that it serves.

9. A letter of no objection from the adjacent property owner(s) must accompany each permit request.

10. No unusually large or small shelters shall be permitted. The DOTD reserves the right to specify minimum and maximum dimensions of bus shelters at the time that plans or drawings therefor are presented for approval.

AUTHORITY NOTE: Promulgated in accordance with Act 220 and 1078 of the 1990 Regular Session.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 18:

§207. Rules governing the placement of bus stop benches within highway right-of-way.

A. Permits for advertising on bus benches may be issued to parish or municipal governing authorities provided:

1. The structure is a minimum of 15 feet from the edge of the highway, or a minimum of six feet in curbed areas.

2. Selection of advertisers is at the discretion of the governing authority; however, the DOTD reserves the right to reject any advertiser or advertisement.

3. The governing body shall not charge a fee to the advertiser, except to recoup reasonable operating expenses and the permit fee charged by the DOTD.

4. Advertising may be placed on the seat and back of the bench.

5. Lighting is specifically prohibited.

6. Benches shall only be permitted along bona fide bus routes. Benches shall be removed within 30 days of can-

cellation of all of the bus routes that it serves.

7. A letter of no objection from the adjacent property owner(s) must accompany each permit request.

8. No unusually large benches shall be permitted. The DOTD reserves the right to specify maximum dimensions for bus benches at the time that plans or drawings therefor are presented for approval.

AUTHORITY NOTE: Promulgated in accordance with Act 220 and 1078 of the 1990 Regular Session.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 18:

All interested persons so desiring shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this notice of intent to: John Collins, Utility and Permit Section, Department of Transportation and Development, Box 94245, Baton Rouge, LA 70804-9245.

Neil L. Wagoner
Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Bus Stops and Advertising within Highway Right-of-Way

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It will take approximately 30 minutes to process each permit; costing the DOTD about \$1,000 each year.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The DOTD expects to issue approximately 20 permits each year, charging \$50 per permit, collecting a total of \$1,000 each year.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Advertising has never been allowed within highway right-of-way. Advertising companies will be able to sell additional advertising space, and sales revenues for private companies may increase as a result of increased advertising; however, it is not possible to calculate the economic benefit to these parties.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Some additional jobs may be created as a result of this change, but any effect on competition or employment will be negligible.

Neil L. Wagoner
Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of the Treasury Bond Commission

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given the the Louisiana State Bond Commission intends to

amend the commission's rules as originally adopted November 20, 1976.

The commission proposed to adopt the following standards for approval of Refunding Bonds:

Louisiana State Bond Commission
Proposed Standards for Approval of Refunding Bonds

DEFINITIONS^{1/}

CALL PROVISIONS. The terms of the resolution, ordinance or indenture giving the issuer the right or requiring the issuer to redeem or "call" all or a portion of an outstanding issue of bonds prior to their stated dates of maturity at a specified price, usually at or above par.

DEFEASE. To terminate the rights and interests of the bondholders and of their lien on the pledged revenues or assets in accordance with the terms of the bond contract for an issue of bonds. Defeasance usually occurs in connection with the refunding of an outstanding issue after provision has been made for future payment through funds provided by the issuance of a new series of bonds.

"HIGH TO LOW" REFUNDING. A refunding program that reduces the issuer's debt service expenditures by replacing bonds of one issue with bonds of another sold at a lower true interest cost.

PRESENT VALUE. The value today of a future payment, or stream of payments, calculated by discounting each payment semi-annually. For purposes of SBC guidelines, the True Interest Cost on refunding bonds (as defined herein) will be used as the discount rate. The "Present Value Savings Amount" is calculated as follows: In each year, the present value of the debt service on the refunding bonds should be subtracted from the present value of the debt service on the outstanding bonds using the TIC on the refunding bonds as the discount rate. The present value savings in each year are added together and the value of any cash contributed by the issuer to the escrow or to the costs of issuance is subtracted resulting in the Present Value Amount. The "Present Value Savings Ratio" is the ratio of the Present Value Savings Amount to the principal amount of the bonds to be refunded.

REFUNDING. A procedure whereby an issuer refinances an outstanding bond issue by issuing new ("refunding") bonds. There are generally two major reasons for refunding: to reduce the issuer's interest costs or to remove a burdensome or restrictive covenant imposed by the terms of the bonds being refinanced. The proceeds of the refunding bonds are either deposited in escrow to pay debt service on the outstanding obligations, when due (in which case the financing is known as an "advance refunding"), or used within 90 days of closing to retire the outstanding obligations (a "current refunding"). For accounting purposes, refunded obligations if a defeasance has been perfected are generally not considered a part of the issuer's debt because the lien of the holders of the refunded bonds, in the first instance, is on the escrowed funds, not on the originally pledged source of revenues. The refunded bonds, however, may continue to hold a lien on the originally pledged source of revenues unless provisions have been made in the resolution, ordinance or indenture on the refunding bonds for defeasance of the refunded bonds prior to redemption.

^{1/}Where possible, these definitions are from the *Glossary of Municipal Bond Terms* published by the Municipal Securities Rulemaking Board.

TRUE INTEREST COST (TIC). Also known as "Canadian Interest Cost" or CIC. Under the method of computing interest, interest cost is defined as that rate, compounded semi-annually, which will discount the future amounts payable (on the respective principal and interest payment dates) to the purchase price received on the date of delivery of the new issue securities, excluding accrued interest.

I. APPLICATION OF STANDARD

This standard of approval of refunding bonds shall apply to all debt issued by any municipality, public board, political or public corporation, subdivision, or taxing district, road or sub-road district, school district, sewerage district, drainage or sub-drainage district, levee district, waterworks or sub-waterworks district, irrigation district, road lighting district, harbor and terminal district, or any political subdivision, taxing district, political or public corporation, created under or by the constitution and laws of the state which have authority to borrow money, incur debt, or to issue bonds, or other evidences of debt, or to levy taxes, or to pledge uncollected taxes or revenues for the payment of debt.

II. REFUNDINGS WILL BE CATEGORIZED INTO TWO GROUPS.

Type A. "HIGH TO LOW" REFUNDINGS. A refunding that reduces the issuer's debt service requirements by replacing bonds of one issue with bonds of another sold at a lower true interest cost.

Type B. REFUNDINGS TO RESTRUCTURE DEBT. A refunding to prevent a default or substantial financial hardship or to change unduly restrictive indenture or resolution provisions.

III. REQUIREMENTS FOR APPROVAL.

A. Type A - Refundings creating a present value savings ("high to low" refundings). Approval for Type A refundings is contingent on achievement of the specified savings on the sale date. Final approval remains open for 180 days. State Bond Commission (SBC) approval may be granted for refunding bonds which meet one of the following conditions. If bonds of multiple series are to be refunded in one refunding bond issue, the refunded bonds may be aggregated for the purpose of establishing the savings requirement as defined in (1) and (2) below.

(1) **Advance Refundings:** The refunding bonds (i) must produce a "Present Value Savings Ratio" of .05 (5%) or greater, (ii) have a final maturity year of the bonds proposed to be refunded, and (iii) will be structured so that only callable bonds which will be called are being refunded. In addition, the Present Value savings amount must be 1½ times the cost of the issue. Costs shall include underwriters' discount, bond counsel fees, rating agency fees and printing;

(2) **Current Refundings:** The bonds to be refunded will be redeemed within 90 days of the date of issuance of the refunding bonds and the "Present Value Savings Ratio" is at

least .05 (5%), and the final maturity year of the refunding bonds is no later than the final maturity year of the bonds proposed to be refunded.

B. To Restructure Debt: When the refunding bonds are being issued to restructure principal or debt service payments the issuer must present clear and convincing evidence to the SBC that a default or a substantial financial hardship to the community is likely to occur in the absence of refunding or show that the bonds to be refunded were issued under a prior indenture, resolution, or ordinance which has proven to be unduly restrictive and that defeasance will avoid financial hardship to the community. A 2/3 majority vote of the entire membership of the State Bond Commission shall be required to approve restructuring debt.

IV. STATE BOND COMMISSION REVIEW SCHEDULE

A. Request for Preliminary Approval of the SBC: At least eight weeks before an anticipated refunding bond sale the governing body of the issuer shall file with the office of the SBC a letter signed by the issuer's chief executive official. The letter shall indicate the issue to be refunded, the size of the refunding bonds, the type of refunding plan, and a request for preliminary approval.

B. Final Approval Application Package: At least 20 working days before the scheduled meeting of the SBC, a complete application package shall be received by the office of the SBC. In no event shall the office of the SBC accept a final approval application for a proposed refunding that has not received favorable preliminary approval from the SBC at an earlier meeting. The application package shall include the completed forms attached hereto as Exhibit A and shall in all regards meet the requirements spelled out on the application form and contained in these guidelines. Incomplete applications may be cause for rejection of the application and late applications may be stricken from the SBC agenda. Included with the application form shall be:

(1) a signed resolution of the locality's governing body authorizing the application to the SBC;

(2) a draft resolution, in the form acceptable to the SBC according to the type of refunding being proposed, for approval by the SBC; and

(3) such other material as the applicant may wish to include.

C. If a signed resolution of the issuers governing body's authorization to submit the application to the SBC is not available as specified above, then the package may be submitted without that resolution. In such an event, the signed resolution must be submitted to the SBC at least three working days prior to the SBC meeting. If the signed resolution is not received by the SBC on the second working day prior to the SBC meeting, the application will be stricken from the SBC agenda.

APPLICATION FORM FOR APPROVAL OF REFUNDING

Attached hereto are the following exhibits (all items listed must be included): 1/

- A. A complete set of calculations for the refunding including:
 - 1. Debt Service Schedule of the Bonds to be Refunded showing principal and interest components;
 - 2. Debt Service Schedule of the Refunding Bonds with interest rates scale;
 - 3. Present Value Savings Report using TIC on the refunding bonds calculated as defined in the SBC's Guidelines and used as the discount rate; 2/
 - 4. Escrow Sizing Report (for Advance Refundings)
 - 5. Sources and Uses of Funds Schedule for the refunding bonds. 3/
- B. The old Bond Resolution or Indenture together with the proposed resolution or indenture for the refunding issue.
- C. Refunding Application Fact Sheet (Exhibit A-1 to the SBC Guidelines)
- D. Refunding Application Question and Answer Sheet (Exhibit A-2 to the SBC Guidelines)
- E. Signed Resolution of locality authorizing SBC application
- F. Draft Resolution for action by SBC

This Application is submitted in conformance with the requirements of Louisiana Revised Statutes and conforms to the Guidelines of the SBC dated August 15, 1991.

Name of Jurisdiction: _____

Date of Application: _____

Signature of Chief Executive Official: _____

August 15, 1991

1/ If several series of bonds are being refunded to produce aggregate savings, than attach items A1 and A3 for each issue.

2/ If the refunding bonds are to be issued together with other bonds, the costs of issuance should be allocated among the two issues in proportion to their principal amounts.

3/ Included any cash contributions to the escrow or costs of issuance. Explain these under Question A-4 on the Refunding Application Question & Answer sheet.

REFUNDING APPLICATION FACT SHEET

Name of Issuer: _____

Name, address and telephone number of Contact Person: _____

Bonds to be refunded (Series Name) _____

[If more than one bond issue is being refunded, provide the following information for each series]

Principal amount to be refunded: \$ _____

Final maturity of bonds to be refunded: _____ / _____ / _____

First call date of bonds to be refunded: _____ / _____ / _____

Call Premium on first call date: _____ %

Principal amount of refunding bonds: \$ _____

Final maturity of refunding bonds: _____ / _____ / _____

TIC of refunding bonds: * _____ %

Type of Refunding:	_____ "High to Low" Refunding	_____ To Restructure Debt
	2.1 2.2 2.3 2.4 2.5 2.6	

Present Value Savings (Debt Service): \$ _____

Less: Cash Contributions: \$ _____

Present Value Savings Amount: * \$ _____

Present Value Savings Ratio: * _____ %

Cost of Issuance:	Bond Counsel	_____
	Financial Advisor	_____
	Escrow Agent	_____
	Printing	_____
	Ratings	_____
	Validation	_____
	Underwriter's discount	_____
	Other _____	_____
	Other _____	_____
	TOTAL:	\$ _____

Name of Bond Counsel Firm: _____

Contact Attorney: _____

Name of Escrow Agent: _____

(for Advance Refundings)

Name of Financial Advisor: _____

(if any)

Name of Underwriter: _____

Estimated Sale Date: _____ / _____ / _____

* Calculated according to the definitions in the SBC Guidelines.

REFUNDING APPLICATION QUESTION & ANSWER SHEET

(Please use additional pages if the space on this sheet is insufficient to complete answers to any questions.)

- (1) What is the purpose of the refunding?

- (2) Described the structure of the proposed refunding bonds including call provisions.

- (3) If the proposed refunding is to restructure debt, discuss the reasons for the refunding in detail and attach documentation as to the necessity for the refunding.

- (4) Describe the source and use of any cash contributions to the refunding or escrow, including the handling and effects on savings of any transferred proceeds.

The rule is intended to specify under what circumstances the commission will approve the issuance of refunding bonds.

Interested persons may submit their views and opinions through January 13, 1992 to Rae W. Logan, secretary and director of the State Bond Commission with a copy of the views and/or opinions sent to G. Anthony Gelderman, General Counsel, Department of the Treasury, both to 21st floor, State Capitol Building, Box 44154, Baton Rouge, LA 70804.

A public hearing on the proposed rule will be held on January 23, 1992 in Senate Committee Room A, Basement, State Capitol Building, Baton Rouge, LA, at 10 a.m.

The commission shall, prior to the adoption of the rule, afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. Opportunity for oral presentations or arguments shall be granted if requested, by 25 persons, or by a committee of either house of the legislature to which the rule change has been referred, as required under the provisions of Section 968 of Title 49. Such hearing shall be held as provided by law.

At least eight working days prior to the meeting of the commission at which a rule or rules are proposed to be adopted, amended or repealed, notice of any intention to make an oral or written presentation shall be given to the director of the commission. If the presentation is to be oral, such notice shall contain the name or names, telephone numbers, and mailing addresses of the person or persons who will make such oral presentation, who they are repre-

senting, the estimated time need for the presentation, and a brief summary of the presentation. Notice of such oral presentation may be sent to all commission members prior to the meeting. If the presentation is to be written, such notice shall contain the name or names of the persons submitting such written statement, who they are representing, and a copy of the statement itself. Such written statement shall be sent to all commission members prior to the meeting.

The commission shall consider all written and oral submissions concerning the proposed rules. Upon adoption of a rule, the commission if requested to do so by an interested person either prior to the adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for or against its adoption.

Mary L. Landrieu
State Treasurer and Chairperson

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Refunding Standards for Approval**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No implementation costs.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The imposition of the proposed rule could impact the collection of self-generated revenue of the State Bond Commission. The rule could decrease the number of refundings that are approved thereby reducing the amount of closing fees the State Bond Commission collects. However, excess self-generated revenue of the State Bond Commission is rebated, accordingly this proposed rule will have no effect on the General Fund.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Unknown. Underwriters and Bond Attorneys could see a reduced volume of refunding transactions.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

None.

Mary L. Landrieu
State Treasurer

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Wildlife and Fisheries Commission hereby expresses its intent to amend rules pertaining to seismic operations and the use of airgun surveys on designated red lined oyster grounds belonging to the state.

Title 76

WILDLIFE AND FISHERIES

**Part I. Wildlife and Fisheries Commission
and Agencies Thereunder**

Chapter 3. Special Powers and Duties

Subchapter A. Seismic Exploration

§301. Regulation

* * *

AG. Seismic operators making application to work on any designated red lined oyster seed ground belonging to the state of Louisiana will be required to pay the following fees in addition to the supervisory fees: \$100 per drilled shot hole or \$1,000 per linear mile, whichever is greater, for reflective or refractive cable. For airguns only, the following fees apply: \$1,000 per linear mile in water depths less than or equal to five feet; \$400 per linear mile in water depths greater than five feet and less than or equal to 10 feet deep; \$200 per linear mile in water depths greater than 10 feet; or, for 3D airgun surveys: \$25,000 per square mile in water depths less than or equal to five feet; \$10,000 per square mile in water depths greater than five feet and less than or equal to 10 feet deep; \$5,000 per square mile in water depths greater than 10 feet.

All of these fees are to be paid in advance. All fees will be reviewed each January.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:214 and R.S. 36:609.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission,

LR 4:300 (August 1978), amended LR 10:410 (May 1984), LR 13:115 (February 1987), amended LR 18:

Interested persons may submit written comments on the proposed rule to the following address before February 14, 1992: Karen Foote, Administrator, Fisheries Research Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

James H. Jenkins, Jr.
Chairman

**Fiscal and Economic Impact Statement
For Administrative Rules**

**Rule Title: Airgun Fee Schedule for Seismic Exploration
in Oyster Red Line Area**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no new costs to state or local governmental units. All activities will be maintained by the existing Department of Wildlife and Fisheries staff.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule will have a slight positive impact on revenue collections of state or local governments. The proposed rates are in addition to the existing dynamite rates and are created to provide comparability for this alternative seismic energy source. The result is that revenues from dynamite activity will decrease, while revenues from airgun activity will increase. It is expected that new 2D airgun revenue will closely approximate that revenue given up from dynamite seismic activity; thus resulting in no impact to revenue. However; we expect only (one or two) 3D surveys in the oyster red line per year which will result in increased revenue of approximately \$100,000 per year based on the proposed rate schedule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed rates establish fees to be charged for airgun seismic activity rather than the existing dynamite fee schedule currently used which is uneconomic for airgun use. These 2D airgun rates are based on comparable to the existing dynamite rates, the 3D rates are slightly higher than the dynamite rate, which if not put in place would result in non participation by the industry. Thus, the rates provide a substitution rate for this alternative technology.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There should be a slight positive impact on competition or employment; this simply substitutes 2D airgun use for dynamite use for seismic energy sources and provides comparable rates while providing a new rate schedule for 3D rates. 3D Seismic activity will result in enhanced information over 2D surveys. It is expected that the improved information will result in enhanced exploration and recovery of mineral resources, thus enhancing employment levels modestly. This impact is impossible to predict or estimate since it is still relatively experimental.

Bettie Baker
Undersecretary

David W. Hood
Senior Fiscal Analyst

Potpourri

POTPOURRI

Department of Agriculture and Forestry
Office of Agriculture and Environmental Sciences
Crop Pests and Diseases

Quarantine

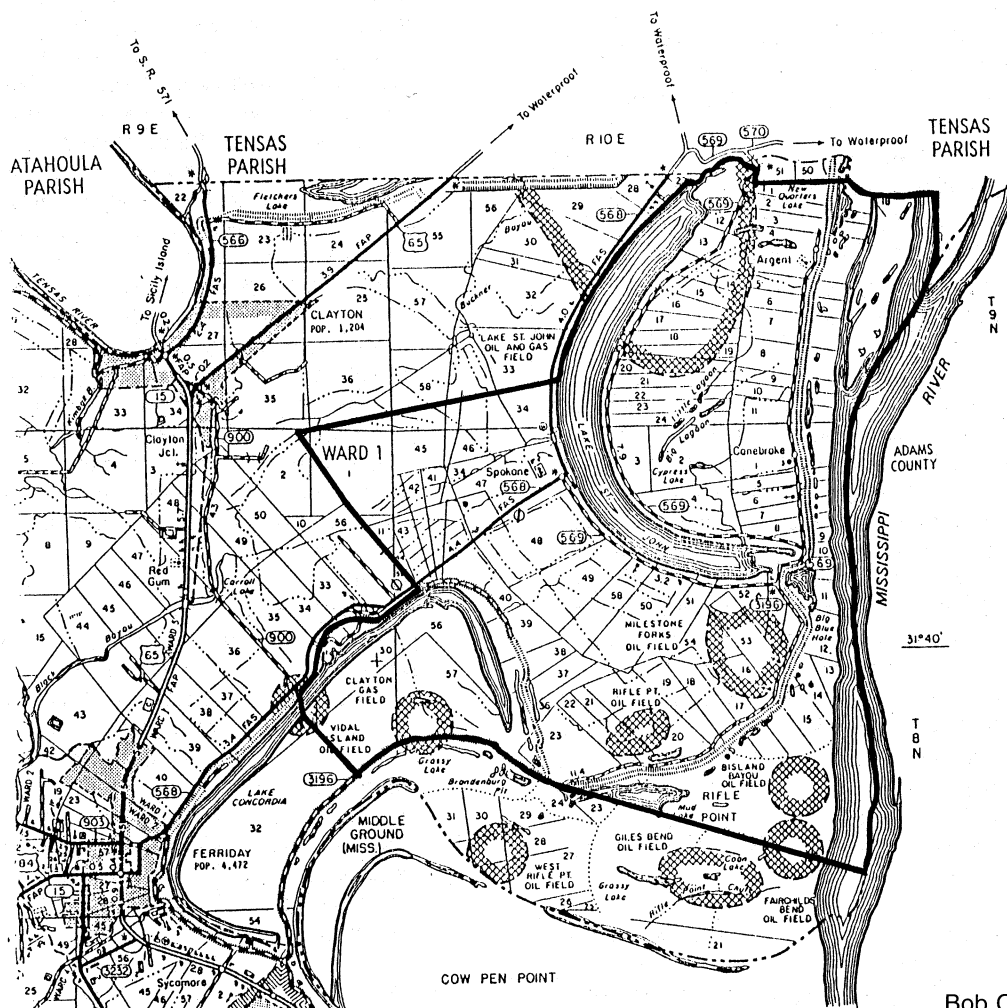
In accordance with LAC 7:XV.9509, we are hereby publishing a "Supplement to the 1991 Quarantine Listing for Pink Bollworm (*Pectinophora gossypiella* Saunders)."

In the state of Louisiana:

Suppressive Area

Concordia Parish. That portion of the parish bounded by a line beginning at the intersection of the Concordia - Tensas parish line and the Louisiana - Mississippi state line; then west along the Concordia - Tensas parish line to a point 0.3 miles due east of the southern boundary line of Section 50, Range 10 East, Township 9 North; then west across the Mississippi River levee and along the southern boundary line of Sections 50 and 51, Range 10 East, Township 9 North to its junction with the eastern border of the Lake St. John oil and gas field; then north along this border to the Concordia - Tensas parish line; then west along the parish line to its junc-

tion with the northern edge of Lake St. John; then southwest along the western edge of Lake St. John to its junction with the northern boundary line of Section 34, Range 10 East, Township 9 North; then west along the northern boundary line to its junction with the western boundary line of Section 58, Range 10 East, Township 9 North; then continuing southwest in a straight line to a point on the northern boundary line of Section 2, Range 9 East, Township 8 North marked by a stake with pointers marked "X" (indicating the northwest property boundary of Pittsfield Plantation); then southeast in a straight line to the northeastern corner of Section 56, Range 9 East, Township 8 North; then continuing along the eastern boundary line of this section across state highway 568 to the Lake Concordia levee; then southwest along the levee to the point where state road 900 intersects state highway 568 adjacent to the levee; then southeast in a straight line across Lake Concordia to the western edge of a natural tree row; then continuing southeast along the tree row to the point where the tree row makes a 90° turn toward the northeast; then extending southeast beyond this point to state road 3196; then northeast along state road 3196 to the point where the road intersects the Mississippi River levee; then southeast along a line at a 20° angle from this intersection to the Louisiana - Mississippi state line (this is inclusive of Mud Lake and the northern half of the Fairchilds Bend oil field); then north along the Louisiana - Mississippi state line to the point of beginning.



Bob Odom
Commissioner

POTPOURRI

**Office of the Governor
Coastal Activities**

The state Wetlands Conservation and Restoration Authority will hold public hearings from January 15-23, 1992, in five locations in coastal Louisiana. The purpose of the hearings is to receive public comments on the 1992-93 Coastal Wetlands Conservation and Restoration Plan. The schedule and location for the hearings are as follows:

- January 15, Lake Charles, 6 p.m.
Calcasieu Parish Police Jury Administration Office
1015 Pithon Street
Meeting will cover projects in Calcasieu and Cameron Parishes.
- January 16, Thibodaux, 6 p.m.
Old Parish Courthouse, 209 Green Street
Meeting will cover projects in Terrebonne, Assumption, and Lafourche Parishes.
- January 21, Slidell, 6 p.m.
Slidell City Council Chambers, 2055 2nd Street
Meeting will cover projects in St. Tammany, Livingston, and Tangipahoa Parishes.
- January 22, Abbeville, 6 p.m.
Vermilion Parish Courthouse Bldg, 2nd Floor,
Police Jury Meeting Room, Tivoli Street
Meeting will cover projects in Vermilion, Iberia, St. Martin, and St. Mary Parishes.
- January 23, Belle Chasse, 6 p.m.
Belle Chasse Auditorium, 207 North Belle Chasse Highway
Meeting will cover projects in St. James, St. John, St. Charles, Plaquemines, Jefferson, Orleans, and St. Bernard.

Copies of the 1992-93 Coastal Wetlands Conservation and Restoration Plan will be available at the State Library and the parish libraries of the coastal parishes after January 7, 1992.

Written testimony will be accepted until February 24, 1992. Written testimony can be submitted to: Governor's Office of Coastal Activities, Box 94004, Baton Rouge, LA 70804. For additional information, call Becky Vincent at (504) 342-6493.

David Chambers
Executive Assistant

POTPOURRI

**Department of Health and Hospitals
Board of Veterinary Medicine**

The Louisiana Board of Veterinary Medicine hereby gives notice that the next examinations in veterinary medicine will be given according to the following schedule:

- National Board of Veterinary Medicine . . . April 14, 1992
- Clinical Competency Test April 15, 1992
- National Board for
Veterinary Technicians April 14, 1992
- State Board Examination May 16, 1992

All of the foregoing examinations shall be administered at the LSU School of Veterinary Medicine in Baton

Rouge, LA. Applications and fees must be submitted to the Louisiana Board of Veterinary Medicine and received no later than February 28, 1992, at 4 p.m.

Further information concerning the foregoing examinations may be obtained from the office of the Louisiana Board of Veterinary Medicine, 200 Lafayette Street, Suite 604, Baton Rouge, LA 70801-1203, (504) 342-2176.

Dale O. Turner
Secretary-Treasurer

POTPOURRI

**Department of Natural Resources
Office of Coastal Restoration and Management
Coastal Management Division**

Withdrawal of Proposed Amendments to the Coastal Use Guidelines

The Department of Natural Resources hereby withdraws from consideration the amendments to the Coastal Use Guidelines and their definitions (*Louisiana Administrative Code* Title 43:1. §701-721) proposed in its notice of intent of September 20, 1991 in the *Louisiana Register*.

Martha A. Swan
Secretary

POTPOURRI

**Department of Natural Resources
Office of the Secretary
Fishermen's Gear Compensation Fund**

In accordance with the provisions of R.S. 56:700.1 et seq., notice is given that 53 claims in the amount of \$117,887.33 were received in the month of November 1991, 81 claims in the amount of \$202,259.21 were paid and one claim was denied.

Loran C. coordinates of reported underwater obstructions are:

27805	46876	Terrebonne
27551	46923	St. Mary
27735	46886	Terrebonne
27390	46921	Vermilion
27678	46910	St. Mary
27019	46952	Cameron
26665	46975	Cameron
28998	47048	St. Tammany
27167	46818	Terrebonne
28663	46869	Plaquemines
28983	46887	Plaquemines
28100	46833	Terrebonne
27104	46943	Vermilion
28518	46854	Lafourche
27263	46888	Terrebonne
28838	46807	Plaquemines
27665	46914	St. Mary
28037	46836	Terrebonne
28567	47033	Jefferson

A list of claimants, and amounts paid, may be obtained from the Fishermen's Gear Compensation Fund, Box 94396, Baton Rouge, LA 70804, or by telephone (504) 342-0122.

Martha A. Swan
Secretary

POTPOURRI

Department of Social Services Office of Family Support

Notice is hereby given that the Department of Social Services, Office of Family Support is enacting a change in the eligibility period for the receipt of cash assistance in the Refugee Cash Assistance (RCA) Program. This action is necessary because of a directive from the Office of Refugee Re-

settlement in the U.S. Department of Health and Human Services.

This change in the Refugee Cash Assistance eligibility period is being phased in as follows:

Effective October 1, 1991, the RCA eligibility period was reduced from the previous 12 months to eight months for persons who were not receiving RCA as of September 30, 1991.

Effective November 30, 1991, assistance must be terminated to any RCA recipient who, as of that date, has reached or passed the end of the eight-month period.

The public hearing will be held on January 29, 1992 in the Second Floor Auditorium, 755 Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at said hearing.

May Nelson
Secretary

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Tunica Hills, 955ER
King Mackerel, 28ER, 164ER, 207R, 347ER, 954ER

CR—Committee Report

ER—Emergency Rule

L—Legislation

P—Potpourri

PPM—Policy and Procedure Memorandum

EO—Executive Order

FA—Fee Action

N—Notice of Intent

PFA—Proposed Fee Action

R—Rule

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