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# Executive Orders

## EXECUTIVE ORDER BR 90 - 8

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

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

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

NOW THEREFORE I, BUDDY ROEMER, Governor of the State of Louisiana hereby establish the Governor's Advisory Commission on Military Affairs which shall be established as follows:

SECTION 1: The Commission shall be comprised of at least 21 members appointed by the Governor to serve for a term of three years.

Membership shall consist of the following:

- a. the adjutant general of Louisiana or designee;
- b. the chairman of the State Committee for Employer Support of the Guard and Reserve or designee;
- c. the secretary of the Department of Economic Development or designee;
- d. commanders from major military installations within the state of Louisiana or designee;
- e. commanders from major military commands stationed within Louisiana or designee;
- f. one member from the House of Representatives;
- g. one member from the Senate; and
- h. the remaining members shall be chosen from active and retired military personnel, representatives of state and local government, and citizens interested in military affairs.

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

SECTION 3: The commission shall have the following duties:

- A. provide a forum for the discussion of issues concerning major military installations in the state, active, and retired military personnel and their families;
- B. formulate goals and objectives which enhance cooperation and understanding between the military components, the communities, our congressional delegation, the general public, and state, federal, and local governments;
- C. strengthen the state's role in securing defense-related business for Louisiana businesses and in selling Louisiana products to Louisiana military bases;

- D. collect and study information related to supporting and strengthening the military presence within the state;
- E. review proposed military affairs legislation; and
- F. advise the governor on measures and activities which would support and enhance defense installations and military families within the state.

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

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 20th day June, 1990.

Buddy Roemer  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

# Emergency Rules

## DECLARATION OF EMERGENCY

### Department of Economic Development Racing Commission

#### Title 35

#### HORSE RACING

#### Part I. General Provisions

#### Chapter 17. Corrupt and Prohibited Practices

#### §1791. Testing for Dangerous Substance Abuse

A. No person licensed by the commission shall use any controlled dangerous substances as defined in the "Louisiana Controlled Dangerous Substance Act," R.S. 40:961 et seq., or any prescription legend drug, unless such substance was obtained directly, or pursuant to a valid prescription or ordered from a licensed physician, while acting in the course of his professional practice. It shall be the responsibility of the person licensed by the commission to give notice to the state steward that he is using a controlled dangerous substance or prescription legend drug pursuant to a valid prescription or order from a licensed physician when requested. Failure of a licensed person to secure a written prescription from his doctor or physician within 10 days of being notified by the stewards of a finding for a prescription drug shall be treated as a positive and having the person subject to a penalty as contained herein.

B. - C. . . .

D. A positive controlled dangerous substance or prescription drug result shall be reported in writing to the commission or its designee. On receiving written notice from the official chemist that a specimen has been found positive for a controlled dangerous substance or prescription legend drug, the commission or its designee shall proceed as follows.

1. The licensed person shall, as quickly as possible, be notified in writing and a hearing scheduled with the stewards.

2. For a licensed person's first violation, he shall be suspended 30 days and denied access to all racetracks, off-track wagering facilities, and approved training facilities in Louisiana. His reinstatement shall be contingent upon evaluation by a commission-approved board certified drug evaluator or counselor, and after providing a negative urine report.

3. For a licensed person's second violation, he shall be suspended six months and denied access to all race-tracks, off-track wagering facilities, and approved training facilities in Louisiana. His reinstatement may be allowed upon proof of enrollment, and continued attendance in a commission-approved drug rehabilitation program.

4. For a licensed person's third violation, he shall be suspended for 15 years and denied access to all racetracks, off-track wagering facilities, and approved training facilities in Louisiana.

5. The Stewards and/or . . . . .

6. Unexcused absences from . . . . .

7. Excused absences from . . . . .

8. Amphetamines are not permitted . . . . .

E. - F. . .

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

HISTORICAL NOTE: Promulgated by the Racing Commission LR 13:289 (May 1987), amended LR 15:620 (August 1989), LR 16:394, emergency effective June 19, 1990.

Claude P. Williams  
Executive Director

## DECLARATION OF EMERGENCY

### Board of Elementary and Secondary Education

Amendments to Bulletin 741  
Louisiana School Administrators' Handbook

The State Board of Elementary and Secondary Education, at its meeting of June 28, 1990, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B and approved the following amendments to Bulletin 741, *Louisiana School Administrators' Handbook*, effective July 20, 1990.

1. Delete Standard 1.006.04 and the procedural block following and delete Standard 1.006.05.

2. Delete Standard 1.006.08 and the procedural block following it.

3. Amend Standard 1.009.04 to state the following:

The local educational governing authority shall provide for and offer in every school having a first grade or in a

parish kindergarten center a full day kindergarten program in accordance with standards set in this bulletin.

Refer to R.S. 17:151.3

4. Under Standard 1.010.02 - Operations Policies, substitute the following for letter J:

J. The discipline of handicapped students.

5. Amend Standard 1.015.05 and add two new standards, 1.015.06 and 1.015.07 which state the following:

1.015.05 The system shall assign a full-time, on-site principal to each school.

A full-time principal may also be assigned teaching responsibilities.

1.015.06 The system shall assign a principal to only one school.

1.015.07 The system shall assign a Title IX Coordinator.

6. Amend Standard 2.015.05 and add a new Standard 2.015.06 which states as follows:

2.015.05 Each school shall employ a full-time, on-site principal.

A full-time principal may also be assigned teaching responsibilities.

2.015.06 A principal shall be assigned to only one school.

7. Add two new standards following policy number 2.037.00 which state the following:

2.037.01 Prior to student registration, each middle, junior, or high school shall provide parents/guardians with a listing of course offerings and descriptions and high school graduation requirements where appropriate.

Refer to R.S. 17:175

2.037.02 Prior to course registration each year, every middle, junior, or high school shall require that the parent/guardian of each student sign his child's student registration form.

Refer to R.S. 17:175

8. Add a new Standard following Standard 2.055.16: 2.055.17 Beginning with the 1991-92 school year every child, as a prerequisite to enrollment in any first grade of a public school, shall meet one of the following criteria:

1. Have attended a full day public or private kindergarten for a full year; and/or

2. Satisfactorily passes academic readiness screening administered by the school system at the time of enrollment for first grade.

Refer to R.S. 17:151.3

9. Add a new Standard following Standard 1.055.16: 1.055.17 Beginning with the 1991-92 school year every child, as a prerequisite to enrollment in any first grade of a public school, shall meet one of the following criteria:



1. Have attended a full day public or private kindergarten for a full year; and/or
2. Satisfactorily passes academic readiness screening administered by the school system at the time of enrollment for first grade.

Refer to R.S. 17:151.3

10. Reword Standard 1.055.18 to state the following:  
1.055.18 The school system shall have the option to provide preschool special education to handicapped students aged 0 through 2 years.
11. Reword Standard 1.081.02 to state the following:  
1.081.02 Parents of students attending public and nonpublic schools shall be reimbursed according to state guidelines provided funds are appropriated by the legislature.

Refer to Bulletin 1191

12. Reword the procedural block following Standard 1.093.01 to state:

Refer to Bulletin 1706, Regulations for Implementation of the Exceptional Children's Act (R.S. 17:1941 et seq.) Bulletin 1508, Pupil Appraisal Handbook, and Bulletin 1503, the IEP Handbook.

13. Reword the procedural block following Standard 2.093.01 to state:

Refer to Bulletin 1706, Regulations for Implementation of the Exceptional Children's Act (R.S. 17:1941 et seq.), Bulletin 1508, Pupil Appraisal Handbook, and Bulletin 1503, The IEP Handbook.

The emergency adoption of these amendments is necessary in order for the policies to be in place for the beginning of school year 1990-91. Effective date of the emergency rule is July 20, 1990.

**PROPOSED REVISIONS FOR REFERENCED BULLETIN IN BULLETIN 741**

The following deletions, additions, and revisions of bulletins have been made and should be included in the revision of the list of referenced bulletins in Bulletin 741.

**Deletions**

- 1474 Consumer Education Curriculum Guide
- 1589 English Language Arts Curriculum Guide 6-9
- 1590 English Language Arts Curriculum Guide 9-12
- 1661 Physics Curriculum Guide (Rev. '89 - name changed to Secondary Physics) (1589 and 1590 were combined to form Bulletin 1795, English Language Arts 7-12)

**Additions**

- 1530 The IEP Handbook
- 1645 General Science (84)
- 1661 Secondary Physics (Rev. '89 - name changed from Physics Curriculum Guide)
- 1664 Child Development Curriculum Guide, Home Economics
- 1674 General Safety Manual for Vo-Tech Education and Industrial Arts Program
- 1682 Industrial Arts Curriculum Guide 6-8
- 1687 Louisiana Industrial Arts Curriculum Project
- 1698 Energy Efficient Homes and Small Buildings
- 1725 Advanced Programs of Vocational Agriculture in Louisiana
- 1722 Elementary Environmental Science Resource Unit
- 1729 Introduction to Business Guide

- 1737 Fine Arts Survey ('84)
- 1739 Computer Literacy ('85)
- 1740 Marketing and Distributive Education I
- 1758 World History ('87)
- 1759 Western Civilization ('85)
- 1780 Acadians of Louisiana
- 1795 English Language Arts 7-12 (Rev. '86 - Combined Bulletin 1589 and Bulletin 1590)
- 1814 Business Math Curriculum Guide
- 1815 Entrepreneurship for Marketing
- 1821 Home and Family Curriculum Guide, Home Economics
- 1835 Chemistry II ('89)

**Revisions**

The proposed revisions include editorial title changes and supplements.

CURRENT TITLE	REVISED TITLE
1595 Curriculum Guide Food and Nutrition Home Economics	Food and Nutrition Curriculum Guide, Home Economics
1662 Curriculum Guide, Competency-Based Business Education (9-12)	Competency-Based Business Education, Curriculum Guide 9-12
1664 Home Economics Curriculum Guide, Child Development	
1695 Curriculum Guide, Parenthood Education	Parenthood Education Curriculum Guide, Home Economics
1700 Clothing and Textiles Curriculum Guide	Clothing and Textiles Curriculum Guide
1710 Adult Responsibilities Curriculum Guide	Adult Responsibilities Curriculum Guide, Home Economics
1727 World Geography Curriculum Guide	World Geography Curriculum Guide Map Supplement ('85)
1771 Competency Based Data Processing Curriculum Guide	Data Processing Curriculum Guide
1775 Child Care Curriculum Guide	Child Care Curriculum Guide, Home Economics
1776 Exploratory Homemaking Curriculum Guide	Exploratory Homemaking Curriculum Guide 7-8
1781 Competency Based Record Keeping Guide	Record Keeping Guide
1803 Advanced Electricity Curriculum Guide	Advanced Electricity Micro Processors and Robotics Curriculum Guide

Em Tampke  
Executive Director

**DECLARATION OF EMERGENCY**

**Board of Elementary and Secondary Education  
Amendments to Nonpublic School Standards**

The State Board of Elementary and Secondary Education at its meeting of June 28, 1990, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B and approved an amendment to the nonpublic school standards to conform with the public standard 2.090.08 of Bulletin 741 to state that "Beginning with the 1990-91 school year, Introduction to Algebra (Bulletin 1802) shall be required in the area of mathematics for all eighth grade students," and also with public standards 2.099.01 and 2.105.15 (Bulletin 741) to provide that "Credit in Integrated Algebra/Geometry can count as one of the three units in mathematics required for high school graduation."

Emergency adoption of these amendments is required in order for the amendments to be in place for the 1990-91 school year. Effective date of the emergency rule is July 20, 1990.

Em Tampke  
Executive Director

## DECLARATION OF EMERGENCY

### Board of Elementary and Secondary Education

Proposed Revised Bulletin 1134

The State Board of Elementary and Secondary Education, at its meeting of June 28, 1990, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R. S. 49:953B and approved the revised Bulletin 1134, *Standards and Guidelines for Library Media Programs in Louisiana Schools*.

This document may be seen in its entirety in the Office of the Louisiana Register, the Office of the State Board of Elementary and Secondary Education, located in the Education Building in Baton Rouge, Louisiana, or in the Office of Educational Support Programs located in the Department of Education Building in Baton Rouge, Louisiana.

Emergency adoption is necessary in order for Bulletin 1134 to be in the hands of school librarians before the beginning of the school year. Effective date of emergency rule is July 20, 1990.

Em Tampke  
Executive Director

## DECLARATION OF EMERGENCY

### Board of Elementary and Secondary Education Amendment to Bulletin 1213, Minimum Standards for School Buses in Louisiana

The State Board of Elementary and Secondary Education, at its meeting of June 28, 1990, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B and approved an amendment to Bulletin 1213, *Minimum Standards for School Buses in Louisiana* to add an option for using low profile tires on 35-passenger handicapped buses (special education) (225/70 R. 19.5) as recommended by the department.

This amendment is adopted as an emergency rule, effective July 20, 1990, in order to allow for school systems and contracted bus drivers to purchase school buses with low profile tires needed for the 1990-91 school year.

Em Tampke  
Executive Director

## DECLARATION OF EMERGENCY

### Board of Elementary and Secondary Education

Amendments to Bulletin 1794  
Textbook Adoption Policy and Procedures

The State Board of Elementary and Secondary Education, at its meeting of June 28, 1990, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B and approved the following amendments to textbook adoption procedures, effective June 28, 1990:

1. Beginning with the 1990-91 adoption and all other adoptions thereafter, materials presented to the State Textbook Adoption Committees, except for special education, will be limited to basal textbooks and ancillary materials that accompany the basal program; that, except for special education, no supplementary material will be adopted by the State Textbook Adoption Committees; and a parish may use up to, but not to exceed, 10 percent of the textbook allotment for non-adopted supplementary materials.

2. In the 1990-91 adoption and all other adoptions thereafter, all titles approved through the state textbook adoption process will carry a definite contract not to exceed seven years.

Emergency adoption is necessary because of the need to incorporate these changes for the 1990-91 state textbook adoption. The adoption process begins in July, with an invitation to bid extended to the textbook publishers for materials in the specified subject areas. Delay of adoption of this rule would not allow the recommended changes to be incorporated in the textbook adoption for 1990-91 and the department would have to wait six years before implementing these changes in areas such as Math, Agriculture, Foreign Language, etc.

Em Tampke  
Executive Director

## DECLARATION OF EMERGENCY

### Board of Elementary and Secondary Education

Bulletin 1868, BESE Personnel Manual

The State Board of Elementary and Secondary Education, at its meeting of June 28, 1990, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R. S. 49:953B and approved Bulletin 1868, Personnel Manual for the State Board of Elementary and Secondary Education, effective July 1, 1990.

Policies in Bulletin 1868, apply to personnel under the jurisdiction of the State Board in the Board Special Schools, in the entities comprising Special School District #1, exclusive of the central office staff; and in entities of the vocational-technical system, exclusive of the Assistant Superintendent for Vocational Education and related State Department staff.

This emergency rule has been published in its entirety in Part II of this issue of the *Louisiana Register*.

Emergency adoption is necessary because the personnel policies apply to employees whose new year of employment begins July 1, 1990.

Em Tampke  
Executive Director

### DECLARATION OF EMERGENCY

#### Board of Elementary and Secondary Education

Louisiana Teaching Internship Program (LTIP) and  
Louisiana Teacher  
Evaluation Program (LaTEP) Policy and Implementation  
Guide

The State Board of Elementary and Secondary Education, at its meeting of June 28, 1990, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R. S. 49:953B and approved the Louisiana Teacher Internship Program (LTIP) and the Louisiana Teacher Evaluation Program (LaTEP) Policy and Implementation Guide which includes the due process component policy and implementation guide.

The LTIP/LaTEP Policy and Implementation Guide is established by the Louisiana Department of Education to incorporate the requirements of the Louisiana Teaching Internship Law and the Teacher Evaluation Program mandated by the "Children First" Act. The policies and procedures in the Guide are designed to facilitate the implementation of LTIP and LaTEP.

This emergency rule has been published in its entirety in Part II of this issue of the *Louisiana Register*.

Emergency adoption is necessary because implementation is scheduled for the 1990-91 school year and time is needed to print, disseminate and to provide inservice to LEA personnel on the Guide. Effective date of the emergency rule is July 20, 1990.

Em Tampke  
Executive Director

### DECLARATION OF EMERGENCY

#### Board of Elementary and Secondary Education

OSIRIS Statewide Standard for School Management  
Software

The State Board of Elementary and Secondary Education, at its meeting of June 28, 1990, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B and approved "OSIRIS" as the statewide standard for school management software.

The OSIRIS standard will allow LEAs to proceed with their plans to purchase and implement OSIRIS software in a timely manner, before the beginning of school in FY 90-91.

Emergency adoption is necessary in order to assure that the LEAs are prepared for implementation of the Student

Information System within the 1990-91 school year. Effective date of emergency rule is July 20, 1990.

Em Tampke  
Executive Director

### DECLARATION OF EMERGENCY

#### Board of Elementary and Secondary Education

System for Teaching and Learning Assessment  
and Review (STAR)

The State Board of Elementary and Secondary Education, at its meeting of June 28, 1990, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R. S. 49:953B and approved the System for Teaching and Learning Assessment and Review (STAR), Assessment Instrument for the Teaching Internship (TIP) and Teacher Evaluation Program (TEP).

This document is designed for use by educators as they participate in professional development programs to be certified as STAR assessors and as they work with teachers to make assessment decisions about the quality of teaching and learning. It includes information about the conceptual basis, content and structure of the STAR, pertinent research and development activities designed to support the professional credibility of the STAR, and information about the STAR assessment process as well.

This document has been published in its entirety in Part II of this issue of the *Louisiana Register*.

Emergency adoption is necessary because implementation of LTIP/LaTEP is scheduled for the 1990-91 school year and time is needed to print, disseminate and provide inservice to LEA personnel on the STAR. Effective date of emergency rule is July 20, 1990.

Em Tampke  
Executive Director

### DECLARATION OF EMERGENCY

#### Board of Elementary and Secondary Education

Tuition Exemption Continuing Education  
Program for Teachers

The State Board of Elementary and Secondary Education, at its meeting of June 28, 1990, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B and approved the regulations for the Teacher Exemption Continuing Education Program for Teachers, effective July 20, 1990.

Emergency adoption of the regulations is necessary in order that the revised guidelines can go into effect for the Fall, 1990 Semester.

**TUITION EXEMPTION CONTINUING EDUCATION  
PROGRAM FOR TEACHERS**

**I. INTRODUCTION**

The Louisiana Legislature, during the Regular Session of 1986, passed Act 1010 (R.S. 17:7.3 (a) and (c)). This statute provides for a continuing education program at Louisiana colleges and universities under which four-year degreed teachers may take courses in their teaching areas. The Teacher Tuition Exemption Program is funded through the Louisiana Quality Education Support Fund 8(g). Regulations for the Tuition Exemption Program, adopted by the Board of Elementary and Secondary Education, are subject to administrative interpretation by the Louisiana Department of Education, Bureau of Continuing Education, Box 94064, Baton Rouge, LA. 70804-9064, telephone (504) 342-3414.

**II. APPLICATION FORMS**

**A. DISTRIBUTION**

1. The Louisiana Department of Education prepares and distributes the forms.
2. Participating parish or city school systems receive forms from the Department of Education.
3. Participating schools receive forms from either the parish or city school board office.
4. Participating applicants obtain forms from either the employing school or school board office. Regulations are to be posted and disseminated to the teachers at the employing school.

**B. COMPLETION**

1. Read the directions on the application.
2. Complete Section I and sign.
3. Have the employing authority complete Section II and sign.
4. Have the university official complete Section III and sign.
5. Present the application to appropriate university officials. (You must inquire at the Registrar's Office at the university in which you plan to enroll as to the specific university official to whom this form is submitted.)

C. If the application form is incomplete, inaccurate, or submitted to the university past the deadline date, the applicant will be declared ineligible and must pay the tuition costs. Only the current form will be accepted.

\*D. If an applicant lists more courses than he/she is allowed during a semester the first eligible course(s) listed will be considered eligible for tuition exemption.

NOTE: All statements preceded with an asterisk(\*) indicate clarifications or additions to the current guidelines.

**III. DEADLINES**

**A. Applications and Courses**

1. Regular Semester or Quarter
  - a. Application forms must be submitted to the specific university official no later than the tenth official university class day.
  - b. Courses to be reimbursed shall be courses for credit that begin and end within a regular semester or quarter session and that meet the time requirements established by the Board of Trustees for the State's Colleges and Universities.
2. Summer Session
  - a. Application forms must be submitted to the specific university official no later than the tenth official university class day.
  - b. Courses to be reimbursed shall be courses for

credit that begin and end within a regular, summer or quarter session and that meet the time requirements established by the Board of Trustees for the State's Colleges and Universities.

3. Application forms for classes for which registration is held at a time later than regular registration must be submitted during registration or on the first day of the class. Universities will submit these application forms as a supplemental billing.

**B. UNSUCCESSFULLY COMPLETED COURSES**

1. By the end of the semester, applicants who do not successfully complete the course for which tuition exemption was applied must pay the tuition as determined by the college or university in which the applicant was enrolled.

2. Applicants who drop, withdraw, or resign from courses will be billed the tuition amount as determined by the university by the Louisiana Department of Education.

\*3. If an applicant drops a course and/or adds a course, this change must be made on the Teacher Tuition Exemption Application Form within 10 days after the first day of class.

\*4. If an applicant drops a course within the university refund period, the application must be withdrawn by the university prior to the State Department of Education review. If this is not done and the university is paid for the student, the university must reimburse the State Department of Education.

**IV. ELIGIBILITY**

**A. PARTICIPANTS**

Any full-time, four-year degreed, elementary or secondary classroom teacher who is regularly employed or on approved leave from a state-approved public or non-public elementary or secondary school, listed on the annual school report as a member of the faculty of a state-approved public or non-public elementary or secondary school under the jurisdiction of the State Board of Elementary and Secondary Education, is eligible. For purposes of this program only, "teacher" does not include assessment teacher; school psychologist or other ancillary personnel who do not hold Louisiana teaching certificates; administrator; supervisor; or non-degreed VTIE personnel.

\*Applicants receiving other financial assistance (i.e. stipends, graduate assistantships) specified for tuition/registration costs are ineligible for teacher tuition exemption.

**B. COLLEGES AND UNIVERSITIES**

Tuition reimbursement shall be limited to the following Louisiana colleges and universities as specified in Act 1010:

Delgado College	Northeast Louisiana Univ.
Grambling State Univ.	Northwestern State Univ.
Louisiana State Univ./Alexandria	Southeastern Louisiana Univ.
Louisiana State Univ./Baton Rouge	Southern Univ./Baton Rouge
Louisiana State Univ./Eunice	Southern Univ./New Orleans
Louisiana State Univ./Shreveport	Southern Univ./Shreveport
Louisiana Tech University	University of New Orleans
McNeese State University	Univ. of Southwestern LA.
Nicholls State University	Centenary College
Our Lady of Holy Cross College	Tulane University
Dillard University	Xavier University
Louisiana College	Loyola University

Application for admission to colleges and universities must be in compliance with the colleges' or universities' regulations, entrance requirements, deadlines, and any other conditions for admission.

### C. COURSES

1. Credit courses in the applicant's area of certification in job assignment, or courses outside these areas, specifically in the area(s) of critical shortage, as approved in writing by the superintendent of that city or parish school system are eligible. Final review/approval of courses shall be the responsibility of the Louisiana Department of Education, Bureau of Continuing Education.

\*2 Course load shall not exceed one regular semester or quarter course offering for each fall or spring session nor two course offerings in the summer session, if funds are available.

\*3. Course load for applicants who are on approved sabbatical leave for educational purposes shall not exceed three course offerings for each fall/spring session that the applicant is on such leave, if funds are available.

4. Core courses for applicants in pursuit of an advanced degree are as follows (only one of each is permissible):

- a. Tests and Measurements
- b. Educational Psychology
- c. Educational Research (how to do research)
- d. Curriculum and Instruction
- e. Philosophy of Education
- f. Statistics (educational)
- g. History of Education
- \*h. Introduction to Computer Literacy
- \*i. Introduction to the Education of Exceptional Children
- \*j. Reading in content areas.

5. Any coursework required of an applicant as a result of an unsatisfactory evaluation pursuant to direction from his employing school board.

6. Media courses which are live interactive courses are approved for teacher tuition exemption. The courses must be for three hours of graduate college credit approved by the university or college governing board. The Department of Education requires that a course outline be provided to the Bureau of Continuing Education prior to Department of Education teacher tuition exemption approval.

### D. TUITION

\*1. Tuition, for the purposes of this program, is defined as the building use fee per semester hour. The state will not reimburse for student activity fees. Tuition exemption shall be limited to the amount of tuition assessed for on-campus courses. A portion of this amount for a course is not allowed.

2. Reimbursement shall be made to the colleges and universities by the State Department of Education from state-appropriated 8(g) funds.

3. Public and nonpublic teachers are eligible to receive a waiver for tuition (registration fee and building use fee per semester hour). The amount paid by the state for any tuition imposed by or applicable to the nonpublic college shall be equal to but not greater than the highest tuition charged by a public college or university in this state.

### V. INELIGIBILITY

Reimbursement shall not be paid on the following:

1. Courses that are not successfully completed by the end of the semester or quarter.
2. Non-credit courses or audit courses.
3. Non-instructional credit courses such as examination courses.

4. Courses in theology or divinity.

5. Courses in administration or supervision (Supervision of Student Teaching only if deemed a critical shortage area by the city/parish superintendent).

6. Correspondence courses.

7. Dropped, failed, or incomplete courses.

NOTE: If, within 60 days after the close of the semester, the "I" is removed, no payment of tuition will be demanded. The student will be responsible for providing to the Bureau of Continuing Education written verification including the student's name, address, Social Security Number and grade from the Office of the Registrar that the "I" has been removed within the designated time.

8. Courses for which application forms were submitted to the university past the deadline date.

9. Courses for which application forms were incomplete or inaccurate.

10. Courses for applicants who are declared ineligible to participate.

11. Courses for which funds are not appropriated.

12. Courses for applicants who are receiving retirement funds from a state retirement system.

13. Courses that do not meet the time/class meeting requirements set forth by the Board of Trustees for the State's Colleges and Universities.

\*14. Courses taken by independent study (The single exception is in the case of either thesis or dissertation research.) Tuition reimbursement may be made for only three hours of independent study and the topic of the research must be directly related to the applicant's current job assignment. Verification in writing must be made by the applicant's major professor and attached to the application prior to approval by the State Department of Education. No approval will be made for topics related to administration or supervision.

15. Courses for which the participant is not eligible under these guidelines.

16. Courses involving infractions of the tuition exemption regulations or university policy.

17. Courses taken by teachers who are in default to the State of Louisiana for the Professional Improvement Program (PIP) or the Tuition Exemption Program as it existed prior to July 1, 1985, or the present Tuition Exemption Program.

### VI. APPEALS

A. Any applicant who is denied tuition exemption for a college course may appeal the Louisiana Department of Education, Bureau of Continuing Education, Box 94064, Baton Rouge, LA. 70804-9064, no later than 15 days following the date of notification of denial from the university.

B. Any applicant who is denied tuition exemption by the Department of Education for a college course shall have a right to a due process appeal before the State Board of Elementary and Secondary Education. The applicant should contact the executive director of the State Board of Elementary and Secondary Education, Box 94064, Baton Rouge, LA. 70804-9064, no later than 15 days following the notification of denial from the Department of Education.

### VII. COLLEGE AND UNIVERSITY PROCEDURES

A. At the time of registration, the applicant shall be exempt from paying tuition for eligible course work covered in this program.

B. The last date for the colleges and the universities to

accept applications for tuition exemption shall be the tenth official university class day of a regular semester or quarter or summer session.

\*C. Each college and university shall submit to the Department of Education, on the tenth day of class of each fall and spring session, an invoice equal to one-half of the amount of tuition assessed to that university. Within 20 days after the close of the semester, the college/university shall submit a final billing together with an alphabetical list of the names and addresses of applicants who received a W, F, or I grade, final payments to the university will be withheld until the reports are received. Invoicing for the summer session is covered in the following paragraph "D."

D. All 8(g) funds for the Teacher Tuition Exemption Program are strictly limited to services rendered within the fiscal year, July 1 through June 30. Summer sessions generally cover portions of June, July, and August; therefore, the tuition reimbursement invoice issued by a university or college must be prorated. The first invoice will cover the summer session only through June 30 and will be applied against the current fiscal year budget. The remainder of the summer session tuition invoice covering the period starting July 1 to the end of the summer session will be paid from 8(g) funds in the following fiscal year.

Em Tampke  
Executive Director

## DECLARATION OF EMERGENCY

### Office of the Governor Division of Administration Commissioner's Office

Policy and Procedure Memorandum 49

#### I. Introduction

##### A. Authorization and Legal Basis

In accordance with the authority vested in the commissioner of administration by Section 231 of Title 39 of the Revised Statutes of 1950 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950-968 as amended, notice is hereby given of the revision of Policy and Procedure Memorandum No. 49, the state general travel regulations, effective July 1, 1990. These amendments are both technical and substantive in nature and are intended to clarify certain portions of the previous regulations or provide for more efficient administration of travel policies. These regulations apply to all state departments, boards and commissions created by the legislature or executive order and operating from funds appropriated, dedicated, or self-sustaining; federal funds; or funds generated from any other source.

Legal Basis--R.S. 39:231--"The commissioner, with the approval of the governor, shall prescribe rules defining the conditions under which each of various forms of transportation may be used by state officers and employees and used by them in the discharge of the duties of their respective offices and positions in the state service and he shall define the conditions under which allowances will be granted for all other classes of traveling expenses and the maximum amount allowable for expenses of each class."

#### B. General Specifications

##### 1. Department Policies

Department heads may establish travel regulations within their respective agencies, but such regulations shall not exceed the maximum limitations established by the commissioner of administration. Three copies of such regulations shall be submitted for prior review and approval by the commissioner of administration.

2. Department and agency heads will take whatever action necessary to minimize all travel to carry on the department mission.

##### 3. Contracted Travel Services

The state has contracted for travel-related services which must be used unless exemptions have been granted by the Division of Administration. Reservations for in-state hotel/motel accommodations are not required to be made through the contracted travel agencies.

##### 4. Authorization to Travel

a. All travel must be authorized and approved in writing by the head of the department, board, or commission from whose funds the traveler is paid. A department head may delegate this authority in writing to one designated person. Additional persons within a department may be designated with approval from the commissioner of administration. A file shall be maintained on all approved travel authorizations.

b. An annual authorization for routine travel shall not cover travel between an employee's home and workplace, out-of-state travel, or travel to conferences or conventions.

##### 5. Funds for Travel Expenses

Persons traveling on official business will provide themselves with sufficient funds for all routine travel expenses that can be covered by the corporate credit card. Advances of funds for travel shall be made only for extraordinary travel and should be punctually repaid when submitting the travel voucher covering the related travel, not later than the fifteenth day of the month following the completion of travel. EXEMPTIONS: Cash advances may be allowed for:

- a. employees whose salary is less than \$15,000/year;
- b. employees who applied for the state-sponsored corporate credit card program but were rejected (proof of rejection must be available in agency travel file);
- c. employees who accompany and/or are responsible for students on group or client travel;
- d. new employees who have not had time to apply for and receive the card;
- e. employees traveling for extended periods;
- f. employees traveling to remote destinations in foreign countries, such as jungles of Peru or Bolivia;
- g. advance ticket purchase (until a business travel account with a corporate credit card can be established);
- h. registration for seminars, conferences, and conventions;
- i. incidental costs not covered by the corporate credit card i.e. taxi fares, tolls, registration fees; conference fees may be submitted on a preliminary request for reimbursement when paid in advance;
- j. any ticket booked by a traveler 30 days or more in advance and for which the traveler has been billed, may be reimbursed by the agency to the traveler on a preliminary expense reimbursement request. The traveler should submit the request with a copy of the bill or invoice. All backup data (ticket stub or traveler's copy) must be attached to the final reimbursement request.

## 6. Expenses Incurred on State Business

Traveling expenses of travelers shall be limited to those expenses necessarily incurred by them in the performance of a public purpose authorized by law to be performed by the agency and must be within the limitations prescribed herein.

## 7. State Credit Cards (Issued in the name of the agency only)

Credit cards issued in the name of the state agency are not to be used for the purpose of securing transportation, lodging, meals, or telephone and telegraph service, unless prior written permission has been obtained from the commissioner of administration.

## 8. No Reimbursement when no Cost Incurred by Traveler

No claim for reimbursement shall be made for any lodging and/or meals furnished at a state institution or other state agency, or furnished by any other party at no cost to the traveler. In no case will a traveler be allowed mileage or transportation when he/she is gratuitously transported by another person.

### C. Claims for Reimbursement

All claims for reimbursement for travel shall be submitted on state Form BA-12, unless exception has been granted by the commissioner of administration, and shall include all details provided for on the form. It must be signed by the person claiming reimbursement and approved by his/her immediate supervisor. The purpose for extra and unusual travel must be stated in the space provided on the front of the form. In all cases the date and hour of departure from and return to domicile must be shown.

2. Excepting where the cost of air transportation, conference, or seminar is invoiced directly to the agency/department, all expenses incurred on any official trip shall be paid by the traveler and his travel voucher shall show all such expenses in detail to the end that the total cost of the trip shall be reflected by the travel voucher. If the cost of air transportation is paid directly by the agency/department, a notation will be indicated on the travel voucher indicating the date of travel, destination, amount, and the fact that it has been paid by the agency/department. The traveler's copy of the passenger ticket shall be attached to the travel voucher.

3. In all cases, and under any travel status, cost of meals and lodging shall be paid by the traveler and claimed on the travel voucher for reimbursement, and not charged to the state department, unless otherwise authorized by the Division of Administration.

4. Claims should be submitted within the month following the travel, but preferably held until a reimbursement of at least \$10 is due. In no case shall reimbursement for travel in a previous fiscal year be paid from current year appropriations unless funds have been specifically reserved for that purpose.

5. Any person who submits a claim pursuant to these regulations and who willfully makes and subscribes to any claim which he/she does not believe to be true and correct as to every material matter, or who willfully aids or assists in, or procures, counsels or advises the preparation or presentation of a claim which is fraudulent or is false as to any material matter shall be guilty of official misconduct. Whoever shall receive an allowance or reimbursement by means of a false claim shall be subject to severe disciplinary action as well as being criminally and civilly liable within the provisions of state law.

## II. Definitions

For the purposes of this PPM, the following words have the meaning indicated.

### A. State Officer

1. State elected officials.

2. Department head as defined by Title 36 of the Louisiana Revised Statutes (secretary, deputy secretary, under-secretary, assistant secretary, and the equivalent positions in higher education and the office of elected officials).

B. *State Employee* — Employees below the level of state officer.

### C. Authorized Persons

1. Advisors, consultants, or other persons who are called upon to contribute time and services to the state who are not otherwise required to be reimbursed through a contract for professional, personal, or consulting services in accordance with R.S. 39:1481 et seq.

2. Members of boards, commissions, and advisory councils required by federal or state legislation or regulation. Travel allowance levels for all such members and any staff shall be those authorized for state employees unless specific allowances are legislatively provided.

### D. Official Domicile

Every state officer, employee, and authorized person, except those on temporary assignment, shall be assigned an official domicile.

2. Except where fixed by law, official domicile of an officer or employee assigned to an office shall be, at a minimum, the city limits in which the office is located. The department head or his designee should determine the extent of any surrounding area to be included, such as parish or region. As a guideline, a radius of at least 30 miles is recommended. The official domicile of an authorized person shall be the city in which the person resides, except when the department head has designated another location (such as the person's workplace).

3. A traveler whose residence is other than the office domicile of his/her office shall not receive travel and subsistence while at his/her official domicile nor shall he/she receive reimbursement for travel to and from his/her residence.

4. The official domicile of a person located in the field shall be the city or town nearest to the area where the majority of work is performed, or such city, town, or area as may be designated by the department head, provided that in all cases such designation must be in the best interests of the agency and not for the convenience of the person.

### E. Temporary Assignment

Any assignment made for a period of less than 31 consecutive days at a place other than the official domicile.

F. *Traveler* — A state officer, state employee, or authorized person when performing authorized travel.

G. *Travel Period* — A period of time between the time of departure and the time of return.

H. *Travel Routes* — The most direct and usually traveled route must be used by official state travelers. All mileage shall be computed on the basis of odometer readings from point of origin to point of return.

I. *In-State Travel* — All travel within the borders of Louisiana or travel through adjacent states between points within Louisiana when such is the most efficient route.

J. *Out-of-State Travel* — Travel to any of the other 49 states plus District of Columbia, Puerto Rico and the Virgin Islands.

K. *Emergency Travel* — Under extraordinary circum-

stances where the best interests of the state require that travel be undertaken not in compliance with these regulations, approval after the fact by the commissioner of administration may be given if appropriate documentation is presented promptly. Each department shall establish internal procedures for authorizing travel in emergency situations.

L. *International Travel* — All travel to destinations outside the 50 United States, District of Columbia, Puerto Rico and the Virgin Islands.

M. *Per Diem* — A flat rate paid in lieu of travel reimbursement for people on extended stays.

N. *Conference/Convention* — A conference/convention is herein defined as a meeting for a specific purpose and/or objective. Documentation required is a formal agenda and/or program.

O. *Extended Stays* — Any assignment made for a period of 31 or more consecutive days at a place other than the official domicile.

#### IV. Methods of Transportation

The most cost-effective method of transportation that will accomplish the purpose of the travel shall be selected. Among the factors to be considered should be length of travel time, cost of operation of a vehicle, cost and availability of common carrier services, etc.

##### A. Air

1. Common carrier shall be used for out-of-state travel unless it is documented that utilization of another method of travel is more cost-efficient or practical and approved in accordance with these regulations.

2. Before travel by privately-owned or by chartered aircraft is authorized by a department head, the traveler shall certify that: 1) at least one hour of working time will be saved by such travel and 2) no other form of transportation, such as commercial air travel or a state plane, will serve this same purpose.

3. a. Chartering a privately-owned aircraft must be in accordance with the Procurement Code.

b. Reimbursement for use of a chartered or unchartered privately-owned aircraft under the above guidelines will be made on the basis of 24 cents per mile or the lesser of commercial air at state contract rate or coach/economy rates unless there are extenuating circumstances which must be approved by the commissioner of administration.

c. When common carrier services are unavailable and time is at a premium, travel via state aircraft shall be investigated, and such investigation shall be documented and readily available in the department's travel reimbursement files. Optimum utilization will be the responsibility of the department head.

4. Commercial air travel will not be reimbursed in excess of state contract air rates when available, or coach/economy class rates when contract rates are not available. The difference between contract or coach/economy class rates and first class or business class rates will be paid by the traveler. If space is not available in less than first or business class air accommodations in time to carry out the purpose of the travel, the traveler will secure a certification from the airline indicating this fact. The certification will be attached to the travel voucher.

a. The state encourages but does not require use of lowest priced airfares where circumstances which can be documented dictate otherwise.

b. Where a stopover is required to qualify for a low-

priced airfare, the state will pay additional lodging and meals expense subject to applicable limits where a net savings in total trip expenses results from use of the low-priced airfare. For determining whether there is a savings, the state contract airfare should be used for comparison, or coach/economy fare if there is no contract rate. The comparison must be shown on the travel voucher.

c. The policy regarding airfare penalties is the state will pay the penalty incurred for a change in plans or cancellation only when the change or cancellation is required by the state. Certification of the requirement for the change or cancellation by the traveler's department head is required on the travel voucher.

d. For international travel only, when an international flight segment is more than 10 hours in duration, the state will allow the business class rate not to exceed 10 percent of the coach rate. The traveler's itinerary provided by the travel agency must document the flight segment as more than 10 hours and must be attached to the travel voucher.

##### B. Motor Vehicle

No vehicle may be operated in violation of state or local laws. No traveler may operate a vehicle without having in his/her possession a valid state driver's license.

If available, safety restraints shall be used by the driver and passengers of vehicles. All accidents, major and minor, shall be reported first to the local police department or appropriate law enforcement agency. An accident report form, available from the Office of Risk Management (ORM) of the Division of Administration, should be completed as soon as possible and returned to ORM, together with names and addresses of principals and witnesses. Any questions about this should be addressed to the Office of Risk Management of the Division of Administration. These reports shall be in addition to reporting the accident to the Department of Public Safety as required by law.

##### 1. State-Owned Vehicles

a. All purchases made on state gasoline credit cards must be signed for by the approved traveler making the purchase. The license number and the unit price and quantity of the commodity purchases must be noted on the delivery ticket by the vendor. Items incidental to the operation of the vehicle may be purchased via state gasoline credit cards only when away from official domicile on travel status. In all instances where a credit card is used to purchase items or services which are incidental to the operation of a vehicle, the tissue copy of the credit ticket along with a written explanation of the reason for the purchase will be attached to the monthly report mentioned in this Subsection.

State-owned credit cards will not be issued to travelers for use in the operation of privately-owned vehicles.

b. Travelers in state-owned automobiles who purchase needed repairs and equipment while on travel status shall make use of all fleet discount allowances and state bulk purchasing contracts where applicable. Each agency/department shall familiarize itself with the existence of such allowances and/or contracts and location of vendors by contacting the Purchasing Office, Division of Administration.

c. The travel coordinator/officer/user of each state-owned automobile shall submit a monthly report to the department head, board, or commission indicating the number of miles traveled, odometer reading, credit card charges, dates, and places visited.

d. State-owned vehicles may be used for out-of-state



travel only if permission of the department head has been given prior to departure. If a state-owned vehicle is to be used to travel to a destination more than 500 miles from its usual location, documentation that this is the most cost-effective means of travel should be readily available in the department's travel reimbursement files.

e. Unauthorized persons should not be transported in state vehicles. Approval of exceptions to this policy may be made by the traveler's supervisor if he determines that the best interest of the state will be served and if the passenger (or passenger's guardian) signs a statement acknowledging the fact that the state assumes no liability for any loss, injury, or death resulting from said travel.

## 2. Personally-Owned Vehicles

a. When two or more persons travel in the same personally-owned vehicle, only one charge will be allowed for the expense of the vehicle. The person claiming reimbursement shall report the names of the other passengers.

b. A mileage allowance shall be authorized for travelers approved to use personally-owned vehicles while in the conduct of official state business. Mileage shall be reimbursable on the basis of 24 cents per mile.

c. The department head or his designee may approve an authorization for routine travel for an employee who must travel in the course of performing his/her duties; this may include domicile travel if such is a regular and necessary part of the employee's duties, but not for attendance at infrequent or irregular meetings, etc. Within the city limits where his/her office is located, the employee may be reimbursed for mileage only.

d. When the use of a privately-owned vehicle has been approved by the department head for out-of-state travel, the traveler will be reimbursed for in-route expenses inclusive of meals, lodging, and mileage on the basis of 24 cents per mile. The total cost may not exceed the cost of travel by State Contract air rates or coach rate if no contract rate is available.

e. When a traveler is required to regularly use his/her personally-owned vehicle for agency activities, the agency head may request authorization from the commissioner of administration for a lump sum allowance for transportation or reimbursement for transportation (mileage). Request for lump sum allowance must be accompanied by a detailed account of routine travel listing exact mileage for each such route. Miscellaneous travel must be justified by at least a three-month travel history to include a complete mileage log for all travel incurred, showing all points traveled to or from and the exact mileage. Requests for lump sum allowance shall be granted for periods not to exceed one fiscal year.

f. The traveler shall be required to pay all operating expenses of the vehicle including fuel, repairs, and insurance.

## 3. Rented Motor Vehicles

a. Written approval of the department head prior to departure is required for the rental of vehicles. Such approval may be given when it is shown that vehicle rental is the only or most economical means by which the purpose of the trip can be accomplished. In each instance, documentation showing cost effectiveness of available options must be readily available in the department's travel reimbursement files. This authority shall not be delegated to any other person.

b. Only the cost of rental of subcompact or compact models is reimbursable, unless 1) non-availability is documented, 2) the vehicle will be used to transport more than

three persons or 3) the cost of a larger vehicle is no more than the rental rate for a subcompact or compact.

c. Collision Deductible Waiver (CDW) is not reimbursable for domestic travel. At the discretion of the department head, CDW costs may be reimbursed for international travel. Should a collision occur while on official state business, the cost of the deductible should be paid by the traveler and reimbursement claimed on a travel expense voucher. The accident should also be reported to the Office of Risk Management (see methods of transportation-motor vehicles).

d. Personal accident insurance when renting a vehicle is not reimbursable. Employees are covered under workmen's compensation while on official state business.

e. Any personal mileage on a vehicle rented for official state business is not reimbursable and shall be deducted.

## C. Public Ground Transportation

The cost of public ground transportation such as buses, subways, airport limousines, and taxis is reimbursable when the expenses are incurred as part of approved state travel. Receipts are required for an aggregate of \$20 and over.

## VI. Reimbursement for Lodging and Meals

### A. Eligibility

#### 1. Official Domicile/Temporary Assignment

Travelers are eligible to receive reimbursement for travel only when away from "official domicile" or on temporary assignment unless exception is granted in accordance with these regulations. Temporary assignments will be deemed to have ceased after a period of 31 calendar days, and after such period the place of assignment shall be deemed to be his/her official domicile. He/She shall not be allowed travel and subsistence unless permission to extend the 31-day period has been previously secured from the commissioner of administration.

#### 2. Travel Period

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

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

b. Lunch: No reimbursement shall be made for lunch for travel except when travel extends over at least one night or if traveler is eligible for both the breakfast and dinner meals. If travel extends overnight, lunch may be reimbursed for those days where travel begins at/or before 10 a.m. on the first day of travel, or extends beyond 2 p.m. on the last day of travel, and for any intervening days.

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

### B. Exceptions

#### 1. Twenty Percent Over Allowances

Department heads may allow their employees to exceed the lodging and meal provisions of these regulations by no more than 20 percent on a case-by-case basis. Each case must be fully documented as to necessity (e.g. proximity to meeting place) and cost effectiveness of alternative options. Documentation must be readily available in the department's travel reimbursement files. This authority shall not be delegated to any other person. Reimbursement requests must be accompanied by receipts.

#### 2. Actual Expenses for State Officers

State officers and others so authorized by statute or individual exception will be reimbursed on an actual ex-

penses basis for meals and lodging except in cases where other provisions for reimbursement have been made by statute. The request for reimbursement must be accompanied by a receipt or other supporting document for each item claimed and shall not be extravagant and will be reasonable in relationship to the purpose of the travel.

C. Meals (Including Tips)

Travelers may be reimbursed up to the following amounts for meals:

In-State	Out-of-State (including New Orleans)	
Breakfast	\$ 5	\$ 6
Lunch	\$ 6	\$ 8
Dinner	<u>\$10</u>	<u>\$16</u>
	\$21	\$30

Receipts are not required for routine meals within these allowances. Number of meals claimed must be shown on travel voucher. If meals of state officials exceed these allowances, receipts are required.

D. Lodging (Plus Tax, Receipts Required)

Actual-not to exceed

\$40 In-state (except New Orleans)

\$55 Out-of-state (including New Orleans)

\$80 High cost (Baltimore, Atlanta, Cleveland, Dallas, Denver, Detroit, Los Angeles, Miami, Philadelphia, Phoenix, Pittsburgh, San Diego, St. Louis, Seattle, all of Hawaii)\*

\$95 Extra high cost (Boston, Chicago, San Francisco, Washington D.C.)\*

\$125 New York City\*

\* The inclusion of suburbs of these cities shall be determined by the department head on a case-by-case basis.

E. Conference Lodging

Travelers may be reimbursed actual expenses for conference lodging not to exceed the following rates per day. Receipts from a bona fide hotel or motel for lodging shall be submitted and attached to the travel voucher.

\$ 95 Boston, Chicago, San Francisco, Washington, D.C.

\$125 New York City

\$ 50 In-state

\$ 65 New Orleans

\$ 80 All other out-of-state

F. Extended Stays

For travel assignment involving duty for extended periods at a fixed location, the reimbursement rates indicated should be adjusted downward whenever possible. Claims for meals and lodging may be reported on a per diem basis supported by lodging receipts. Care should be exercised to prevent allowing rates in excess of those required to meet the necessary authorized subsistence expenses. It is the responsibility of each agency head to authorize only such travel allowances as are justified by the circumstances affecting the travel.

VII. Reimbursement for other Expenses

The following expenses incidental to travel may be reimbursed:

A. communications expense relative to official state business (receipts required for over \$3);

B. charges for storage and handling of equipment;

C. tips for baggage handling not to exceed \$1.00 per bag;

D. travelers using motor vehicles on official state business will be reimbursed for necessary storage and parking

fees, ferry fares, and road and bridge tolls (receipts required for aggregate of \$5 and over);

E. room rental for a conference meeting using:

1. Procurement Code or

2. state contracted travel services;

F. registration fees at conferences (meals that are a designated integral part of the conference may be reimbursed on an actual expense basis with prior approval by the department head).

VIII. Special Meals

A. Reimbursement designed for those occasions when, as a matter of extraordinary courtesy or necessity, it is appropriate and in the best interest of the state to use public funds for provision of a meal to a person who is not otherwise eligible for such reimbursement and where reimbursement is not available from another source.

1. Visiting dignitaries or executive-level persons from other governmental units, and persons providing identified gratuity services to the state. This explicitly does not include normal visits, meetings, reviews, etc., by federal or local representatives.

2. Bona fide official business meetings at which a meal is served and it is required to meet during a meal hour.

3. Extraordinary situations when state employees are required by their supervisor to work more than a 12-hour weekday or a six-hour weekend (when such are not normal working hours to meet crucial deadlines or to handle emergencies).

B. All special meals must have prior approval from the commissioner of administration in order to be reimbursed, unless specific authority for approval has been delegated to a department head for a period not to exceed one fiscal year.

C. In such cases, the department will report on a semi-annual basis to the commissioner of administration all special meal reimbursements made during the previous six months. These reports must include, for each special meal, the name and title of the person receiving reimbursement, the name and title of each recipient, the cost of each meal and an explanation as to why the meal was in the best interest of the state. Renewal of such delegation will depend upon a review of all special meals authorized and paid during the period. Request to the commissioner for special meal authorization must include, under signature of the department head:

1. name and position/title of the state officer of employee requesting authority to incur expenses and assuming responsibility for such;

2. clear justification of the necessity and appropriateness of the request;

3. names, official titles and affiliations of all persons for whom reimbursement of meal expenses is being requested;

4. statement that allowances for meal reimbursement according to these regulations will be followed unless specific approval is received from the commissioner of administration to exceed this reimbursement limitation.

All of the following must be submitted for review and approval of the department head or their designee prior to reimbursement:

a. detailed breakdown of all expenses incurred, with appropriate receipt(s);

b. subtraction of cost of any alcoholic beverages;

c. copy of prior written approval from the commis-

sioner of administration;  
d. receipts.

**IX. International Travel**

All international travel must be approved by the commissioner of administration prior to departure, unless specific authority for approval has been delegated to a department head. Requests for approval must be accompanied by a detailed account of expected expenditures (such as room rate/day, meals, local transportation, etc.), the funding source from which reimbursement will be made, and an assessment of the adequacy of this source to meet such expenditures without curtailing subsequent travel plans.

International travelers will be reimbursed at the extra high-cost area rates for lodging and for meals at out-of-state rates, unless the necessity for incurring higher expenses is fully documented and approved by the commissioner of administration prior to departure. Receipts are required for lodging and for meals over the allowed rate.

**X. Waivers**

The commissioner of administration may waive in writing any provision in these regulations when the best interest of the state will be served.

Dennis Stine  
Commissioner of Administration

**DECLARATION OF EMERGENCY**

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

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

Current federal law requires states to offer Early and Periodic Screening Diagnosis, and Treatment services (EPSDT) to children meeting the requirements of Medicaid eligibility. Under the mandatory provisions of the Omnibus Budget Reconciliation Act of 1989, additional regulations pertinent to the EPSDT Program are specified. The new EPSDT requirements are an attempt to improve both access to EPSDT and the health status of low-income children by requiring that states provide medically necessary follow-up or treatment services.

Current requirements for a complete screening include a comprehensive health and developmental history (including assessment of both physical and mental health development), a comprehensive unclothed physical exam, appropriate immunizations according to age and health history, and laboratory tests (including blood lead level assessment appropriate for age and risk factors). The new regulations add health education to the listing of required services to be included in a complete screening, with anticipatory guidance specified as a component of the health education activity. The department is required to develop and implement guidelines for service provision.

This rule is necessary to implement mandatory federal regulations and prevent issuance of disallowances for EPSDT.

**RULE**

Screening service reimbursable under the Early and Periodic Screening, Diagnostic, and Treatment Program to Medicaid-eligible children under 21 years of age shall include health education (including anticipatory guidance) as a minimum component in addition to a comprehensive health and developmental history (including assessment of both physical and mental health development), a comprehensive unclothed physical exam, appropriate immunizations according to age and health history, and laboratory tests (including blood lead level assessment appropriate for age and risk factors).

David L. Ramsey  
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. 49:953B to adopt the following rule in the Medical Assistance Program.

Under the authority of Section 1915(c) of the Social Security Act created by Section 2176 of Public Law 97-35, the Omnibus Reconciliation Act of 1981, the Department of Health and Hospitals has obtained a Home and Community Based Services waiver designed to meet the needs of developmentally disabled individuals by providing an array of residential and family support services. Public Law 100-203, which mandates preadmission screening and annual resident review for nursing care to ensure that individuals with a diagnosis of mental illness or mental retardation receive appropriate levels of care, will result in the deinstitutionalization or diversion of many individuals now placed or applying for placement in nursing facilities (Long Term Care facilities other than an ICF/MR). Under this waiver, federal financial participation is approved under Title XIX (Medicaid) for family and community services as alternatives to institutionalization for a limited number of Medicaid eligible individuals with a developmental disability who would otherwise require an ICF/MR level of care. This includes all mandatory and categorically needy groups and uses the institutional income and resources regulations.

The waiver document, as approved, conforms to federal requirements and provides definitions of services, assurances, and documentation as specified in implementing regulations. The following services are included: personal care services, respite care, substitute family care, supervised independent living, and habilitative/supported employment. These services are designed to provide alternative residential living opportunities for individuals with developmental disabilities who currently reside in an ICF/MR or are in need of an ICF/MR level of care, including those removed from Long Term Care facilities other than an ICF/MR.

Under the terms of this waiver, a limited number (224

the first year, 334 the second year, and 442 the third year) of Medicaid eligible individuals with a developmental disability who would otherwise require an ICF/MR level of care could receive waiver services. Services to be provided are determined by an interdisciplinary team which formulates an individual plan of care (composed of an Individual Service Plan and an Individual Habilitation Plan) for each recipient. The per client expenditure is not to exceed the per client Medicaid expenditure that would have been spent if the client were in an ICF/MR.

The following services are to be provided:

#### 1. Personal Care Services

##### Definition of Services

Personal care services are those services which meet the needs of those diverted or deinstitutionalized recipients whose disabilities preclude the acquisition of certain independent living skills related to the activities of daily living. Examples of these activities include bathing, dressing, grooming, and food preparation. These services also include performance of tasks related to maintaining a safe, healthy, and stable living environment for recipients.

Personal care services include assisting recipients in transfer and/or ambulation, assisting with bladder and/or bowel requirements, and assisting in any services in the individual habilitation plan (IHP) or individual service plan (ISP). The IHP and/or ISP constitute the individual's Plan of Care.

##### Extent of Services

The frequency of personal care services and the number of hours to be provided to each recipient will be determined by an interdisciplinary team as defined in the waiver document. Either habilitative or other services will be specified on either an IHP or an ISP with programmatic approval by the Division of Mental Retardation/Developmental Disabilities (DMRDD). The IHP and/or ISP is subject to the approval of the Medicaid Bureau (Bureau of Health Services Financing) to determine that services are within the acceptable amount, duration, and scope of the waiver guidelines.

Personal care provider staff will participate as members of the interdisciplinary team and will assist in the development of goals and objectives for the IHP and/or ISP.

Providers of personal care services will be reimbursed for each approved unit of service provided. A unit of service for personal care will be one hour. Providers will not be allowed to bill for a unit of service unless at least one half hour of service has been provided. A maximum of 1,825 hours per recipient per waiver year will be reimbursed under this waiver. Personal care services needed, exceeding the maximum of 1,825 hours, may be requested on an individual case-by-case basis. Such a need must be recommended by the interdisciplinary team, supported by documentation justifying that the client would be in jeopardy of losing independence and requiring institutional care, and be approved by the DMRDD central office and the Medicaid Bureau prior to the delivery of additional personal care services.

##### Provider Qualifications

In order to provide personal care services under the waiver, the agency must be licensed as a personal care service provider by the state of Louisiana. The minimum qualifications for Personal Care Attendant providers are described in State Licensure Standards.

#### 2. Respite Care Services

##### Definition of Services

Respite care service is the temporary care of recipi-

ents on a short-term basis who are unable to care for themselves because of the absence of, or need for, relief of the primary caregiver(s). This care is not habilitative or remedial in nature, but includes procedures for maintenance of client's IHP and/or ISP whenever feasible. Services may be provided to any recipient on either an emergency or planned basis. Respite care may be provided either in the recipient's home or a licensed respite center.

##### Extent of Services

The need for planned respite services will be determined by the interdisciplinary team and will be included in an IHP and/or ISP with programmatic approval by DMRDD. The plan is also subject to the approval of the Medicaid Bureau to determine that services are within the acceptable amount, duration, and scope of the waiver guidelines. Respite care provider staff will participate in the interdisciplinary team process regarding maintaining goals or objectives on the IHP and/or ISP.

Emergency respite care will be reviewed retroactively by the interdisciplinary team within 10 working days of the onset of the respite care of the recipient to determine if the service was utilized as specified in the approved waiver proposal. The reimbursement for in-home respite will be in one-hour units.

Center-based respite, provided only in state-licensed respite care centers or in skilled nursing facilities which are also state-licensed will be reimbursed in one-hour units of service. Services under this waiver for center-based and in-home respite services will not exceed 30, 24-hour periods of time or 720 hours per recipient per waiver year. The 720-hour limit per waiver year includes any combination of center-based and in-home respite services. In order to maintain client eligibility, respite care is not to be delivered for more than 14 consecutive days.

##### Provider Qualifications

In order to provide respite care services under this waiver, a respite care center must be licensed as a respite care provider by the state of Louisiana. The qualifications for respite services providers are described in the State Licensure Standards. Skilled Nursing Facilities (SNF) must be licensed by the state to provide both SNF and respite care center services. The state also requires that a SNF providing respite care under the waiver be certified for Title XIX SNF services. SNFs providing both skilled nursing services and respite services will be separately enrolled for each service with a separate provider code being assigned for each type of service.

#### 3. Substitute Family Care Services

##### Definition of Services

Substitute family care is defined as personal care and supervision appropriate to an individual provided for children and adults in family homes. Substitute family caregivers serve as surrogate parents and assume the direct responsibility for the recipient's physical, social, and emotional well-being and growth, including the maintenance of natural family ties, when indicated in the IHP and/or ISP. Substitute family care services included in the waiver are day programming, transportation, training in independent living skills, and community integration. The cost of room and board for the recipients of substitute family care will not be reimbursed under this waiver.

##### Extent of Services

The need for substitute family care is determined by

an interdisciplinary team and identified in an IHP and/or ISP which is approved for programmatic considerations by DMRDD. The IHP and/or ISP must also be approved by the Medicaid Bureau to determine that services are within the acceptable amount, duration, and scope of the waiver guidelines.

#### Provider Qualifications

In order to provide substitute family care under this waiver, the agency must be licensed as a Substitute Family Care (SFC) agency by the state of Louisiana. Qualifications for SFC agencies and individual caregivers are described in State Licensure Standards.

#### 4. Supervised Independent Living Services

##### Definition of Services

Supervised Independent Living is defined as either cluster or individual apartment living arrangements designed to allow recipients to live as independently as possible in the community.

##### Extent of Services

Services to be provided in supervised independent living arrangements are designed to prevent reinstitutionalization or to divert individuals from becoming institutionalized. These services include training in community living skills for all areas of independent functioning. Assistance is provided to recipients in obtaining financial aid and accessing other benefits available. Recipients are also provided emergency support and training in self-advocacy as appropriate.

The need for supervised independent living services is determined by an interdisciplinary team and identified in an IHP and/or ISP which must be approved by DMRDD. The plan is also subject to the approval of the Medicaid Bureau to determine that services are within the acceptable amount, duration, and scope of the waiver guidelines. Provider staff participate as members of the interdisciplinary team and assist in the development of goals and objectives. Reimbursement for supervised independent living is for service related costs and not room and board costs. Service costs represent the expected number of hours of staff support that will be provided to keep recipients in the supervised independent living setting. These costs include IHP/ISP program development, implementation, and monitoring. Room and board costs are those associated with rent, utilities, food, and related items such as administrative costs not associated with service provision, and are offset by the recipient's income, principally SSI, food stamps, and earnings. Room and board costs are excluded from services covered by the waiver.

##### Provider Qualifications

In order to provide supervised independent living under the waiver, an agency must be licensed as a supervised independent living provider by the state of Louisiana. The minimum qualifications for supervised living providers are described in State Licensure Standards.

#### 5. Habilitative/Supported Employment Services

##### Definition of Services

Habilitative/supported employment is paid employment which is for persons with developmental disabilities for whom competitive employment at or above the minimum wage is unlikely, and who, because of their disabilities, need intensive ongoing support to perform in a work setting. Habilitative/supported employment is conducted in a variety of settings, particularly worksites in which persons without disabilities are employed.

To be eligible for habilitative/supported employment

services, the individual must have been deinstitutionalized from a SNF, ICF, or ICF/MR. A copy of LA OFS Form 148 (Title XIX Longterm Care Facility Notification of Admission or Change) will be filed in the recipient's file. Individuals receiving this service either are not eligible or have been referred and rejected for participation in Section 110 or the Rehabilitation Act of 1973 or programs funded under P.L. 94-142. Documentation of the referral and/or rejection will be maintained in the recipient's file.

##### Extent of Services

The need for habilitative/supported employment services is determined by an interdisciplinary team and identified in a written IHP and/or ISP which must be approved for programmatic content by DMRDD. The plan is also subject to the approval of the Medicaid Bureau to determine that services are within the acceptable amount, duration, and scope of the waiver guidelines.

The scope of activities included in habilitative/supported employment is any activity needed to sustain paid work by persons with disabilities, including supervision, training, and transportation. In this waiver, supported employment models include supported jobs, enclaves, and mobile work crews.

Supported job programs typically are full- or part-time jobs located in conventional, private sector companies, and persons with disabilities are placed in these jobs. A trainer usually performs the job for a few days to determine the exact job requirements and necessary social and personal skills. After this job analysis, continuous onsite training is provided in the workplace until the new employee competently performs the job. Continuing support is then provided as needed. Enclaves follow this same model except that a group of individuals work in proximity and training support is available to the group over longer periods of time. Mobile work crews are small businesses that work for customers at their regular workplaces. While the type of work varies, mobile work crews typically are involved in janitorial, groundskeeping, or related services.

##### Provider Qualifications

In order to provide habilitative/supported employment under this waiver, there are two requirements. First, the agency must meet the health and safety requirements established by the state for places of business. Secondly, the agency must have individuals who have specialized training in the area of supported employment which is approved by the DMRDD.

##### State Licensure Requirements

Where the state of Louisiana has licensure or certification requirements for service providers or for individuals who furnish services, these standards will be met.

In order to permit federal financial participation in funding of waiver services provided to recipients as an alternative to institutionalization, including services to appropriate individuals deinstitutionalized or diverted from institutionalization under the mandatory provisions of Public Law 100-203, this emergency rule is adopted. Sufficient institutional (ICF/MR) placement or other sheltered living arrangements under current funding arrangements is not available for the increased population anticipated to result from diversion, and makes imperative the prompt implementation of this waiver.

A copy of the approved waiver may be viewed at the Office of the State Register, 900 Riverside North, Baton Rouge, LA, or may be obtained by writing the Office of the

State Register, Box 94095, Baton Rouge, LA 70804-9095, or by calling (504) 342-5015.

This rule was previously adopted under emergency rulemaking provisions of R.S. 49:953B effective February 16, 1990 and published in the *Louisiana Register* Vol. 16, No. 3, p. 191 (March 20, 1990).

#### PROPOSED RULE

The Family and Community Services Program, a home and community-based services program providing alternative services to persons with developmental disabilities, shall be covered under the state's Title XIX Medical Assistance Program in accordance with all regulations applicable to such programs, as specified in Section 1915(c) of the Social Security Act and as approved in the waiver request document and attachments.

David L. Ramsey  
Secretary

#### DECLARATION OF EMERGENCY

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

##### Alligator Season Regulations

In accordance with the emergency provisions of R.S. 49:953(b), the Administrative Procedure Act, R.S. 49:967 which allows the Wildlife and Fisheries Commission to use emergency procedures to set the alligator season, and R.S. 56:260, and action by the commission on July 6, 1990, the alligator season is hereby established in accordance with the following regulations:

##### A. Purpose

These regulations are to govern the taking, possession, selling, raising and propagation of alligators statewide, both in the wild and in captivity. They are enacted to prevent depletion or waste, while enhancing utilization of this renewable resource. These regulations are based upon scientific study and population monitoring and are consistent with federal requirements to qualify alligators and alligator parts from Louisiana for international export under the Convention on International Trade in Endangered Species of wild fauna and flora. Alligators in Louisiana are not endangered but their similarity in appearance to endangered crocodylian species requires controls on commerce to minimize illegal trafficking of these species and to regulate and maintain the wild population of alligators. These regulations provide rules to enhance alligator farming operations; establish the methods of alligator harvest; establish minimum facility requirements for alligator farming; regulate commerce in alligators, eggs and parts; streamline necessary reporting requirements; and establish a regulated nuisance alligator control program.

##### B. Definitions

The following words and phrases for purposes of these regulations shall have the meaning ascribed to them in this section, unless the context wherein the particular word or phrase is used clearly indicates a different meaning:

1. *Alligator* - American alligator (*Alligator mississippiensis*).
2. *Alligator Egg Collection Permit* - A permit issued by

the department allowing for the collection of alligator eggs on designated properties described as part of the permit. The permit will be signed by the secretary or his designee, the permittee and the landowner/land manager.

3. *Alligator Farm* - An enclosed area, constructed so as to prevent the ingress and egress of alligators from surrounding public or private lands or waters and meeting other specifications and requirements set by the department, where alligators are bred, propagated, or raised as a commercial enterprise under controlled conditions.

4. *Alligator Farmer* - A properly licensed person who raises alligators under controlled conditions which prohibit free movement of the animals onto and off of the farm or controlled area, and who may harvest alligators under the supervision of the department. An alligator farmer must possess a valid nongame quadruped breeder's license.

5. *Alligator Hunter* - A properly licensed resident or nonresident person who takes wild alligators.

6. *Alligator Part* - Any part of the carcass of an alligator, except hides tagged pursuant to all applicable laws and regulations including the laws and regulations of the United States Government, the state of Louisiana and the Louisiana Wildlife and Fisheries Commission.

7. *Alligator Parts Dealer* - Any properly licensed person who deals in alligator parts and who:

(a) buys from an alligator hunter, another parts dealer, or an alligator farmer for the purpose of resale; or

(b) manufactures within the state alligator parts into a finished product; or

(c) purchases, cans, processes, or distributes alligator meat for wholesale or retail.

8. *Alligator Parts Retailer* - Any properly licensed person selling canned alligator parts or purchasing alligator parts from an alligator parts dealer, and each restaurant selling prepared alligator meat for human consumption.

9. *Alligator Parts Tag* - An official tag issued by the department that is attached to all unprocessed alligator parts upon transfer by an alligator hunter, an alligator parts dealer, or alligator farmer.

10. *Alligator Shipping Label* - A serially numbered label issued by the department required on each container of alligators or alligator eggs being shipped or transported out of the state.

##### 11. *Bona Fide Resident*

1. Any person who has resided in the state of Louisiana continuously during the 12 months immediately prior to the date on which he applies for any license and who has manifested his intent to remain in this state by establishing Louisiana as his legal domicile, as demonstrated with all of the following, as applicable:

a. If registered to vote, he is registered to vote in Louisiana.

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

c. If owning a motor vehicle located within Louisiana, he is in possession of a Louisiana registration for that vehicle.

d. If earning an income, he has filed a Louisiana state income tax return and has complied with state income tax laws and regulations.

2. As to a corporation or other legal entity, a resident shall be any which is incorporated or otherwise organized under and subject to the laws of Louisiana, and as to which

the principal place of business and more than 50 percent of the officers, partners, or employees are domiciled in Louisiana.

12. *Closed Season* - That period of time of a calendar year not specifically included in the open season.

13. *Commission* - The Louisiana Wildlife and Fisheries Commission.

14. *Common Carrier* - Any agency or person transporting passengers or property of any description for hire.

15. *Confiscation* - The exercise of a right under the police power wherein property is seized and held pending court order if the seized material is nonperishable, or disposed of without judicial intervention if perishable.

16. *Consumer* - Restaurants and other places where alligator, fish, shrimp, or other aquatic life is prepared for human consumption; or any person using alligator, fish, shrimp, or other aquatic life for bait or personal consumption.

17. *Department* - The Louisiana Department of Wildlife and Fisheries.

18. *Designated Collection Agent* - Anyone who is permitted by the department to assist an alligator egg collection permittee during alligator egg collection.

19. *Fur Buyer* - Anyone who buys raw furs or skins from fur trappers, alligator hunters, fur buyers, or fur dealers and who sells to another fur buyer or fur dealer within the confines of the state or to a nonresident fur dealer licensed by the state of Louisiana in interstate commerce, or who acts as an agent of another fur buyer or fur dealer in this state in such purchase or sale. Fur buyers are divided into two classes, resident and nonresident. Resident fur buyers are those who are bona fide residents of this state. All others are nonresident fur buyers.

20. *Fur Dealer* - Anyone who deals in raw furs and skins and who:

a. Buys from a fur trapper, alligator hunter, or alligator farmer, either directly or indirectly, and ships or exports from this state, either directly or indirectly, the raw furs and skins so bought; or

b. Buys from a fur buyer or other fur dealer and exports from this state the raw furs and skins so bought; or

c. Buys from a fur trapper, alligator hunter, alligator farmer, fur buyer, or other dealer and sells such raw furs and skins for manufacturing into a finished product in this state; or

d. Manufactures such furs and skins into a finished product in this state, buying directly from a fur trapper, alligator hunter, alligator farmer, fur buyer, or fur dealer; or

e. Transports raw furs or skins into this state for the purpose of sale within the state. Fur dealers are divided into two classes, resident and nonresident. Resident fur dealers are those who are bona fide residents of this state. All others are nonresident fur dealers.

21. *Hatchling* - A young of the year alligator which is less than 23 inches in length.

22. *Hide* - (See "Pelt").

23. *Hook* - Any curved or bent device attached to a line or pole for the purpose of taking alligators.

24. *Hunt* - In different tenses, attempting to take.

25. *Incubator* - An apparatus designed and used for the primary purpose of incubating alligator eggs.

26. *Land Manager* - Any authorized person who represents the landowner.

27. *Landowner* - Any person who owns land which the

department has designated as alligator habitat.

28. *Licensee* - Any resident or nonresident lawful holder of an effective license duly issued under the authority of the department.

29. *Nongame Quadruped* - Alligators, beavers, bobcats, coyotes, gray foxes, minks, muskrats, nutrias, opossums, otters, raccoons, red foxes, skunks, and other wild quadrupeds valuable for their furs or skins.

30. *Nongame Quadruped Breeder* - A person properly licensed to engage in the business of raising, exhibiting and selling nongame quadrupeds on alligator or fur farms.

31. *Nongame Quadruped Exhibitor* - A person properly licensed to engage in the business of raising and/or exhibiting nongame quadrupeds.

32. *Nonresident* - Any person who is not a bona fide resident as that term is defined by R.S. 56:8(12).

33. *Nuisance Alligator* - A specific (particular) alligator that poses a threat to human life or property.

34. *Nuisance Alligator Hunter* - A licensed alligator hunter who is contracted or otherwise selected by the department to remove designated nuisance alligators.

35. *Open Season* - That period of time set by the Louisiana Wildlife and Fisheries Commission, during which wild alligators or their eggs may be lawfully taken.

36. *Out of State Shipping Tag* - An official, serially numbered tag, yellow in color, issued by the department required on each shipment of alligator hides shipped out of state.

37. *Part* - For purposes of this Section, a Part is a division of a subsection.

38. *Pelt* - The skin or hide of a quadruped.

39. *Pelting* - Removing the skin and/or fur of a quadruped in such a manner as to render it marketable.

40. *Person* - Includes any individual person, association, corporation, partnership, or other legal entity recognized by law.

41. *Pole Hunting* - The act of taking an alligator from a den with a pole or snagging device of any type and includes using such devices to induce an alligator to move from a den prior to taking.

42. *Possess* - In its different tenses, the act of having in possession or control, keeping, detaining, restraining, or holding as owner, or as agent, bailee, or custodian for another.

43. *Processed Alligator Part* - Any part (and its resulting products) that has been removed from a legally taken alligator, treated to prevent decomposition, and packaged; provided that the meat is not processed until packaged and marked with required labeling as described in Subsection L of these regulations.

44. *Propagation* - The holding of live alligators for production of offspring.

45. *Raising* - The production of alligators under controlled environmental conditions or in outside facilities.

46. *Rearing* - (See "Raising").

47. *Resident* - (See "Bona Fide Resident").

48. *Secretary* - The secretary of the Louisiana Department of Wildlife and Fisheries.

49. *Skin* - (See "Pelt").

50. *Take* - In its different tenses, the attempt or act of hooking, pursuing, netting, capturing, snaring, trapping, shooting, hunting, wounding, or killing by any means or device.



51. *Transport* - In its different tenses, the act of shipping, attempting to ship, receiving or delivering for shipment, transporting, conveying, carrying, or exporting by air, land, or water, or by any means whatsoever.

52. *Wildlife* - All species of wild vertebrates.

53. *Wildlife Management Area* - Any area set aside, maintained, and supervised by the department for the purpose of managing and harvesting wild birds, wild quadrupeds, fish and other aquatic life under controlled conditions to afford maximum public hunting and fishing opportunity.

54. *Wildlife Refuge* - Any area set aside and designated by the department as a refuge on which wild birds and animals are protected. Control of certain forms of wildlife may be conducted by the department.

#### C. General Rules

1. No person shall take, possess, purchase or sell alligators, alligator eggs, alligator parts, or goods manufactured from alligators, except as provided in these regulations and R.S. Title 56.

2. Each alligator, alligator egg, or alligator part taken or possessed in violation of these regulations shall constitute a separate offense.

3. Hides of alligators harvested in Louisiana shall be tagged in accordance with provisions of these regulations and deviation from those requirements shall be a violation and subject hides to confiscation. Violation of this Part is a class 7A violation as described in Title 56.

4. Pole Hunting is prohibited. Violation of this Part is a class 2 violation as described in Title 56.

5. An alligator hunter must possess on his or her person one or more current alligator hide tags while taking alligators provided that only one licensed hunter needs to possess current hide tags among a group of licensed hunters who are physically present in the same location and are conducting a joint hunting operation. Violation of this Part is a class 2 violation as described in Title 56.

6. No person shall release any alligator from any taking device for any purpose without first dispatching and tagging the alligator. Violation of this Part is a class 2 violation as described in Title 56.

7. Collection of alligator hatchlings from the wild is strictly prohibited. Taking or collection of any wild alligator illegally is strictly prohibited. Violation of this Part shall constitute a Class 7A violation for each alligator taken as described in Title 56. All alligators taken in violation of this Part shall be confiscated and in addition to all other penalties provided herein, all alligator licenses of any type held by the offender(s) shall be revoked for a period of three calendar years and no alligators shall be raised or propagated on the offender's facilities for a period of three calendar years.

8. The shipment of alligator eggs out of state is prohibited except where special scientific permits have been obtained in advance from the department and specify all such shipments. Violation of this Part is a class 2 violation as described in Title 56.

9. Transportation of alligator(s) into this state without prior written approval of the department is strictly prohibited. Violation of this Part is a class 7A violation as described in Title 56.

10. It is unlawful to ship alligator eggs into the state of Louisiana unless they are to be used for department sponsored scientific studies and these shipments shall have prior written department approval. Violation of this Part is a class 7A violation as described in Title 56.

11. The shipment of live alligators or alligator eggs out of the United States is strictly prohibited unless they are used for department sponsored scientific studies with an accompanying authorization signed by the secretary. Violation of this Part is a class 7A violation as described in Title 56.

12. There is levied a severance tax of 25 cents on all skins or hides taken from any alligator, within the state, payable to the state through the department by the alligator hunter or alligator farmer taking his own catch out of state, or by the dealer. Violation of this Part is a class 2 violation as described in Title 56.

#### D. Licenses, Permits and Fees

1. The licenses and fees required for activities authorized by these regulations are as prescribed under provisions of Title 56, or as prescribed in these regulations, and are:

a. \$25 for a resident alligator hunter's license;

b. \$150 for a nonresident alligator hunter's license;

c. \$25 for a resident fur buyer's license;

d. \$100 for a nonresident fur buyer's license;

e. \$150 for a resident fur dealer's license (\$500 deposit required);

f. \$300 for a nonresident fur dealer's license (\$1,000 deposit required);

g. \$10 for a nongame quadruped exhibitor's license;

h. \$25 for a nongame quadruped breeder's license;

i. \$50 for an alligator parts dealer license;

j. \$5 for an alligator parts retailer license;

k. \$4 for each alligator hide tag;

l. \$4 for each whole alligator leaving the state as alligator shipping label fee;

m. \$0.25 severance tax for each alligator hide taken from within the state;

n. \$25 for a Designated Agent Collection Permit.

2. No person may take, attempt to take, or possess a wild alligator in this state during the open season for taking wild alligators unless he or she has acquired and possesses an alligator hunter's license. An alligator hunter must have in possession a valid alligator hunter license to take or sell alligators, their skins, or parts. Violation of this Part is a class 2 violation as described in Title 56.

3. No resident or nonresident fur buyer shall ship furs, alligators, alligator skins, alligator eggs, or alligator parts out of state. Violation of this Part is a class 2 violation as described in Title 56.

4. Every resident fur dealer, alligator hunter, alligator parts dealer, alligator farmer, nonresident fur dealer, or nonresident alligator hunter shall not ship or take raw alligator skins, alligators, or alligator parts out of state without first complying with provision of these regulations. Violation of this Part is a class 2 violation as described in Title 56.

5. No person may engage in the business of raising and/or exhibiting alligators unless he or she has acquired and possesses a valid nongame quadruped exhibitor license. Violation of this Part is a class 3 violation as described in Title 56.

6. No person may engage in the business of raising, breeding, propagating, exhibiting and selling alligators alive or selling their parts, and killing and transporting them and selling their skins and carcasses unless he or she has acquired and possesses a valid nongame quadruped breeder license and complies with Subsections N and O of these regulations. Violation of this Part is a class 3 violation as described in Title 56.

7. No person shall engage in the business of buying



and selling alligator parts unless he or she has acquired and possesses a valid alligator parts dealer license. Violation of this Part is a class 2 violation as described in Title 56.

8. Each retailer selling canned alligator parts or purchasing alligator parts, and each restaurant selling prepared alligator meat for human consumption shall secure from the department an alligator parts retailer license prior to commencing business. Violation of this Part is a class 2 violation as described in Title 56.

9. No person shall remove and possess alligator eggs from wild nests unless he or she has acquired and possesses a valid nongame quadruped breeder license or a valid Designated Collection Agent Permit and also has in his possession a valid alligator egg collection permit. Egg collection permits will only be issued to those persons who demonstrate competency in egg collection and handling, have necessary equipment accessible and comply with all department requirements as described in Subsection N of these regulations. Violation of this Part is a class 7A violation as described in Title 56.

10. No person shall ship or transport alligators out of the state without first applying for and receiving an alligator shipping label which shall be affixed to each container of alligators and is properly completed and validated by department personnel. Violation of this Part is a class 2 violation as described in Title 56.

11. Every alligator hunter or alligator farmer shipping or transporting his own catch of alligator skins out of state is liable for the severance tax thereon, and shall apply for an official out of state shipping tag to be attached to the shipment and shall pay the severance tax prior to shipment. Violation of this Part is a class 2 violation as described in Title 56.

12. Valid holders of alligator hunter license, nongame quadruped breeder license, fur dealers license and alligator parts dealer license must comply with federal licensing and permit requirements to engage in interstate and international commerce involving alligators, alligator hides and parts. Violation of this Part is a class 2 violation as described in Title 56.

#### E. Wild Harvest Methods

1. Alligators taken from the wild may be removed from hook and line, and other legal capture devices which may be used, only during daylight hours, between official sunrise and official sunset. Violation of this Part is a class 7A violation as described in Title 56.

2. There are no size restrictions on wild alligators taken during the general open season. A department-issued permit is required to sell alligators or their skins which are less than four feet in length. Violation of this Part is a class 7A violation as described in Title 56.

3. Legal methods for taking alligators in the wild are as follows:

- a. hook and line;
- b. long (including compound) bow and barbed arrow;
- and
- c. firearms.

Violation of this Part is a class 7A violation as described in Title 56.

4. Hooks and arrows may be used only when a line of at least 300-pound test is securely attached to the hook or head of the arrow in such a manner to prevent separation from the hook or head until the carcass is retrieved. The other end of the line must be attached to a stationary or float-

ing object capable of maintaining the line above water when an alligator is attached. Violation of this Part is a class 7A violation as described in Title 56.

5. Alligator hunters shall inspect their hooks and lines and remove captured alligators daily. Alligators shall not be cut loose from hooks and lines for the purpose of selecting larger alligators. All hooks and lines shall be removed when an alligator hunter's quota is reached. Violation of this Part is a class 7A violation as described in Title 56.

6. Baited hooks and lines may be set no more than 24 hours prior to the general open season and shall be removed no later than sunset of the last day of the open season. Violation of this Part is a class 7A violation as described in Title 56.

7. No person possessing alligator hide tags issued for privately-owned land or water may take alligators on adjacent publicly-owned water unless the taking device is anchored to privately-owned land or the person is on privately-owned land when the taking occurs, provided that any alligator captured on a legal taking device that is anchored to privately-owned land or held by a person on privately-owned land may be dispatched from a floating craft on public water. Violation of this Part is a class 7A violation as described in Title 56.

8. A person possessing alligator hide tags for publicly-owned areas may take alligators by legal means from a floating craft on public water for which the tags are issued.

F. Alligator Hide Tag Procurement and Tagging Requirements

1. Alligator hide tags may be obtained as follows and only to properly licensed alligator hunters and nongame quadruped breeders.

2. Landowners, Land Managers and Hunters - upon application to the department on forms provided for tag issuance. Applications for alligator tag allotments will be taken annually beginning August and ending 10 days after the season opens.

a. Maximum tag issuance to individual landowners, land managers, or their hunters shall be determined solely by the department. Landowners, land managers, or their hunters shall certify total acreage owned or represented on a form prescribed by the department at the time of application. The location and acreage of the property must be provided which includes parish, township, range and section delineation figures.

b. Land managers and hunters must present a notarized document from the landowner verifying their selection to represent that landowner and the total acreage represented to obtain hide tags.

c. Payment for all alligator tags shall be received by the department prior to issuance. Numbered alligator hide tags shall only be issued in the name of the license holder and are nontransferable. A refund will be issued for all unused alligator tags which are returned within the required time frame designated in these regulations. Violation of Parts 1 and 2 of this Subsection are class 2 violations as described in Title 56.

3. Alligator farmers - upon request to the department at any time at least two weeks prior to scheduled harvesting, subject to verification of available stock by department personnel. Violation of this Part is a class 2 violation as described in Title 56.

4. If an alligator hunter is cited for hunting alligators out of season, at night, or on property other than that for which hide tags were issued, all unused hide tags and alliga-

tors in possession shall be confiscated and the violator's alligator hunting license shall be revoked. Violation of this Part is a class 7A violation as described in Title 56.

5. Special instructions will be issued to the holders of alligator hunting licenses immediately prior to the annual open season describing detailed methods regarding the skinning of alligators. Alligator farmers shall adhere to the annual skinning requirements when skinning farm raised alligators. Alligators not skinned in compliance with the established specific requirements shall be considered illegal and shall be confiscated by the department.

6. It shall be a violation for any alligator hunter, alligator farmer, fur buyer, or fur dealer who knowingly attempts to sell an alligator hide that was not skinned in accordance with the established specific requirements. Violation of this Part is a class 7A violation as described in Title 56.

7. A hide tag shall be attached in the last six inches of an alligator's tail immediately upon possession by an alligator hunter. The tag shall be attached in accordance with instructions issued by the department. Alligator farmers may wait until farm-raised alligators are skinned prior to tagging. Live or dead farm-raised alligators may be transported with their accompanying tags from a licensed alligator farm to a licensed processing facility, however, each shipment shall be accompanied with the exact number of alligator hide tags. Violation of this Part is a class 7A violation as described in Title 56.

#### G. Open Season, Open Areas, and Bag Limits

##### 1. Open seasons are as follows:

a. The general open season for taking alligators in the wild shall run for a 30-day period beginning on September 1, 1990 through September 30, 1990. The secretary shall be authorized to close, extend or reopen the season as biologically justifiable.

b. Nuisance control hunters may take nuisance alligators at any time as prescribed by the department.

c. Farm-raised alligators may be taken at any time following the issuance of hide tags by the department.

d. The open season for collection of alligator eggs from the wild shall be from May 15 through September 15 of each calendar year.

Violation of this Part is a class 7A violation as described in Title 56.

##### 2. The open areas are as follows.

a. For the general open season, those areas designated by the technical staff of the department as alligator habitat and which can sustain an alligator harvest.

b. The department may select public lakes and lands for an experimental alligator hunting program. The harvest will be controlled by a tag allotment for each lake as determined by department personnel. Applicants for public lake hunting must be 16 years of age or older. Applications must be received at least 10 days prior to the season opening date. A public drawing will be held to select hunters. An alligator hunter can receive tags for and hunt on only one public lake per season. The tag quota for each lake and hunter will be established by the technical staff of the department. Alligator tags issued on public lakes and lands are nontransferable.

c. Wild alligators in the remainder of the state may be taken only under provisions as prescribed by the department. Violation of this Part is a class 7A violation as described in Title 56.

##### 3. The daily and season bag limit is equal to the num-

ber of valid alligator hide tags that a licensed alligator hunter possesses. Violation of this Part is a class 7A violation as described in Title 56.

4. Nonresident alligator hunters may only take three alligators during the open season. Violation of this Part is a class 4 violation as described in Title 56.

5. Harvest rates will be calculated annually by department personnel based on biological data. Alligator hide tag allotments will be established prior to issuance of alligator hunting licenses.

#### H. Possession

1. No person shall possess alligators or alligator hides in Louisiana without valid official tags properly attached. Failure to properly tag an alligator or hide shall result in confiscation of both the alligator or hide and tag. Violation of this Part is a class 7A violation as described in Title 56.

2. Alligator farmers may request hide tags or shipping labels from the department to be used on farm-raised alligators that have died unexpectedly and may hold those alligators in freezers until receipt of the requested hide tags or shipping labels. These alligators may be held in freezers for a maximum of 60 days prior to disposal. All alligators 24 inches and greater in length that die unexpectedly must be properly skinned and tagged with an alligator hide tag. Violation of this Part is a class 7A violation as described in Title 56.

3. No person other than a licensed alligator hunter, licensed alligator farmer, licensed fur buyer or licensed fur dealer may possess a tagged or labeled alligator, a tagged raw or salted hide of an alligator at any time, provided that legally documented tagged or labeled alligators or tagged hides may be possessed without license while in transit, or during processing for tanning or taxidermy. Violation of this Part is a class 7A violation as described in Title 56.

4. No person other than a licensed alligator farmer or licensed nongame quadruped exhibitor may possess live alligators at any time other than by a permit issued by the department upon request for use in displays and educational purposes, and by holders of valid department-issued permits for scientific purposes. Live, farm-raised alligators and their alligator hide tags may be held for processing by a properly licensed alligator skinning facility without a license or permit. Violation of this Part is a class 7A violation as described in Title 56.

5. No person other than a licensed alligator farmer or licensed nongame quadruped exhibitor may possess alligator eggs at any time other than department-permitted designated collection agents assisting a licensed and permitted alligator farmer during wild egg collection, or a holder of a valid department-issued permit for scientific purposes. Any alligators hatched from scientific permits issued by the department will be returned to the wild under departmental supervision following completion of the research project. Violation of this Part is a class 7A violation as described in Title 56.

#### I. Importation, Exportation, Purchase, and Sale

1. Alligators, alligator hides (raw or salted), or parts of alligators, may be brought into the state only if the alligators, alligator hides or parts of alligators were lawfully taken in another state or country and the person, firm or corporation bringing the alligators, alligator hides (raw or salted), or alligator parts into the state has obtained written permission from the department. Violation of this Part is a class 7A violation as described in Title 56.

2. All alligators, alligator hides (raw or salted), or parts of alligators possessed, sold, purchased, exported, imported, or brought into the state from another state shall be accompanied by documented evidence that they were lawfully taken. Documented evidence shall consist of, but not be limited to:

a. a resource user license or permit number allowing the taking of alligators and tags or other identification required by the state or country of origin shall be firmly attached to the alligator, alligator hide, or parts of alligators; and

b. a tag or label is affixed to the outside of any package or container of alligators, alligator hides, or alligator parts that specifies type of contents, indicates quantity contained, and lists applicable license or permit numbers.

Violation of this Part is a class 7A violation as described in Title 56.

3. Purchases of alligators, alligator hides and alligator parts are restricted as follows:

a. A licensed alligator hunter may not purchase alligators or alligator hides from anyone.

b. A licensed fur buyer may purchase alligator hides from a Louisiana licensed alligator hunter, licensed alligator farmer, licensed fur dealer, or another fur buyer within the confines of the state.

c. A licensed fur dealer may purchase alligator hides from a licensed alligator hunter, licensed alligator farmer, fur buyer or another fur dealer.

d. A licensed alligator farmer may purchase live alligators only from another licensed alligator farmer or the department.

e. An alligator farmer may purchase alligator eggs only from another alligator farmer, a landowner/land manager (with an approved department alligator egg collection permit), or the department.

f. A licensed alligator parts dealer may purchase alligator parts from a licensed alligator hunter, alligator farmer, another alligator parts dealer, or the department.

g. A licensed parts retailer may purchase canned alligator parts or alligator parts from an alligator parts dealer.

h. A restaurant may purchase alligator meat to sell prepared for human consumption with an alligator parts retailer license.

Violation of this Part is a class 2 violation as described in Title 56.

4. Sales of alligators and alligator parts are restricted as follows:

a. A licensed alligator hunter may sell alligators, alligator hides, or alligator parts taken by the licensee during the general open season to anyone who may legally purchase.

b. A licensed alligator farmer may sell alligators, alligator eggs, alligator hides, or alligator parts to anyone who may legally purchase. The sale of alligator eggs or live alligators shall only occur following the issuance of an Alligator Transfer Authorization Permit issued by the department. Application for the permit shall be made at least two weeks prior to the transfer.

c. A licensed fur buyer may sell alligator hides to a fur dealer or another fur buyer within the confines of the state.

d. A licensed fur dealer may sell alligator hides to anyone who may legally purchase.

e. A licensed alligator parts dealer may sell alligator parts to anyone.

f. A licensed alligator parts retailer may sell canned alligator parts, processed alligator parts, or alligator meat to anyone.

g. A restaurant possessing an alligator parts retailer license may sell alligator meat prepared for human consumption to anyone.

Violation of this Part is a class 3 violation as described in Title 56.

5. Legally tagged and documented alligators, alligator hides, and parts of alligators taken in Louisiana may be shipped out of state or exported by alligator hunters, alligator farmers, fur dealers and alligator parts dealers subject to Subsection K of these regulations (relating to report requirements) provided that no live alligators or eggs originating in Louisiana may be exported outside of the United States without specific department authorization and the concurrence of the United States Fish and Wildlife Service, to be used only for scientific purposes. Violation of this Part is a class 3 violation as described in Title 56.

6. A special permit is required of anyone who sells alligator eggs, live alligators under four feet in length, or skins of alligators under four feet in length. Violation of this Part is a class 7A violation as described in Title 56.

#### J. Nuisance Alligator Control

Nuisance alligator hunters will be selected by the department and may be based upon recommendations received from the local governing body. Applicants with prior alligator hunting violations will be rejected.

2. Nuisance alligator hunters shall purchase a valid alligator hunter license and are bound by all laws, rules and regulations governing alligator hunting with the exception that nuisance alligators may be taken at any time. Violation of this Part is a class 2 violation as described in Title 56.

3. Nuisance alligator complaints will be verified by department personnel prior to being approved for removal. Violation of this Part is a class 2 violation as described in Title 56.

4. Tags will be issued to nuisance alligator hunters for immediate attachment to alligators when taken. Nuisance alligator hunters will make every attempt possible to catch nuisance alligators and relocate to natural habitat selected by the department. It is unlawful for any nuisance alligator captured alive to be sold or otherwise disposed of on an alligator farm. Alligators and alligator parts taken and tagged under these provisions may be retained and sold by the nuisance alligator hunter as any other legally taken wild alligator or alligator part. Violation of this Part is a class 7A violation as described in Title 56.

5. Nuisance alligator hunters may take alligators by any means prescribed by the department. Failure to comply with departmental instructions may result in immediate termination of the individual's participation in the nuisance alligator program. Violation of this Part is a class 2 violation as described in Title 56.

#### K. Report Requirements

1. Report forms provided by the department must be completed and filed with the department by all persons who have been issued an alligator hunter's license, fur buyer's license, fur dealer's license, nongame quadruped exhibitor's license, nongame quadruped breeder's license, alligator parts dealer's license, or alligator breeder egg collection permit in accordance with this Subsection. Reports shall include but not be limited to the information specified in this Subsection.

2. Alligator hunters receiving hide tags from the department are responsible for disposition of all issued tags and must:

a. complete an official alligator parts transaction form furnished by the department for each alligator part transaction. These forms shall be submitted to the department within 30 days following the close of the season and thereafter at 60-day intervals until all parts are sold;

b. complete an official lost tag form, furnished by the department for any hide tags lost or stolen. These forms shall be submitted to the department within 15 days following the close of the season. Lost or stolen tags will not be replaced;

c. all unused tags must be returned to the department within 15 days following the close of the season. Violation of this requirement shall result in no license or alligator tags being issued to the violator for a period of one year;

d. the department must be notified within 15 days following the close of the season, of any alligator hides not sold to a fur buyer or fur dealer on official forms provided by the department;

e. each licensed alligator hunter selling alligator parts to a person or a restaurant shall provide that person with a bill of sale for each transaction;

f. all records of transactions involving alligator parts of alligator hunters shall be available for inspection by the department.

Violation of this Part is a class 2 violation as described in Title 56.

3. A nuisance alligator hunter shall comply with the same report requirements as an alligator hunter and complete any other reports required by the department. Violation of this requirement shall result in immediate termination of nuisance alligator hunter status. Violation of this Part is a class 2 violation as described in Title 56.

4. Alligator farmers receiving hide tags from the department are responsible for disposition of all issued tags and must:

a. Complete an official alligator parts transaction form, furnished by the department for each alligator part transaction. These forms shall be submitted to the department within 30 days following the last day of the year that issued tags are valid and thereafter at 60-day intervals until all parts are sold. Violation of this Part is a class 2 violation as described in Title 56.

b. Complete an official lost tag form, furnished by the department for any hide tags lost or stolen. These forms shall be submitted to the department within 15 days following the last day of the year that issued tags are valid. Lost or stolen tags will not be replaced. Violation of this Part is a class 2 violation as described in Title 56.

c. All unused hide tags must be returned to the department within 15 days following the last day of the year that issued tags are valid. Violation of this requirement shall result in the revocation of the nongame quadruped breeder's license. Violation of this Part is a class 2 violation as described in Title 56.

d. The department must be notified within 15 days following the last day of the year that issued tags are valid of any alligator hide not sold to a fur buyer or fur dealer on official forms provided by the department. Violation of this Part is a class 2 violation as described in Title 56.

e. Each alligator farmer shall report annually, no later than December 31, on an official form provided by the de-

partment, all activities that have occurred on the farm for the past year including but not limited to the number of live alligators as of that date, separated by sizes, the number of eggs collected and hatched, the purchase and sale of alligators for the past year and the numbers of alligators lost. Failure to complete this form properly and completely will result in non renewal of the nongame quadruped breeder's license. Violation of this Part is a class 3 violation as described in Title 56.

f. Each licensed alligator farmer selling alligator parts to a person or a restaurant shall furnish that person with a bill of sale for each transaction. Violation of this Part is a class 2 violation.

5. Fur buyers and fur dealers engaged in the business of buying and selling alligator hides must keep within the state a complete record on forms provided by the department, all purchases and sales made of alligator hides as described in Title 56, and;

a. Every buyer or dealer having undressed alligator hides in his possession after the close of each open season shall file with the department within 60 days or prior to shipping out of state, a complete report, on forms provided by the department, a detailed description of alligator hides then owned or held in possession as owner or agent.

Violation of this Part is a class 3 violation as described in Title 56.

6. Fur dealers engaged in the business of buying and selling alligator hides must maintain complete records of alligator hides purchased inside and outside the state as described in Title 56. Failure to maintain complete records and to pay the required severance tax subjects any dealer to the full penalties provided and the immediate revocation of his license by the department. No license shall be issued to a dealer who has not paid the tax for the preceding year. Violation of this Part is a class 2 violation as described in Title 56.

7. Alligator parts dealers purchasing alligator parts, shall complete an official alligator parts purchase form for each purchase. Alligator parts dealers selling alligator parts, shall complete an official alligator parts sale form for each sale. These forms shall be furnished by the department and shall be submitted to the department within 30 days following the close of the open season and at 60-day intervals until final disposition of all wild parts. These forms shall be submitted annually for all farm-raised alligator parts, and;

a. Alligator parts dealers shall furnish a bill of sale to anyone purchasing alligator parts.

b. The records of transactions involving alligator parts shall be available for inspection by the department and shall be maintained complete for a period of one year following any transaction.

Violation of this Part is a class 2 violation as described in Title 56.

8. Any alligator parts retailer or restaurant purchasing alligator parts shall maintain a bill of sale for each purchase for a period of six months after such purchase and these records shall be available for inspection by the department. Violation of this Part is a class 2 violation as described in Title 56.

#### L. Alligator Meat

1. Alligator meat from lawfully taken alligators can only be sold according to state and federal laws, Louisiana Department of Health and Hospitals regulations and Louisiana Wildlife and Fisheries Commission regulations. Violation of this Part is a class 2 violation as described in Title 56.

2. Alligator meat processed in the state of Louisiana and sold for human consumption must be processed in a licensed facility approved by the Louisiana Department of Health and Hospitals and the facility must display a valid permit issued by that agency. Violation of this Part is a class 2 violation as described in Title 56.

3. Alligator carcasses being shipped whole shall be tagged with an alligator parts tag properly identifying the carcasses and shall remain on the carcasses until the processing makes identification impossible. Violation of this Part is a class 3 violation as described in Title 56.

4. Alligator hunters and alligator farmers involved in alligator parts transactions with individual consumers shall properly tag all alligator parts and the parts tag shall remain attached until final disposition. Violation of this Part is a class 3 violation as described in Title 56.

5. All alligator meat processed for sale must be packaged in suitable containers which identifies the contents as alligator meat, is marked with a valid department license number and comply with all state and federal packaging and labeling requirements. Violation of this Part is a class 3 violation as described in Title 56.

6. All alligator meat shipped into the state and being offered for sale must meet all of Louisiana's health, processing, packaging and labeling requirements. Violation of this Part is a class 3 violation as described in Title 56.

#### M. Disposal of Alligators by the Department

1. The department may sell alligators, alligator eggs or parts of alligators taken for any purpose deemed necessary for proper management of the species pursuant to Title 56.

2. The department may dispose of alligators, alligator eggs, or parts of alligators by donation or lending to a scientific institution or other institutions that the department deems have need for such alligators, however these institutions cannot sell or barter these animals and must be returned to the department at the conclusion of the program or need.

3. Confiscated alligator hides and parts may be destroyed by the department pending the outcome of the criminal trial.

4. Confiscated live alligator eggs or alligators will be cared for by the department and released in suitable alligator habitat when and where they can survive. All costs incurred by the department in the maintenance of these eggs and animals in captivity shall be the responsibility of the offender and restitution shall be made to the department.

#### N. Alligator Egg Collection

1. Alligator egg collection permits are a three party permit between the department, the permittee and a landowner/manager who owns or leases alligator nesting habitat determined by department biologists to be capable of producing alligator eggs. The numbers of eggs to be collected will be based upon biological management criteria and will be determined annually by technical staff of the department. The department only estimates the numbers of eggs available and assumes no responsibility or offers no guarantee that those numbers of eggs will be available. Alligator egg collection permits may be obtained upon application to the department on forms provided by the department. The annual deadline for submitting applications for Alligator Egg Collection Permits is June 1. This program is experimental and may be changed at any time based on biological data to insure for proper management of the wild alligator population.

2. Alligator egg collection permits may be issued by

the department provided:

a. Permittee is a properly licensed alligator farmer and meets all applicable requirements in Subsection O of these regulations (Alligator Farm Facility Requirements).

b. All land documentation required on the alligator egg collection permit has been presented to the department.

c. Department biologists determine the properties described on the permit application are indeed alligator nesting habitat and can sustain alligator egg collections.

d. Applicant has obtained all legal and necessary signatures from landowners/land managers.

Violation of this Part is a class 7A violation as described in Title 56.

3. It is unlawful for an alligator farmer or a permitted designated collection agent to collect eggs from properties other than those described in the alligator egg collection permit. Violation of this Part is a class 7A violation as described in Title 56.

4. An alligator farmer or designated collection agent in the act of collecting or possessing alligator eggs must possess on his or her person a copy of the fully executed alligator egg collection permit. The designated collection agent must also possess a valid designated collection agent permit. Violation of this Part is a class 7A violation as described in Title 56.

5. Collection of wild alligator eggs can only be made after contacting the appropriate department enforcement agent no less than 24 hours prior to each collection trip. Violation of this Part is a class 7A violation as described in Title 56.

6. Alligator eggs can only be collected from the wild from official sunrise to official sunset and only during the established alligator egg collection season. Violation of this Part is a class 7A violation as described in Title 56.

7. Alligator eggs collected from the wild must be collected and transported in a manner which insures the greatest survival of viable eggs as determined by department biologists. Violation of this Part is a class 7A violation as described in Title 56.

8. Each clutch of alligator eggs collected should be maintained as a separate entity from time of collection through incubation and hatching.

9. Failure to hatch at least 70 percent of viable alligator eggs collected from the wild shall be considered a waste of Louisiana's natural resources. All alligator egg collection permits shall be revoked and no new permits issued should an alligator farmer be found to waste the resources of this state for two consecutive years.

10. Alligator egg collection permits shall be revoked and no new permits issued to alligator farmers who fail to average a minimum hatchling survival rate of 85 percent for two consecutive years.

11. The alligator egg collection permittee and the landowner are responsible for returning the percentage of live alligators to the wild described on the alligator egg collection permit. This requirement is nontransferable. Minimum return rates will be based upon the state average hatching success which is 78 percent. Each alligator shall be returned to the original egg collection area. Each alligator shall be a minimum of 48" in size and the returned sex ratio should contain at least 50 percent females. The department shall be responsible for supervising the required return of these alligators. Releases back to the wild will only occur between April 15 and September 15 of each calendar year. Should an

alligator egg collection permittee be unable to release the required number of alligators to the wild from his own stock, he shall be required to purchase additional alligators from another farmer to meet compliance with the alligator egg collection permit and these regulations, as supervised by the department. Department-sanctioned participants in ongoing studies involving survivability and return rates are exempt from these requirements during the period of the study. Violation of this Part is a class 7A violation as described in Title 56.

12. The percentage of 48" alligators to be returned to the wild shall be selected from the healthiest of all alligators of that year class. Abnormal or deformed alligators are not acceptable for release into the wild. It is unlawful for alligators that are to be returned to the wild to be transported out of state. Violation of this Part is a class 7A violation as described in Title 56.

#### O. Alligator Farm Facility Requirements

1. All first-time applicants for a nongame quadruped breeder's or exhibitor's license who will house alligators on their premises shall show compliance of the following minimum facilities as applicable to their particular operation during a required facility examination by department personnel prior to license issuance.

a. Secured premises with adequate barriers to prevent escape of enclosed alligators and entry by alligators from outside the farm and to deter theft of alligators.

b. Source of clean, fresh water which shall be adequate to ensure for proper care of all alligator stock and facilities. This requirement shall be determined by department personnel.

c. Provisions for both dry area and pooled water within the secured area adequate for the numbers of alligators to be housed on the premises. This requirement will be determined by department personnel.

d. Provision for winter protection, either through adequate denning space or an enclosed, controlled-temperature environment of a design acceptable to the department.

e. All controlled-temperature alligator sheds shall be of a design acceptable to the department. Each shed shall be capable of maintaining a minimum constant temperature of 80 degrees Fahrenheit. Minimum space requirements for alligators housed in the shed shall be:

i. one square foot of space shall be required for each alligator less than 24" in length.

ii. three square feet of space shall be required for each alligator measuring 25" to 48" in length.

iii. one additional square foot of space shall be required for each additional six inches of alligator length for alligators above four feet in length.

f. All alligator egg incubators shall be of a design acceptable to the department. Each incubator shall maintain a water and air temperature of 85 to 91 degrees Fahrenheit during the egg incubation.

g. Applicant must be in compliance with all laws and regulations pertaining to zoning, construction, health and environmental standards and must possess any and all applicable permits and licenses.

h. All alligator facilities should be constructed in a suitable location so as to minimize contact with people.

2. Following initial issuance of applicable license, all applicable facility requirements shall be adhered to and department personnel have the authority to inspect any and all of the facilities at any time. Failure to adhere to the require-

ments shall be a violation of these rules and violators will be given 60 days to correct the problem. Failure to comply shall result in confiscation of all animals and/or closure of all facilities. Violation of this Part is a class 7A violation as described in Title 56.

3. All alligator farmers possessing alligator eggs outside an alligator nest should house these eggs in identifiable original clutch groups in an incubator providing constant temperature and humidity conditions. All incubators used to incubate alligator eggs shall be of a design to allow for maximum temperature control and conform to department requirements to allow for the maximum hatching success. Violation of this Part is a class 7A violation as described in Title 56.

4. All alligator farmers possessing alligator hatchlings shall house hatchlings in controlled environmental chambers capable of maintaining a minimum temperature of 80 degrees Fahrenheit year round and containing dry and wet areas of sufficient surface area to permit all alligators to completely submerge in water and completely exit from water and orient in any direction, without touching the sides of the chambers. All alligators 48" or less in length shall be housed in environmental chambers unless a special permit is issued by the department to move them to outside growth areas. Violation of this Part is a class 7A violation as described in Title 56.

5. Alligator farmers shall house alligators of different lengths into at least three groups, providing separation for all alligators less than two feet in length, two to four feet in length, and over four feet in length. Land and water areas sufficient for complete submersion or complete exit from water shall be provided for each group of alligators held. Violation of this Part is a class 7A violation as described in Title 56.

6. Nesting activity of captive alligators shall be recorded with weekly accounts of nests constructed, eggs collected, number of viable eggs set and hatching success. Violation of this Part is a class 3 violation as described in Title 56.

7. Complete written records shall be maintained by the license holder and shall be submitted to the department on a standardized annual report form provided by the department, which shall be provided as part of the annual license renewal. These reports must be submitted no later than December 31 of each year. Violation of this Part is a class 3 violation as described in Title 56.

8. All facilities, alligator stock, and records are subject to examination by department personnel prior to permitting and thereafter during farm operation. Violation of this Part is a class 7A violation as described in Title 56.

9. It shall be unlawful for alligator eggs or alligators to be moved from a licensed premises without approval of the department. Violation of this Part is a class 7A violation as described in Title 56.

#### P. Exceptions

1. These regulations do not require licenses, labels, or permits for consumers who purchase or possess goods processed or manufactured from alligators which have been legally taken or raised, provided that such goods are used by the consumer and are not sold or bartered in conjunction with a wholesale or retail business activity.

2. The department or an authorized representative of the department may take by any means and possess alligators or parts of alligators while in the performance of official duties.

3. These regulations shall not prohibit a person from killing an alligator in immediate defense of his or her life or the lives of others. Alligators killed under this provision must be reported to the department within 24 hours. Violation of this Part is a class 2 violation as described in Title 56.

4. These regulations do not require a state license or permit of persons who deal in finished alligator leather products.

#### Q. Penalty for Violation

1. In order to facilitate greater control over alligator trafficking, the Louisiana Department of Wildlife and Fisheries finds that public welfare imperatively requires emergency action when the provisions of these regulations are violated.

2. If citations are issued for a violation of these regulations, all licenses and tags belonging to or in the possession of the cited party shall be suspended until such time as the said party appears before department officials for purposes of reviewing the citations issued. The secretary, after reviewing the proceedings may reinstate or revoke the suspension. The alleged violator may lose all rights and privileges to participate in this program if found guilty by criminal or civil process.

3. The department shall have the authority to confiscate any alligators or alligator eggs from any person or facility that is not caring for the alligators or alligator eggs in a humane manner. Inhumane treatment of alligators or alligator eggs consists but is not limited to conditions which could have an adverse effect upon the alligators or alligator eggs such as sanitary conditions, temperature control, feeding, or overcrowding. The confiscated alligators and alligator eggs shall be disposed of as the department deems necessary. Inhumane treatment of alligators or alligator eggs is a class 7A violation as described in Title 56.

4. In addition to all penalties set forth herein, violators may be subject to criminal prosecution under provisions of the Louisiana Revised Statutes, particularly Titles 14 and 56 and under federal law.

5. In addition to all other penalties provided by these rules and by statute, violation of any part of these regulations may result in the suspension and/or revocation of any or all alligator licenses held by the violator and, as further penalty, for serious, repeat, or multiple violations, the department shall have the right to deny a violator any and all licenses relating to alligators for a period not to exceed three years.

This is to certify that the above and foregoing is a true copy of the excerpt of the meeting of the Louisiana Wildlife and Fisheries Commission held in Baton Rouge, Louisiana on July 5, 1990.

Warren Pol  
Chairman

### DECLARATION OF EMERGENCY

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

In accordance with the emergency provisions of R.S. 49:953(B) and 967(D) of the Administrative Procedure Act, and under the authority of R.S. 56:326.1 and 326.3, the Wildlife and Fisheries Commission hereby finds that the current

emergency regulations governing the harvest of black drum are not consistent with the proposed permanent rules, which are based on the most recent assessment of the status of the black drum populations in Louisiana, and accordingly adopts the following rule.

Effective at 12 noon on July 9, 1990, the Louisiana Wildlife and Fisheries Commission hereby rescinds the current size limits and quotas for black drum which were implemented by emergency rule on February 9, 1990 and establishes a minimum size limit of 16 inches total length for the taking and possession of black drum within and without Louisiana waters. This rule shall remain in effect until September 1, 1990.

Warren I. Pol  
Chairman

### DECLARATION OF EMERGENCY

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

In accordance with the emergency provisions of R.S. 49:953(b), the Administrative Procedure Act, R.S. 49:967 which allows the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons and size limits and all rules and regulations pursuant thereto, and R.S. 56:22 which authorizes the Wildlife and Fisheries Commission to prohibit the taking of any species of fish for not more than the three-year period, when it deems it for the best interest of the state; the Louisiana Wildlife and Fisheries Commission finds that imminent peril to the public welfare exists, hereby declares an emergency and adopts the following rule.

Pursuant to R.S. 56:22, the Louisiana Wildlife and Fisheries Commission hereby prohibits the taking and possession of jewfish (*Epinephelus itajara*) from within or without Louisiana waters. This emergency rule shall become effective 12 noon, Monday July 9, 1990, and shall expire upon the effective date of the final rule. The final rule shall expire October 31, 1993.

Warren I. Pol  
Chairman

### DECLARATION OF EMERGENCY

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

In accordance with the emergency provisions of R.S. 49:953 and 49:967 of the Administrative Procedure Act, and under the authority of R.S. 56:497, the Wildlife and Fisheries Commission hereby adopts the following rule.

Effective at 6 a.m. on Monday, August 20, 1990, the Louisiana Wildlife and Fisheries Commission hereby sets the 1990 fall inshore "white" shrimp season to open in Shrimp Management Zones 1, 2 and 3 and authorizes the secretary of the Department of Wildlife and Fisheries to modify or close the 1990 fall inshore white shrimp season in any area or zone when biological and technical data indicate the need to do so.

Warren I. Pol  
Chairman



# Rules

## RULE

### Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences

#### Quarantine Program

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:1732, and pursuant to the notice of intent published on May 20, 1990, the Louisiana Department of Agriculture and Forestry hereby adopts the following amendments to the Plant Quarantine Regulations, LAC 7:XV, Chapter 95.

#### Title 7 AGRICULTURE AND ANIMALS Part XV. Plant Diseases

#### Chapter 95. Crop Pests and Diseases

#### Subchapter C. Sweetpotato Weevil Quarantine

#### §9537. Issuance of Certificate Permits, Fumigation Certificates and Certificate Permit Tags for the Movement of Restricted Material

##### A. From Pest-free Areas

1. Green certificate permit tags will be issued to persons in the pest-free areas who possess a Sweet Potato Dealer's Certificate Permit as required under the provisions of LAC 7:9547 hereof, upon request to the state entomologist.

2. Certificate permits authorizing the movement of restricted material from the pest-free area to points within and outside of Louisiana will be issued by the state entomologist under the following conditions:

a. The person desiring such movement has a Sweet Potato Dealer's Certificate Permit if required to possess such permit under the provisions of LAC 7:9547 hereof.

b. A platform inspection of the restricted material indicates that the restricted material is free of the sweetpotato weevil.

c. Green certificate permit tags are properly dated and attached to or within each container in a load or shipment of sweet potatoes, if moved within Louisiana or to any other state which may require such.

##### B. From Quarantined Areas

1. Pink certificate permit tags will be issued to persons in the quarantined areas who possess a Sweet Potato Dealer's Certificate Permit as required under the provisions of LAC 7:9547 hereof, upon request to the state entomologist.

2. Certificate permits authorizing the movement of restricted material from or within the quarantined areas will be issued by the state entomologist under the following conditions.

a. The person desiring such movement has a Sweet Potato Dealer's Certificate Permit if required to possess such permit under the provisions of LAC 7:9547 hereof.

b. A platform inspection of the restricted material indicates that the restricted material is apparently free of the sweetpotato weevil.

c. Pink certificate permit tags are properly dated and

attached to or within each container in a load or shipment of sweet potatoes, if moved within Louisiana or to any other state which may require such.

d. The regulated material is not moved from a quarantined area into a pest-free area, unless fumigated under the provisions set forth in LAC 7:9538, or to any state which may prohibit entry of such restricted material.

e. The lot of sweet potatoes, if moving by truck to an area which permits entry of restricted material, is sealed in the truck body by the use of not more than two seals.

Tarpaulins or other means used to seal the truck body must be approved by the department in advance of moving sweet potatoes. The seal shall not be broken until the truck reaches the destination shown in the certified permit authorizing the movement of the sweet potatoes. If the truck load is comprised of mixed produce including one or more containers of sweet potatoes, the entire load of produce must be sealed in the truck before leaving the loading point; a permit covering the sweet potatoes must be issued.

f. Fumigation certificate permits authorizing the movement of restricted material from quarantined areas will be issued when such restricted material is inspected, found apparently free of the sweetpotato weevil and fumigated under the provisions set forth in LAC 7:9538.

C. No sweet potatoes may be moved or shipped within or out of Louisiana unless a valid certificate permit is issued for each shipment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1732.

HISTORICAL NOTE: Promulgated by the Department of Agriculture LR 11:321 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 14:527 (August 1988), amended LR 16: (July 1990).

#### §9538. Fumigation and Maintenance of Weevil-free Status of Restricted Materials Originating in Quarantined Areas

##### A. Fumigation Measures

Persons operating storage houses and/or packing sheds who desire to move restricted materials outside of the quarantined areas shall:

1. Fumigate only "quick cured" sweet potatoes.

a. Quick cured sweet potatoes must have been cured at approximately 85° F (29.5° C) and 85 percent relative humidity for five to seven days.

b. Only good quality sweet potatoes with a minimum of bruises or other skin damage shall be fumigated.

2. Enlist the services of a certified fumigator to perform the fumigation.

3. Possess a valid fumigation certificate issued by a certified fumigator, indicating that sweet potato fumigation was done in accordance with all fumigant label requirements and in a manner approved by the department. Each fumigation certificate shall state the conditions and dates of fumigation.

4. Fumigate with hydrogen phosphide or any other fumigant approved for use on sweet potatoes and formulated and used in a manner approved by the department. If hydrogen phosphide is used, the fumigant concentration shall be maintained at a minimum of 200 ppm for five days.

##### B. Maintenance of Weevil-free Status

Restricted materials shall be maintained in such a manner that the integrity of their weevil-free status following



fumigation is retained.

1. Fumigation chamber - Fumigated sweet potatoes may be stored in a fumigation chamber approved by the department, designed specifically for fumigating and storing sweet potatoes. The chamber shall be airtight with a self contained, screened exhaust system in place; shall possess doors that seal; shall contain a minimum of 1000 cubic feet of space, and larger chambers must be designed to contain an even multiple of 1000 cubic feet; shall be cleaned of all sweet potatoes, parts, and any other restricted materials between periods of fumigation and storage.

2. Tractor trailer rigs designed and constructed for use in fumigations may be used in place of a fumigation chamber provided the truck body meets the fumigation chamber requirements outlined above, with the exception of the cubic feet requirement. A variation in truck body cubic feet shall be allowed provided the variation allows an adequate volume to fumigate according to the fumigant label. All entrances or openings on the truck body shall be sealed in a manner approved by the department, prior to shipment, by the use of not more than two seals.

3. If an approved fumigation chamber is not available, fumigation and storage of restricted materials shall:

a. be in a storage area separate from and in no way connected to any other storage or packing areas containing non-fumigated restricted materials. Storage area must be cleaned of all sweet potatoes, parts, and any other restricted materials between periods of storage;

b. be in a storage area that has been treated with an appropriately labeled chemical and in a manner approved by the department prior to initial storage of sweet potatoes harvested and fumigated that season; and must not be used to store any non-fumigated restricted materials;

c. fumigation shall be accomplished by tenting the restricted material with a sealed tarpaulin or other suitable sealable material of adequate thickness and construction for use in fumigation with hydrogen phosphide or other commercial fumigants;

d. restricted materials shall be completely enclosed with nylon, fiberglass, plastic or other synthetic screen material prior to, during and following fumigation. The screen mesh must be of a size sufficient to prevent entry of sweetpotato weevil and shall be free from tears, rips and holes.

4. Packing house or shed - Sweet potatoes fumigated, screened and stored according to Subsections A.1-4 and B.1-3d above may be washed and packed in the same packing house or shed as non-fumigated sweet potatoes, provided:

a. packing house or shed and all packing equipment is cleaned of all sweet potatoes, parts, and any other restricted materials prior to washing and packing of fumigated sweet potatoes;

b. packing house or shed is treated with an appropriately labeled chemical and in a manner approved by the department prior to each packing period involving fumigated sweet potatoes.

5. All packing boxes and other packing and shipping materials shall be held in a storage area separate from and in no way connected to any other non-fumigated materials, or be fumigated and stored according to Subsections A.1-4 and B.1-3d above.

6. Fumigated sweet potatoes washed and packed under approved conditions must be shipped within seven days

of packing. Washed and packed sweet potatoes shall be completely enclosed with nylon, fiberglass, plastic or other synthetic screen material immediately following packing and must remain enclosed until shipment. The screen mesh must be of a size sufficient to prevent entry of sweetpotato weevil and shall be free from tears, rips and holes. Fumigated, screened sweet potatoes awaiting shipment shall be labeled with the dates of fumigation.

7. Trucks or other vehicles used to ship fumigated sweet potatoes from quarantined areas shall be cleaned of all sweet potatoes, parts, and any other restricted materials prior to hauling fumigated sweet potatoes. Vehicle compartments previously containing shipments of non-fumigated restricted materials that were moved from or within quarantined areas must be treated with an appropriately labeled chemical and in a manner approved by the department prior to loading fumigated sweet potatoes for shipment. No non-fumigated sweet potatoes shall be loaded or shipped with fumigated sweet potatoes.

#### C. Issuance of Certificate Permit Tags

Manila certificate permit tags will be issued by the department to persons meeting all sweet potato quarantine regulation requirements and desiring to ship restricted materials that have been properly fumigated from quarantined areas to pest-free areas or to states that may prohibit entry of such restricted materials. Permit tags shall be properly dated and attached to or within each container in a load or shipment of fumigated sweet potatoes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1732.

HISTORICAL NOTE: Promulgated by the Department of Agriculture LR 11:321 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 14:527 (August 1988), amended LR 16: (July 1990).

Bob Odom  
Commissioner  
  
John W. Impson  
Asst. Commissioner  
and State Entomologist

## RULE

### Department of Economic Development Licensing Board for Contractors

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS Part XXIX. Contractors

#### Chapter 1. General Provisions

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

A. It shall be the responsibility of licensed contractors to maintain adequate records at all times to show compliance with the licensure requirements of all subcontracts and sub-contractors. Such records shall be made available to the board's inspectors at all reasonable times. The failure to maintain adequate records or the failure to furnish copies of such records within 72 hours notice thereof shall constitute a violation of this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2153.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Licensing Board for Contractors in November 1974, amended LR 8:135 (March 1982), LR 12:761 (November 1986), amended Department of Economic Development, State Licensing Board for Contractors, LR 16: (July 1990).

### **Chapter 3. License**

#### **§301. Requirements**

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2153.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Licensing Board for Contractors in November 1974, amended LR 1:401 (September 1975), LR 3:11 (January 1977), LR 8:136 (March 1982), amended Department of Economic Development, State Licensing Board for Contractors, LR 16: (July 1990).

#### **§311. Reciprocity**

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2153.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, State Licensing Board for Contractors, LR 16: (July 1990).

### **Chapter 5. Examination**

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

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

1. the request for additional classification(s) is in writing;
2. the required additional license fee of \$50 and a \$25 examination fee are paid; and the qualifying party successfully passes the examination;

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2153.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Licensing Board for Contractors in November 1974, amended LR 8:136 (March 1982), LR 11:341 (April 1985), LR 12:760 (February 1986), amended Department of Economic Development, State Licensing Board for Contractors, LR 16: (July 1990).

#### **§507. Initial Applicants**

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

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2153.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Licensing Board for Contractors in November 1974, amended LR 8:136 (March 1982), amended Department of Economic Development, State Licensing Board for Contractors, LR 16: (July 1990).

#### **§509. Exemption from Examination**

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

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

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2153.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Licensing Board for Contractors in November 1974, amended LR 8:136 (March 1982), amended Department of Economic Development, State Licensing Board for Contractors LR, 16: (July 1990).

Eddie Doucet  
Executive Director



**RULE**

**Department of Education  
Proprietary School Commission**

This is to amend the rules and regulations in Bulletin 1443 relating to general provisions, procedures, licenses, solicitor permits, forms, advertising rules, statutes relating to agents, student records and Associate in Occupational Studies Degree of Proprietary Schools. Interested parties may ob-

tain copies from the Department of Education, Room 210, Baton Rouge, LA 70804.

Andrew H. Gasperez  
Executive Secretary

**RULE**

**Board of Elementary and Secondary Education**

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published April 20, 1990 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

Amendment to Bulletin 1822, Competency Based Post-Secondary Curriculum Outlines — Course Titles and Lengths

CURRENTLY APPROVED		RECOMMENDED REVISION	
TITLE	LENGTH	TITLE	LENGTH
Air Conditioning/Refrigeration . . . . .	.2700 Hours, 24 Mos.	No Change . . . . .	.No Change
Barbering . . . . .	.1575 Hours, 14 Mos.	Barber-Styling . . . . .	.1500 Hours, 14 Mos.
Child Care . . . . .	.1350 Hours, 12 Mos.	No Change . . . . .	.No Change
Commercial Art . . . . .	.2700 Hours, 24 Mos.	No Change . . . . .	.No Change
Commercial Sewing . . . . .	.1350 Hours, 12 Mos.	Custom Sewing . . . . .	.2025 Hours, 18 Mos.
Cosmetology . . . . .	.1500 Hours, 12 Mos.	No Change . . . . .	.1500 Hours, 14 Mos.
Data Processing			
Computer Operator . . . . .	.1350 Hours, 12 Mos.	No Change . . . . .	.No Change
Computer Programmer . . . . .	.2025 Hours, 18 Mos.	No Change . . . . .	.No Change
Terminal System Operator . . . . .	.1013 Hours, 9 Mos.	No Change . . . . .	.No Change
Diesel Mechanics . . . . .	.1350 Hours, 12 Mos.	No Change . . . . .	.2700 Hours, 24 Mos.
Dietary Manager . . . . .	.1350 Hours, 12 Mos.	No Change . . . . .	.1620 Hours, 14½ Mos.
Electrician . . . . .	.1688 Hours, 15 Mos.	No Change . . . . .	.No Change
First Year Electronics (not separate course)		Electronics (Basic Core) (separate course)	
(Prerequisite to Electronics courses) . . . . .	.1350 Hours, 12 Mos.	(Prerequisite to Electronics courses) . . . . .	.1350 Hours, 12 Mos.
Forestry Technology . . . . .	.1688 Hours, 15 Mos.	No Change . . . . .	.1800 Hours, 16 Mos.
Graphic Arts . . . . .	.1350 Hours, 12 Mos.	No Change . . . . .	.No Change
Horticulture . . . . .	.1688 Hours, 15 Mos.	No Change . . . . .	.No Change
Industrial Machine Shop . . . . .	.1800 Hours, 16 Mos.	No Change . . . . .	.No Change
Medical Laboratory			
Technician - Certificate . . . . .	.1575 Hours, 14 Mos.	No Change . . . . .	.1660 Hours, 12 Mos.
Nurse Assistant . . . . .	.281 Hours, 2½ Mos.	Nursing Assistant . . . . .	.No Change
Office Occupations			
Accounts Clerk . . . . .	.788 Hours, 7 Mos.	No Change . . . . .	.1238 Hours, 11 Mos.
Secretary . . . . .	.1463 Hours, 13 Mos.	No Change . . . . .	.No Change
Stenographer . . . . .	.1350 Hours, 12 Mos.	Delete—Shorthand included with Secretary	
Word Processor Operator . . . . .	.1013 Hours, 9 Mos.	No Change . . . . .	.1125 Hours, 10 Mos.
Outdoor Power Equipment Technician . . . . .	.1013 Hours, 9 Mos.	No Change . . . . .	.2025 Hours, 18 Mos.
Respiratory Therapy Technician . . . . .	.1575 Hours, 14 Mos.	No Change . . . . .	.No Change
Salesmanship . . . . .	.675 Hours, 6 Mos.	Marketing . . . . .	.1350 Hours, 12 Mos.
Upholstering . . . . .	.1350 Hours, 12 Mos.	Upholstery . . . . .	.1800 Hours, 16 Mos.
Welding . . . . .	.1800 Hours, 16 Mos.	No Change . . . . .	.2025 Hours, 18 Mos.

Em Tampke  
Executive Director

**RULE**

**Board of Elementary and Secondary Education**

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published April 20, 1990 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

**Title 28  
EDUCATION**

**Part I. Board of Elementary and Secondary Education  
Chapter 9. Bulletins, Regulations, and State Plans  
§901. School Approval Standards and Regulations**

- A. - C. . . . .
- D. Issuance of Diplomas

\* \* \*

2. A state high school diploma shall be awarded to any student in a state-approved school who successfully completes the state's required program of studies and takes and successfully passes the state high school exit exam.

3. Any state-approved nonpublic school which wishes to award the state diploma to its students shall contact the State Department of Education for timelines and other administrative guidelines for administering the state exit testing program.

4. Any approved nonpublic school which does not choose to administer the state high school exit exam to its students may grant a school diploma which shall carry the same privileges as one issued by a state-approved public school.

5. The awarding of high school diplomas shall in no way affect the school approval classifications of any school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(11).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 16: (July 1990).

Em Tampke  
Executive Director

**RULE**

**Board of Elementary and Secondary Education**

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published April 20, 1990 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

**Title 28  
EDUCATION**

**Part I. Board of Elementary and Secondary Education  
Chapter 9. Bulletins, Regulations, and State Plans**

**§925. Competency Based Education**

- A. Competency Based Education Plan.
- 1. - 4. . . .

5. Performance Standard(s) for the LEAP Written Composition Test, Grades 5 and 7 are listed below:

GRADE 5 - Written Composition	
Performance Standard, Scale Score	553
Passing Raw Score	53
Maximum Possible Points*	72
Percentage of Points Necessary to Pass	74
Estimated Percent Failed	14%
GRADE 7 - Written Composition	
Performance Standard	745
Passing Raw Score	45
Maximum Possible Points*	72
Percentage of Points Necessary to Pass	63
Estimated Percent Failed	26%

\*A student can score a maximum of 72 points based upon the Domain Scoring Model that will be used by the readers to score the student responses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 24.4.

HISTORICAL NOTE: Amended by the Board of Elementary and Secondary Education, LR 16: (July 1990).

Em Tampke  
Executive Director

**RULE**

**Board of Elementary and Secondary Education**

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published April 20, 1990 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

**Title 28  
EDUCATION**

**Part I. Board of Elementary and Secondary Education  
Chapter 15. Vocational and Vocational-Technical Education**

**§1521. Operations**

- A. - C. . . . .
- D. Formula Funding

The formula funding for vo-tech schools is to be used to appropriate state funds to the vo-tech schools by the allocation formulas for personnel and the formula.

POSITION	ALLOCATION
Director	1
Asst. Director	150-300 FTE 1 Assistant Director
(150 FTE increments)	301-450 FTE 2 Assistant Directors
	451-600 FTE 3 Assistant Directors
	601-750 FTE 4 Assistant Directors
Student Personnel	0-200 FTE 1 Counselor
Services Officer	201-400 FTE 2 Counselors
(200 FTE Increments)	401-600 FTE 3 Counselors
	601-800 FTE 4 Counselors
Special Needs and/or	0-100 FTE 1 Instructor
Related Instructor	101-200 FTE 2 Instructors
	201-300 FTE 3 Instructors
	301-400 FTE 4 Instructors
	401-500 FTE 5 Instructors
Accountant	1 Accountant
Secretary	1 Secretary

POSITION	ALLOCATION			
Clerical Support	100-175	FTE	1	Clerk
	176-250	FTE	2	Clerks
	251-325	FTE	3	Clerks
	326-400	FTE	4	Clerks
	401-500	FTE	5	Clerks
	501-600	FTE	6	Clerks
	601-725	FTE	7	Clerks
	726-850	FTE	8	Clerks
	851-1000	FTE	9	Clerks
Maintenance	0- 75	FTE	1	Maintenance Repairman
	76-200	FTE	2	Maintenance Rep/Cust
	201-400	FTE	3	Maintenance Rep/Cust
	401-600	FTE	4	Maintenance Rep/Cust
	601-800	FTE	5	Maintenance Rep/Cust
	801-1000	FTE	6	Maintenance Rep/Cust
Instructional Allocation Formula				
Vocational Program Area			Teacher Allocation	
Health-Licensed Practical Nurse			1 Teacher/8 FTE	
All Other Instructors			1 Teacher/12 FTE	

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:2006.

**HISTORICAL NOTE:** Amended by the Board of Elementary and Secondary Education, LR 16: (July 1990).

Em Tampke  
Executive Director

## RULE

### Department of Elections and Registration

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and under the authority vested in the commissioner of elections by Section 114 of Title 18 of the Louisiana Revised Statutes of 1950, the commissioner of elections has adopted rules and regulations for the registration of voters at driver's license facilities.

#### Title 31 ELECTIONS

#### Part II. Voter Registration

#### Chapter 5. Voter Registration at Driver's License Facilities

#### Subchapter A. Department of Elections and Registration §501. Objective

The objective of these rules and regulations is to provide a uniform method of conducting courses of instruction for deputy registrars at driver's license facilities; to provide for voter registration at driver's license facilities which is impartial, equitable and in the best interest of the citizens of Louisiana; and to provide for an annual review of the effectiveness of the new program.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 18:114.

**HISTORICAL NOTE:** Promulgated by the Department of Elections and Registrations, LR 16: (July 1990).

#### §503. Commissioner of Elections

It will be the policy of the commissioner of elections to facilitate the implementation and support of the program for voter registration at driver's license facilities. The commissioner of elections will coordinate the activities of the parish registrars of voters with the Department of Public Safety and Corrections, and for the purpose he shall:

1. provide the Department of Public Safety and Corrections with updates on the names and addresses of the parish registrars of voters;

2. provide notice to the registrars of voters of the intent of the Department of Public Safety and Corrections to offer voter registration at the driver's license facilities within their parish and the names of the officials or employees who desire to become deputy registrars;

3. provide list of eligible deputy registrars who have successfully completed general course of instruction conducted by parish registrars of voters to Department of Public Safety and Corrections;

4. provide voter registration application forms, as approved by the Department of Public Safety and Corrections, to said department;

5. provide to the Department of Public Safety and Corrections the notices to applicants stating parish registrars of voters must approve applications prior to registration; and

6. provide to the Department of Public Safety and Corrections standard notices to be displayed informing the public of the availability of voter registration at driver's license facilities.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 18:114.

**HISTORICAL NOTE:** Promulgated by the Department of Elections and Registrations, LR 16: (July 1990).

#### §505. Parish Registrars of Voters

A. It is the intention of the parish registrars of voters to cooperate to their fullest extent in the registration of voters at driver's license facilities. In that regard, parish registrars shall:

1. notify the office of the commissioner of elections immediately of any change in the office mailing address of the registrar of voters;

2. at least two weeks prior to conducting a general course of instruction for deputy registrars, file a notice of intent to conduct course with the commissioner of elections and the driver's license facility within their parish:

3. conduct a general course of instruction relative to voter registration at least semi-annually during the months of May and November which course shall be open to any official or employee of the Department of Public Safety and Corrections who desires to become a deputy registrar of voters and who has applied to attend such course, and conduct subsequent courses of instruction if necessary;

4. immediately following the general course of instruction, prepare a list of eligible deputy registrars, including names, addresses and telephone numbers, and file with the office of commissioner of elections and make available, upon request, to secretary for public safety services or his successor;

5. upon receipt in the registrar's office of voter registration application forms from the Department of Public Safety and Corrections, indicate date received on the application; and

6. review voter registration application form and register applicant if sufficient information is provided. Notify applicant of registration. If insufficient information is provided, send notice to applicant at the address provided on the application informing the applicant that he has 10 days from the date on which the notice was mailed to appear in the registrar's office to provide the needed information. Register applicant upon receipt of needed information and mail notice of

registration to applicant. The eligibility of an applicant to vote in a particular election will be based upon the completion of the registration process by the registrar of voters prior to the close of the registration books for that particular election.

B. The parish registrar of voters shall prepare an annual report to the commissioner of elections which includes the number of voter registration applications transmitted by the Department of Public Safety, the number of applications with sufficient information to immediately register the applicant, the number of applications which required additional information from the applicant, and such other information as may be requested by the commissioner. Such report shall be filed within 15 days of the end of the calendar year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:114.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registrations, LR 16: (July 1990).

### §507. Deputy Registrars at Driver's License Facilities

#### A. Qualifications

A deputy registrar at a driver's license facility shall possess the following qualifications.

1. The person shall be an official or employee of the Department of Public Safety and Corrections who is employed at a department facility for the issuance of drivers' licenses.

2. The person shall be a registered voter.

3. The person shall have successfully completed a general course of instruction for deputy registrars conducted by the parish registrar of voters and any other subsequent instructional course required by the parish registrar.

4. The person shall not participate or engage in any political activity except to exercise his right as a citizen to express his opinion privately and to cast his vote as he desires.

5. The person shall not have been convicted of any election offense.

6. The person shall not be a candidate for public office.

#### B. Duties

A deputy registrar at a driver's license facility shall perform the following duties.

1. A deputy registrar shall provide voter registration applications and accept completed forms during regular working hours unless otherwise directed by the deputy secretary or his designee.

2. A deputy registrar shall provide a voter registration application form only to an individual who requests a voter registration application and who meets the following requirements:

a. A person who is requesting a driver's license or state identification card or renewal of a driver's license or other motor vehicle transaction.

b. A person who is at least 17 years of age and who is an actual resident of the state, parish, and precinct in which he seeks to register to vote. A person 17 years old will not be eligible to vote until the age of 18.

c. A person who is not under an order of imprisonment for conviction of a felony as defined in R.S. 18:2(2).

d. A person who has not been interdicted after being declared to be mentally incompetent.

e. If a foreign born applicant, a person who can provide proof of naturalization and also citizenship, if necessary, as required by R.S. 18:105.

3. A deputy registrar shall allow an applicant, who meets the above requirements and who resides at more than one place in the state with an intention to reside there indefinitely, to choose which residence will be used for registration purposes.

4. A deputy registrar shall request the applicant to surrender any voter registration card upon applying for registration.

5. A deputy registrar shall be unable to register any applicant who would require assistance in registering to vote unless that assistance consisted of the deputy providing the necessary registration form or answering any questions the applicant might have about completing the registration form until such time as R.S. 18:114(F)(2) has been amended to allow for further assistance by the deputy registrar in accordance with the provisions of R.S. 18:106.

6. A deputy registrar shall require the applicant to provide sufficient information to establish his age, identity, and residency.

7. A deputy registrar shall require an applicant to indicate "None" on the application form if the applicant does not declare a party affiliation.

8. A deputy registrar shall insure that the information provided on the voter registration application is legible and to the best of his knowledge accurate and complete.

9. A deputy registrar shall administer any oath required on the voter registration application as authorized by R.S. 18:114(F)(7) and shall sign and date the application.

10. A deputy registrar shall inform the applicant that the applicant is not officially registered to vote until the application has been received and approved by the parish registrar of voters. Upon approval by the registrar of voters, a voter identification card will be mailed to the applicant. In addition to verbally informing the applicant, the deputy registrar shall give written notice to the applicant.

11. A deputy registrar shall insure that the completed voter registration application is made available to the designated person who will be responsible for transmittal to the parish registrar of voters for the parish in which the applicant seeks to register. The date of transmittal shall be indicated on the application, and the transmittal shall be made within five working days of the completion of the application. Any surrendered voter registration card must be attached to the voter registration application at the time the application is transmitted to the registrar of voters.

#### C. Offenses

No deputy registrar shall knowingly, willfully, or intentionally:

1. offer, promise, solicit or accept money or anything of present or prospective value to secure or influence a vote or registration of a voter;

2. forge, alter, deface, destroy, or remove from proper custodial care any application for voter registration; or

3. intimidate, directly or indirectly, any prospective voter in matters concerning registration or nonregistration.

#### D. Termination

The appointment of the deputy registrar shall be valid as long as the deputy registrar remains in the employ of the Department of Public Safety and Corrections at a driver's license facility. However, a deputy registrar may be removed from the list of eligibles by the registrar of voters for cause.

Cause shall be defined as:

1. knowingly violating the prohibitions included in Sec-

tion 114(F)(6) of Title 18;

2. consistent failure of a deputy registrar to perform his duties in a careful manner;
3. engagement in political activities; or
4. any action constituting an offense as provided herein.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 18:114, R.S. 18:2(2), R.S. 18:52, R.S. 18:62, R.S. 18:101, R.S. 18:102, R.S. 18:105, R.S. 18:106, R.S. 18:108, and R.S. 18:1461.

**HISTORICAL NOTE:** Promulgated by the Department of Elections and Registrations, LR 16: (July 1990).

#### **§509. Course of Instruction**

A. The registrars of voters shall be notified through the commissioner of elections by the Department of Public Safety and Corrections of their intent to offer voter registration at the driver's license facilities within their parish. The Department of Public Safety and Corrections shall provide the names, addresses, work telephone numbers, and driver's license facility location of any official or employee of Public Safety and Corrections who desires to become a deputy registrar to register voters at such facilities. If such notice is received at least three weeks prior to either the month of May or the month of November, the affected registrars of voters shall schedule a general course of instruction to be held during the appropriate month. To facilitate the operation of the driver's license facilities, the registrars may conduct multiple courses of instruction during the months of May and November.

The registrars shall determine the dates, time, and location of such courses of instruction and shall give notice to the commissioner of elections and the appropriate driver's license facilities within their parish at least two weeks prior to the scheduled courses.

C. The registrars shall furnish to the persons who attend the course a sample voter registration application form which will be used at the driver's license facilities and any materials as may be provided by the commissioner of elections.

D. The general course of instruction shall include but not be limited to the following:

1. conduct detailed study of the voter registration application with special emphasis on problem areas;
2. discuss information which may be used to establish applicant's age, identity, and residency;
3. discuss assistance that may be provided to applicant;
4. discuss documents which may be used for proof of naturalization or citizenship;
5. review responsibilities of deputy registrar in insuring accuracy and legibility of voter registration application and stressing the deputy registrar's responsibility for informing the applicant that the applicant is not registered until the parish registrar notifies the applicant of registration;
6. review transmittal requirements;
7. review offenses and causes for termination; and
8. review penalties established in R.S. 18:114(H) for noncompliance with the provisions of law relative to voter registration and driver's license facilities.

E. During the course of instruction, the registrars shall conduct an exercise in reviewing improperly completed voter registration applications to test the prospective deputy registrar's ability to detect errors or insufficient information on applications.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 18:114, R.S. 18:104, R.S. 18:105, and R.S. 18:106.

**HISTORICAL NOTE:** Promulgated by the Department of Elections and Registrations, LR 16: (July 1990).

#### **§511. Review Process**

An annual meeting between the office of commissioner of elections and the Department of Public Safety and Corrections shall be held during the month of February of each year to monitor and evaluate the annual report prepared by the parish registrars of voters to identify problem areas where changes in rules and regulations or the revised statutes may be necessary. The annual meeting may be discontinued upon mutual agreement when it is felt there is no longer a need to continue to hold such meetings.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 18:114.

**HISTORICAL NOTE:** Promulgated by the Department of Elections and Registrations, LR 16: (July 1990).

#### **§513. Implementation**

In a letter dated October 11, 1989, the United States Justice Department has advised the commissioner of elections that any rules and regulations adopted relative to the implementation of the new program of registering voters at driver's license facilities will require preclearance by the United States Justice Department under the requirements of Section 5 of the Voting Rights Act. The provisions of Section 114 of Title 18 provide for implementation of the program, other than the promulgation of any rules and regulations required by Section 114, within 60 days after final adoption of such rules and regulations. The final date of implementation shall be determined by whichever date is the later.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 18:114.

**HISTORICAL NOTE:** Promulgated by the Department of Elections and Registrations, LR 16: (July 1990).

Jerry M. Fowler  
Commissioner of Elections

## **RULE**

### **Department of Employment and Training Office of Employment Security**

Notice is hereby given that the Department of Employment and Training, Office of Employment Security, adopts the following rule change for the rules for administration of the Employment Security Law, pursuant to a notice of intent published on January 20, 1990.

#### **Title 40**

#### **LABOR AND EMPLOYMENT Part IV. Employment Security**

#### **Chapter 3. Employment Security Law**

#### **§329. Registration for Work and Claims for Benefits for Total and Part-Total Unemployment**

A. Claims for benefits for total or part-total unemployment shall be made on forms prescribed by the administrator for that purpose. In order to claim benefits or waiting period credits for unemployment, an individual shall:

1. file a claim for benefits and



2. register for work at the Office of Employment Security.

B. The continued claim for benefits for total or part-total unemployment shall be made on forms prescribed by the administrator. Except as otherwise provided in this Section and §333, to establish eligibility for benefits or waiting credits for weeks of total or part-total unemployment during any continuous period of unemployment, the claimant shall continue to report in person or by mail, weekly or biweekly, or at more frequent intervals, if directed by the administrator or his representative, to the Employment Security office where he registered for work and filed his claim, provided the reporting at more frequent intervals places no unreasonable burden on him or does not unreasonably limit his opportunity to establish his rights to benefits. The claimant may, for good cause when unable to report to such office, file his claim at any other office of Employment Security. For reasons found to be cause for any individual's failure to appear at the time specified for reporting at an Employment Security office, a continued claim may be accepted from such individual, effective as of the first day of his week of total or part-total unemployment, if such continued claim is filed within seven days following the date specified for his reporting. If the failure of an individual to file such a claim at the time specified is found to be without good cause, or if the continued claim is not filed within the above mentioned seven days, the continued claim will be disallowed.

C. An individual who returns to employment under conditions which no longer render him eligible for benefits or waiting period credits may claim benefits in person or by mail for the week or portion of a week immediately preceding his employment, provided the week or portion of a week follows without interrupting an initial claim or a week for which benefits or waiting credits were claimed.

D. The administrator may waive or alter either or both of the requirements of this Section to an individual who:

1. is a paid-up union member of a recognized craft union;
2. is partially employed and filed a claim for part-total benefits;
3. files a claim for shared-work benefits under a shared-work plan; or
4. is on temporary layoff from his regular work with a definite date of return and holds himself available for reemployment at his last place of work.

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), amended by the Department of Employment and Training, Office of Employment Security, LR 16: (July 1990).

Phyllis Coleman Mouton  
Secretary

#### RULE

##### Department of Employment and Training Office of Employment Security

The Department of Employment and Training, Office of Employment Security, intends to amend LAC 40:IV.361.C

to delete from the definition of "interim employment" language which limits the term to 90 days. This action is being taken because the agency finds that the limitation does not comport with traditional employment practices.

#### Title 40 LABOR AND EMPLOYMENT Part IV. Employment Security

##### Chapter 3. Employment Security Law §361. Types of Employment

C. *Interim Employment* is employment performed by individuals who are on temporary lay-off or are otherwise separated from their full-time regular employment and expect to return to their full-time regular employment within a reasonable time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1471 et seq.

HISTORICAL NOTE: Promulgated by the Department of Employment and Training, Office of Employment Security, LR 16: (July 1990).

Phyllis Coleman Mouton  
Secretary

#### RULE

##### Department of Environmental Quality Office of Air Quality and Nuclear Energy Air Quality Division

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Louisiana Air Quality Regulations, LAC 33:III.2131, 2133, 2135, 2137.

These regulations add requirements for testing and recordkeeping. Also, the exemption level is changed from a "throughput" of 500,000 gallons per year to 120,000 gallons per year in seven non-attainment parishes (six in the Baton Rouge area and one in the Lake Charles area).

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

##### Chapter 21. Control of Emission of Organic Compounds Subchapter F. Gasoline Handling §2131. Filling of Gasoline Storage Vessels

A. Control Requirement. No person shall transfer gasoline from any delivery vessel into any stationary storage container unless such container is equipped with a submerged fill pipe and unless the displaced vapor emissions from submerged filling of the container are processed by a vapor recovery system which reduces such emissions by at least 90 percent.

B. Approved Vapor Balance System. When a vapor balance system is used to comply with the above vapor recovery system control requirements, the balance system will be assumed to meet the specified control requirements if the following conditions are met.

1. A vapor-tight return line having an internal cross-sectional area at least one-half that of the liquid line is connected before gasoline can be transferred into the storage

container. No gasoline leaks exist anywhere in the liquid transfer system. Inspection for visible liquid leaks, visible fumes, or odors resulting from gasoline dispensing operations shall be conducted by the owner or the operator of the gasoline outlet and the owner or the operator of the tank truck. Gasoline loading or unloading through the affected transfer lines shall be discontinued immediately when a leak is observed and shall not be resumed until the observed leak is repaired.

\* \* \*

3. The delivery vessel is kept vapor-tight at all times with vapor recovery equipment. The delivery vessel must be in compliance with LAC 33:III.2137. The vapor-laden delivery vessel may only be refilled at bulk gasoline plants complying with LAC 33:III.2133 or bulk gasoline terminals complying with LAC 33:III.2135.

D. Exemptions. The following are exempt from the requirements of LAC 33:III.2131.A above:

1. Affected facilities in attainment or unclassified areas (all parishes except Bossier, Caddo, Beauregard, Calcasieu, Pointe Coupee, East Baton Rouge, West Baton Rouge, Iberville, Lafayette, St. Mary, Ascension, St. James, St. John the Baptist, St. Charles, Lafourche, Jefferson, Orleans, St. Bernard and Grant).

\* \* \*

3. Any gasoline outlet in the parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Pointe Coupee, St. James and West Baton Rouge whose throughput is less than 120,000 gallons (454,200 liters) per year or any gasoline outlet in the parishes of Beauregard, Bossier, Caddo, Grant, Jefferson, Lafayette, Lafourche, Orleans, St. Bernard, St. Charles, St. James and St. John the Baptist whose throughput is less than 500,000 gallons (1,892,700 liters) per year. Once the rolling 30-day average throughput exceeds 10,000 gallons for a facility in the parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Pointe Coupee, St. James and West Baton Rouge or 42,000 gallons for a facility in the parishes of Beauregard, Bossier, Caddo, Grant, Jefferson, Lafayette, Lafourche, Orleans, St. Bernard, St. Charles, St. James and St. John the Baptist that facility becomes an affected facility and does not revert to an exempted facility when the throughput drops back below the throughput exemption level.

4. Tanks with a capacity of 2,000 gallons or less installed before January 1, 1979, and new tanks with a capacity of 250 gallons or less installed after December 31, 1978.

5. Tanks having a capacity of less than 550 gallons used exclusively for the fueling of farm implements and having submerged fill line.

E. Compliance. Compliance with this Section shall be determined by applying the following test methods, as appropriate.

1. Test Method 27 (LAC 33:III.6089) for determination of Vapor Tightness of Gasoline Delivery Tanks Using Pressure-Vacuum Test.

2. Guidelines report EPA-450/2-78-051, Appendix B, Gasoline Vapor Leak Detection Procedure By Combustible Gas Detector.

3. Test Method 21 (LAC 33:III.6077) for determination of Volatile Organic Compound Leaks.

F. Recordkeeping. The owner or operator of any operation involved with storing gasoline in any stationary container and required to comply with LAC 33:III.2131 shall

maintain records to verify compliance with this Section. The records will be maintained for at least two years and will include, but not be limited to, the following:

1. The date of delivery of each shipment of gasoline, the certificate number and date of certification of each delivery vehicle that delivers a shipment.

a. Regulation LAC 33:III.2137.A.2 requires a sticker to be displayed on the gasoline tank truck with the identification number of the tank and the date it was tested.

b. The owner or operator of any operation involved with storing gasoline in any stationary container and required to comply with LAC 33:III.2131 shall not accept delivery of gasoline from any gasoline tank truck that does not have a sticker indicating that it has been inspected in the last year.

c. The sticker should be located near the Department of Transportation certification plate.

2. The dates and descriptions of any malfunction, repair, replacement or modification of control systems or control equipment required to be used in the transfer of gasoline from the gasoline tank truck to a stationary storage tank. If the problem is with equipment on the tank truck, information on the owner or operator of the tank truck, the truck identification number, date the problem occurred and driver's name shall be recorded as part of the descriptions of any malfunction, repair, replacement or modification of control systems required above.

3. The owner or operator shall maintain records of any testing requested by the administrative authority to prove compliance with LAC 33:III.2131 or any testing done by the owner or operator on a voluntary basis.

G. Implementation Schedule. Facilities must be in compliance with this Section within one year after becoming an affected 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 Nuclear Energy, Air Quality Division in LR 13:741 (December 1987), as amended in LR 16: (July 1990).

### §2133. Gasoline Bulk Plants

#### A. Control Requirements

1. No person shall permit the transfer of gasoline from a transport vessel into a gasoline bulk plant storage tank unless a vapor return line is installed from the storage tank to the transport vessel and the storage tank is filled with a submerged fill pipe. There shall be no leaks in the transfer system which includes liquid lines, vapor lines, hatch covers, pumps and transport vessel pressure-vacuum relief valves. The only atmospheric emission during gasoline transfer shall be through the storage tank's pressure-vacuum relief valves. All gauging and sampling devices shall have no vapor leaks except during necessary gauging and sampling.

\* \* \*

3. No person shall permit the transfer of gasoline from a gasoline bulk plant storage tank into a delivery truck unless a vapor return line is installed from the delivery truck to the storage tank. There shall be no leaks in the transfer system which includes liquid lines, vapor lines, hatch covers, pumps and transport vessel pressure-vacuum relief valves. The only atmospheric emission during gasoline transfer shall be through the storage tank's pressure-vacuum relief valve. All gauging and sampling devices shall have no vapor leaks except during necessary gauging and sampling.

4. A facility subject to LAC 33:III.2133 shall service only those delivery trucks/transport vessels complying with LAC 33:III.2137.

5. A means shall be provided to prevent liquid drainage from the loading device when it is not in use or to accomplish complete draining before the loading device is disconnected.

6. All loading and vapor lines shall be equipped with fittings without vapor leaks and which close automatically when disconnected.

B. Exemptions

\* \* \*

3. Gasoline distribution facilities which have a gasoline throughput greater than 20,000 gallons (75,708 liters) per day averaged over any consecutive 30-day period shall meet the provisions of LAC 33:III.2135. Once a facility's throughput exceeds this rate, it shall remain subject to and shall comply with LAC 33:III.2135 regardless of any fluctuations in throughput.

4. All loading and unloading facilities for crude oil and condensate, for ships and barges and for facilities loading and unloading only liquefied petroleum gas are exempt from LAC 33:III.2133.

C. Compliance. Compliance with this Section shall be determined by applying the following test methods, as appropriate.

1. Leak tests for monitoring during loading, E.P.A., Appendix B, Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems (EPA 450/2-78-51).

2. Test Method 21 (LAC 33:III.6077) for determination of Volatile Organic Compound Leaks.

3. Monitoring Requirements. Inspection for visible liquid leaks, visible fumes, or odors resulting from gasoline dispensing operations shall be conducted by the owner or the operator of the bulk plant or the owner or the operator of the tank truck. Gasoline loading or unloading through the affected transfer lines shall be discontinued immediately when a leak is observed and shall not be resumed until the observed leak is repaired.

D. Recordkeeping. The owner/operator of any gasoline bulk plant shall maintain records to verify compliance with or exemption from this Section. The records will be maintained for at least two years and will include, but not be limited to, the following:

1. purchase and sales receipts including delivery dates, quantities, and comments;

2. equipment operation schedules and maintenance records;

3. data to document compliance with LAC 33:III.2133.A and C;

4. visual inspection to address the installation of the vapor return line, odor testing for leaks during transfer operations and suggested use of check-off sheets;

5. the dates and times the vapor collection facility was inspected and whether it passed the requirements specified in LAC 33:III.2137.B.1.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division in LR 13:741 (December 1987), as amended in LR 16: (July 1990).

### §2135. Bulk Gasoline Terminals

A. Areas Affected. All affected facilities in the areas which have been specified by the U.S. Environmental Protection Agency as nonattainment areas (Ascension, Beauregard, Bossier, Caddo, Calcasieu, East Baton Rouge, Grant, Iberville, Jefferson, Lafayette, Lafourche, Orleans, Pointe Coupee, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary and West Baton Rouge Parish) for the oxidant standard shall be in compliance.

B. Control Requirements

\* \* \*

a. The bulk gasoline terminal is equipped with a vapor control system, capable of complying with LAC 33:III.2135.B.2 of this Section, which is installed and in operation and consisting of one of the following:

i. An adsorber or condensation system which processes and recovers at least ninety percent by weight of all vapors and gases from the equipment being controlled.

$$\% \text{ efficient} = \frac{(\text{Influent} - \text{Effluent}) \times 100\%}{(\text{Influent})}$$

\* \* \*

iii. A control system with an efficiency equivalent to or greater than the above, and approved by the administrative authority.

\* \* \*

d. All loading and vapor lines are equipped with fittings without vapor leaks and which close automatically when disconnected.

2. No person may allow mass emissions of volatile organic compounds from control equipment to exceed 80 milligrams per liter (4.7 grains per gallon or 0.67 pounds per 1,000 gallons) or gasoline loaded.

3. No person may allow gasoline to be discarded in sewers or stored in open containers or handled in any manner that would result in evaporation.

4. No person may allow the pressure in the vapor collection system to exceed the tank truck or trailer pressure relief settings.

5. A facility subject to LAC 33:III.2135 shall service only those delivery trucks/transport vessels complying with LAC 3:III.2137.

C. Exemptions

1. Gasoline distribution facilities which have a gasoline throughput less than 20,000 gallons (75,708 liters) per day averaged over any consecutive 30-day period shall meet the provisions of LAC 33:III.2133. Once a facility's throughput exceeds this rate, it shall become subject to and shall comply with LAC 33:III.2135 and shall remain so regardless of any fluctuations in throughput.

2. All loading and unloading facilities for crude oil and condensate, for ships and barges and for facilities loading and unloading only liquefied petroleum gas are exempt from LAC 33:III.2135.

3. Gasoline bulk terminals which are located in an attainment area and do not service facilities controlled by LAC 33:III.2131 and LAC 33:III.2133 are exempt from the control requirements of LAC 33:III.2135.B. Bulk terminals servicing exempted and controlled facilities are required to collect vapors from controlled facilities.

D. Compliance. Compliance with this Section shall be determined by applying the following test methods, as appropriate.

1. Test Method 1 through 4 (LAC 33:III.6001,6003, 6009 and 6013, respectively) for determining flow rates, as necessary.

2. Test Method 18 (LAC 33:III.6071) for measuring gaseous organic compound emissions by gas chromatographic analysis.

3. Test Method 21 (LAC 33:III.6077) for determination for volatile organic compound leaks.

4. Test Method 25 (LAC 33:III.6085) for determining total gaseous nonmethane organic emissions as carbon.

5. EPA leak test for monitoring during loading, Appendix B, Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection systems (EPA 450/2-78-051).

6. Additional performance test procedures, or equivalent test methods, approved by the administrative authority\*; and

7. Monitoring Requirement. Inspection for visible liquid leaks, visible fumes, or odors resulting from gasoline dispensing operations shall be conducted by the owner or the operator of the terminal or the owner or the operator of the tank truck. Gasoline loading or unloading through the affected transfer lines shall be discontinued immediately when a leak is observed and shall not be resumed until observed leak is repaired.

E. Recordkeeping. The owner/operator of any gasoline bulk terminal shall maintain records to verify compliance with or exemption from this Section. The records will be maintained for at least two years and will include, but not be limited to, the following:

1. purchase and sales receipts including delivery dates, quantities, and comments;

2. equipment operation schedules and maintenance records;

3. testing, sampling and analysis data to document compliance with LAC 33:III.2135.B and D; and

4. visual inspection to address the installation of the vapor return line, odor testing for leaks during transfer operations and suggested use of check-off sheets.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division in LR 13:741 (December 1987), as amended in LR 16: (July 1990).

## §2137. Gasoline Terminal Vapor-Tight Control Procedure

### A. Gasoline Tank Trucks

1. Testing Procedures. Gasoline tank trucks and their vapor collection systems shall not sustain a pressure change of more than three inches of water (0.75 kPa) in five minutes when pressurized to 18 inches of water (4.5 kPa) or evacuated to six inches of water (1.5 kPa) using the test procedure described in Method 27 of the Division's Source Test Manual.

2. Inspection Sticker Required. All tank trucks must have a sticker displayed on each tank indicating the identification number of the tank and the date each tank last passed the pressure and vacuum test described in LAC 33:III.2137.A.1. Each tank must be certified annually and the sticker must be displayed near the Department of Transportation certification plate. Any repairs necessary to pass the specified requirements must be made within 15 days of failure.

### B. Vapor Collection System

1. Requirements for Potential Leak Source. Loading and unloading operations at gasoline terminals shall not produce a reading equal to or greater than 100 percent of the lower explosive limit (LEL, measured as propane) at 2.5 centimeters around the perimeter of a potential leak source as detected by a combustible gas detector using the test procedure described in Method 21 of the document referenced in LAC 33:111.2137.A.1.

2. Design and Operating Requirements. Vapor collection and processing equipment shall be designed and operated to prevent tank truck gauge pressure from exceeding 18 inches of water (4.5 kPa) and prevent vacuum from exceeding 6 inches of water (1.5 kPa).

3. The vapor collection system will be inspected annually.

a. If the administrative authority determines that there is an excessive number of leaks during any given test by the terminal operator or by an administrative authority representative, an increase in the monitoring frequency may be requested.

b. If the vapor collection system fails to pass inspection, any repairs necessary to pass the specified requirements must be made within 15 days of failure.

C. Exemptions. All loading and unloading facilities for crude oil and condensate, for ships and barges and for facilities loading or unloading only liquefied petroleum gas are exempt from LAC 33:III.2137.

D. Recordkeeping Requirements. The gasoline terminal operator shall maintain records at the facility for at least two years indicating the last time the vapor collection facility passed the requirements specified in LAC 33:III.2137.B.1. Items which required repair in order to pass the specified requirements must also be recorded during the annual test procedure.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division in LR 13:741 (December 1987), as amended in LR 16: (July 1990).

Paul Templet  
Secretary

## RULE

### Department of Environmental Quality Office of Air Quality and Nuclear Energy Air Quality Division

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Louisiana Air Quality Regulations, LAC 33:III.509.

These amendments add the control of nitrogen dioxide increments to the Prevention of Significant Deterioration (PSD) permitting rules.

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

**Chapter 5. Permit Procedures**

**§501. Authority**

\* \* \*

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division in LR 13:741 (December 1987), amended LR 16: (July 1990).

**§509. Prevention of Significant Deterioration**

\* \* \*

**B. Definitions**

\* \* \*

*Baseline Area*

1. Any area designated as attainment or unclassifiable in which the major source or major modification establishing the minor source baseline date would construct or would have an air quality impact equal to or greater than 1 µg/m<sup>3</sup> (annual average of the pollutant for which the minor source baseline date is established).

2. All parishes are designated as attainment for all pollutants except the following parishes are designated non-attainment for ozone only.

Ascension	Lafourche
Beauregard	Orleans
Bossier	Pointe Coupee
Caddo	St. Bernard
Calcasieu	St. Charles
East Baton Rouge	St. James
Grant	St. Mary
Iberville	West Baton Rouge
Jefferson	
Lafayette	

*Baseline Concentration*

1. That ambient concentration level which exists in the baseline area at the time of the applicable minor source baseline date. A baseline concentration is determined for each pollutant for which a minor source baseline date is established and shall include:

a. the actual emissions representative of sources in existence on the applicable minor source baseline date, except as provided in Paragraph 2 below;

b. the allowable emissions of major stationary sources which commenced construction before the major source baseline date but were not in operation by the applicable minor source baseline date.

2. The following will not be included in the baseline concentration and will affect the applicable maximum allowable increase(s):

a. actual emissions from any major stationary source on which construction commenced after the major source baseline date; and

b. actual emissions increases and decreases at any stationary source occurring after the minor source baseline date.

*Baseline Date*

1. *Major source baseline date* means:

a. in the case of particulate matter and sulfur dioxide, January 6, 1975, and

b. in the case of nitrogen dioxide, February 8, 1988.

2. *Minor source baseline date* means the earliest date after the trigger date on which a major stationary source or a major modification subject to LAC 33:III.509 submits a complete application under the relevant regulations. The trigger date is:

a. in the case of particulate matter and sulfur dioxide, August 7, 1977, and

b. in the case of nitrogen dioxide, February 8, 1988.

\* \* \*

*Net Emissions Increase*

\* \* \*

4. An increase or decrease in actual emissions of sulfur dioxide, particulate matter or nitrogen dioxide which occurs before the applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available.

\* \* \*

D. Ambient Air Increments. In areas designated as Class I, II, or III, increases in pollutant concentration over the baseline concentration shall be limited to the following:

**Maximum Allowable Increase  
(micrograms per cubic meter)**

Pollutant	Class I
Particulate matter:	
Annual geometric mean .....	5
24-hr maximum .....	10
Sulfur dioxide:	
Annual arithmetic mean .....	2
24-hr maximum .....	5
3-hr maximum .....	25
Nitrogen dioxide:	
Annual arithmetic mean .....	2.5

Class II

Particulate matter:	
Annual geometric mean .....	19
24-hr maximum .....	37
Sulfur dioxide:	
Annual arithmetic mean .....	20
24-hr maximum .....	91
3-hr maximum .....	512
Nitrogen dioxide:	
Annual arithmetic mean .....	25

Class III

Particulate matter:	
Annual geometric mean .....	37
24-hr maximum .....	75
Sulfur dioxide:	
Annual arithmetic mean .....	40
24-hr maximum .....	182
3-hr maximum .....	700
Nitrogen dioxide:	
Annual arithmetic mean .....	50

\* \* \* \*

**P. Source Impacting Federal Class I Areas - Additional Requirements**

\* \* \*

4. Class I Variances. The owner or operator of a proposed source or modification may demonstrate to the federal

land manager and the administrative authority that the emissions from such source or modification would have no adverse impact on the air quality related values of any such lands (including visibility), notwithstanding that the change in air quality resulting from emissions from such source or modification would cause or contribute to concentrations which would exceed the maximum allowable increases for a Class I area. If the federal land manager concurs with such demonstration and he so certifies, the administrative authority may, provided the applicable requirements of this Section are otherwise met, issue the permit with such emission limitations as may be necessary to assure that emissions of sulfur dioxide, particulate matter and nitrogen dioxide would not exceed the following maximum allowable increases over minor source baseline concentration for such pollutants:

**Maximum Allowable Increase  
(micrograms per cubic meter)**

Particulate matter:	
Annual geometric mean . . . . .	19
24-hr maximum . . . . .	37
Sulfur dioxide:	
Annual arithmetic mean . . . . .	20
24-hr maximum . . . . .	91
3-hr maximum . . . . .	325
Nitrogen dioxide:	
Annual arithmetic mean . . . . .	25

\* \* \*

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

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division in LR 13:741 (December 1987), amended LR 16: (July 1990).

Paul Templet  
Secretary

**RULE**

**Department of Environmental Quality  
Office of Solid and Hazardous Waste  
Hazardous Waste Division**

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Louisiana Hazardous Waste Regulations, LAC 33.V.Subpart 1.

These regulations revise existing state regulations to be consistent with current federal regulations. These regulations facilitate research and development of treatment alternatives, expedite processing permit modifications, provide greater flexibility of statistical methods for evaluation of groundwater monitoring data, update hazardous waste listings, and correct typographical errors and citation references.

Paul H. Templet  
Secretary

**RULE**

**Department of Environmental Quality  
Office of Solid and Hazardous Waste  
Underground Storage Tanks Division**

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Louisiana Underground Storage Tanks Regulations, LAC 33:Part XI.

These regulations establish requirements for release detection, prevention, as well as corrective procedures at all underground storage tanks holding petroleum and other regulated substances. These regulations establish requirements for storing regulated substances, including petroleum products in underground tanks. These regulations do not apply to underground tanks storing non-petroleum hazardous wastes. These regulations include performance standards for new tanks, establish a certification and licensing program for contractors, and establish requirements for demonstrating financial responsibility. These regulations substantially track the federal underground storage tank regulations.

Copies of these rules are available at the office of the State Register, Box 94095, Baton Rouge, LA 70804, and also with the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tanks Division, Box 44066, Baton Rouge, LA 70804.

Paul H. Templet  
Secretary

**RULE**

**Office of the Governor  
Division of Administration  
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 adopts 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. ...

A.2. It employs at least one person who has actually been, for a period of three successive years or more, successfully engaged in performing the same or similar structured settlement services as defined in this Part and who will personally supervise the rendering of any such services to every state governmental entity receiving them from such firm. This broker shall be a member of the National Structured Settlement Trade Association (NSSTA).

3. It shall be able to make such purchases as agent or broker from at least 10 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.

5. It shall provide the following information:

- a. a copy of Louisiana agents/brokers license;
- b. proof of coverage of \$1,000,000 for errors and omissions which specifically covers structured settlements;
- c. ...
- d. proof of National Structured Settlement Trade Association (NSSTA) membership;
- e. a complete list of qualifying structured settlement carriers which the firm regularly utilizes in providing structured settlement services.

6. - 7. ...

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

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Risk Management, LR 12:235 (April 1986), amended LR 12:832 (December, 1986), LR 16: (July 1990).

### §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 "VIII" or higher.

C. - F. ...

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

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Risk Management, LR 12:235 (April, 1986), amended LR 12:832 (December, 1986), LR 16: (July 1990).

Seth E. Keener, Jr.  
State Risk Director

## RULE

### Office of the Governor

#### Governor's Special Commission on Education Services

##### Reconciliation and Pro Rata Refund Amendments

In accordance with R.S. 49:950 et seq., notice is hereby given that the Governor's Special Commission on Education Services (GSCES), amends its 1987 Policy and Procedure Manual by amending policies V - "Institutional Participation," VI - "Borrower Participation," VII - "Origination," VIII - "Servicing During the Interim Period"; and amend procedures 4.0 - "How to Establish Eligibility to Participate as a School (or Branch School) in the Louisiana Student Loan Programs," 4.1 - "How to Maintain Eligibility to Participate as a School (or Branch School) in the Louisiana

Student Loan Programs," 4.2 - "Loss or Limitation of Institutional Eligibility to Participate as a School (or Branch) in Louisiana Student Loan Programs," 10 - "How to Prepare and Submit a LGSL, LSLs, or PLUS Application for Guaranty," and 15 - "How to Disburse LGSL or LSLs Proceeds," 18 - "How to Return LGSL or LSLs Proceeds to the Lender"; and adopting new procedures 40.1 - "How to Administer a Deferment for Medical Internship or Residency beginning before January 1, 1990," and 47.1 - "How to Administer LGSL, LSLs and LPLUS Forbearance for a Medical and Dental Internship/Residency."

The 1987 Policy and Procedure Manual must be amended to bring GSCES's policies and procedures into compliance with federal regulations.

GSCES supplies copies of the 1987 Policy and Procedure Manual and updates in the form of Loan Program Memorandums (LPM's) to schools and lenders participating in the Commission's federal guaranteed student loan programs. The manuals are maintained current in accordance with federal regulations by the issuance of LPM's.

The LPM's 89-105 and 90-101 addressed changes required by USDE's Dear Colleague Letter, dated December 1989.

Jack L. Guinn  
Executive Director

## RULE

### Office of the Governor

#### Wetlands Conservation and Restoration Authority

In accordance with the provisions of R.S. 49:950 of the Administrative Procedure Act, and under the authority of R.S. 49:213.6, the Wetlands Conservation and Restoration Authority, Office of the Governor, gives notice that it adopted the following rule:

### Title 43

#### NATURAL RESOURCES

#### Part XXIX. Wetland Conservation and Restoration

#### Chapter 1. The Coastal Wetlands Conservation and Restoration Plan (Fiscal Year 1990-91).

##### §101. Introduction

A. Act 6 of the Second Extraordinary Session of the 1989 Louisiana Legislature created the Wetlands Conservation and Restoration Authority (Authority) within the Office of the Governor, and the Office of Coastal Restoration and Management (OCRM) within the Department of Natural Resources (DNR). In addition, it created the statutorily dedicated Wetlands Conservation and Restoration Fund (Wetlands Fund).

B. The Authority was directed to develop a comprehensive policy (Policy) addressing the conservation and restoration of coastal wetlands resources, and to develop the Coastal Wetlands Conservation and Restoration Plan (Plan). The Plan and Policy will serve as the state's overall strategy for conserving, enhancing, restoring, and creating coastal wetlands.

C. The plan must be submitted to the House and Senate Natural Resources committees of the Legislature on or



before March 15 of each year beginning in 1990 for their approval. If approved, the plan is then submitted to the full legislature for approval by resolution adopted by a majority vote of the members of each house provided that such resolution is adopted on or before June 1 of each calendar year. Upon approval, the Coastal Restoration Division shall implement the plan in conformity with the order of priority contained in the plan.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 49:213.6.

**HISTORICAL NOTE:** Promulgated by Office of the Governor, Wetlands Conservation and Restoration Authority, LR 16: (July 1990).

### **§103. Coastal Wetlands Conservation and Restoration Policy**

A. The following policy statements are not rules or regulations, but rather are intended to generally guide the state's future coastal wetland conservation and restoration efforts, including structural, management, and institutional programs.

1. Coastal vegetated wetlands—by virtue of their value as the basis for present and future fish and wildlife productivity, and related economic and recreational benefits; as natural protection for coastal towns and cities against the effects of storm damages; and for other reasons pertaining to the public health and welfare—are deemed to be uniquely important to this state and deserving of special safeguards and efforts related to their conservation, enhancement, restoration, and creation. Accordingly, it is the policy of the state to elevate coastal vegetated wetland conservation, enhancement, restoration, and creation to a level of importance equal to flood control, navigation, or other development activities so that a proper balance is achieved.

2. It is the policy of the state to aggressively identify and implement projects and programs to offset coastal vegetated wetland losses that have resulted from past human activities and ongoing natural processes. It would be inappropriate, then, to allow future permitted developments that adversely impact coastal vegetated wetlands to go unmitigated. Accordingly, this state shall initiate the development of rules (via the Administrative Procedure Act process) and/or legislation, that would define and establish procedures needed to achieve, at a minimum, compensation for coastal wetland functional values lost due to future permitted activities. Overall functional coastal wetland value losses, which result from future permitted activities, would be offset by concurrent measures required in a permit (pursuant to R.S. 49:213.4) to restore these values to the state. In this manner, public trust values (e.g., fish and wildlife values) lost as a result of permitted activities would be offset. Certain activities, as a result of their current exemption from the coastal use permitting process, would not be affected by these rules or legislation. These activities include: (1) agricultural, forestry, and aquacultural activities on lands consistently used in the past for such activities; (2) normal maintenance or repair of existing structures; (3) construction of a residence or camp; (4) activities which do not have a direct and significant impact on coastal waters; (5) activities occurring entirely on lands five feet or more above mean sea level or within fastlands, unless discharges or changes in existing water flow from such activities cause a direct and significant impact on coastal waters; and (6) activities that occur outside of the state's designated coastal zone as de-

fining in R.S. 49:213.4, unless such activities cause a direct and significant impact on coastal waters.

3. Expenditures from the state's Wetlands Conservation and Restoration Fund shall be made in accordance with priorities established primarily on the basis of the effectiveness of each expenditure in conserving, enhancing, restoring, and creating coastal vegetated wetlands. Projects that introduce freshwater and sediments into wetlands shall have a high priority. These projects will be coordinated with DEQ and DHH to assure that introduced water is of acceptable quality.

4. The state of Louisiana recognizes the economic significance and importance of coastal activities such as navigation, including ports and waterways; seafood and wildlife-related industries; oil and gas exploration and production; chemical production; and agriculture, aquaculture, and silviculture. Accordingly, it is the policy of the state to consider the impacts of coastal wetland conservation and restoration programs and projects as they relate to these activities in our state's coastal area.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 49:213.6.

**HISTORICAL NOTE:** Promulgated by Office of the Governor, Wetlands Conservation and Restoration Authority, LR 16: (July 1990).

### **§105. Plan Objectives**

A. To plan, design, and complete in the near-term, projects and programs designed to conserve, enhance, restore, and create vegetated wetlands.

B. To plan and evaluate alternative long-range projects (with complex socioeconomic interactions) designed to provide widespread and continuing long-term benefits to vegetated wetlands (e.g., large-scale freshwater and sediment diversions).

C. To make projects and programs within hydrologic basins mutually compatible and to make them collectively serve the coastal wetland resource base.

D. Through appropriate legislative or rulemaking processes, develop policies and procedures that would provide, at a minimum, for replacement of functional coastal wetland values lost due to future activities for which a coastal use permit is issued (see Table 3.A.1. and 2. for specific recommended measures).

E. Take steps necessary to:

1. improve predictability and efficiency of the Coastal Use Permitting process; and

2. make operation and implementation of federal water resources projects consistent with the policy of the state to elevate coastal vegetated wetland conservation, enhancement, restoration, and creation to a level of importance equal to flood control, navigation, or other development activities.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 49:213.6.

**HISTORICAL NOTE:** Promulgated by Office of the Governor, Wetlands Conservation and Restoration Authority, LR 16: (July 1990).

### **§107. Plan Development and Contents**

A. The current plan was developed through a process that involved the integration of a large number of recommendations from federal, state, and local governmental entities; representatives of various interest groups; and other individuals knowledgeable about Louisiana's coastal processes and resources. The identification of projects for inclusion in

the plan was further advanced through coordination between the Governor's Office of Coastal Activities and local governments. Meetings were held with representatives of each of the coastal parishes to determine whether support existed for projects recommended by the state and to solicit input concerning possible additional projects resulting from local recommendations. Similar contact with a representative of the coastal landowners was made because many of the projects required to conserve and enhance the vegetated wetland resource base cannot be accomplished without their cooperation.

B. The current document was coordinated among state agencies directly through review by the secretaries serving on the Governor's Task Force, as well as through incorporation of the recommendations developed jointly in 1988 by representatives of Louisiana's DNR, DEQ, DWF, and DOTD who served on the Governor's Coastal Restoration Technical Committee.

C. Projects recommended for funding from the Wetland Funds during Fiscal Year 1990-91 are generally of four types:

1. introduction of freshwater, mineral sediments, and nutrients to conserve, enhance, restore, and create vegetated wetlands;
2. management of surface water to protect vegetated wetlands from saltwater intrusion and erosion by tidal currents;
3. marsh restoration, sedimentation, and low-cost shore protection to maintain and enhance physical integrity of vegetated wetlands;
4. gulf shore protection along critical areas of the Chenier Plain.

D. The projects are grouped into three categories according to the nature of the work planned for 1990/91 (Table 1). These categories are: (1) operation, maintenance, and rehabilitation (OMR); (2) construction and implementation (CI); and (3) feasibility analysis, planning, permitting, and design (FPD).

E. The projects in the first category (OMR) are those that can become operational immediately by providing funds for operation, maintenance, or rehabilitation of existing features.

F. The second category (CI) combines those projects for which construction and implementation could be initiated during the 1990/91 Fiscal Year. In some cases feasibility analysis, planning, permitting, and design (FPD) have been completed, and only CI remains. In other cases one or more of the FPD elements needs to be completed before CI can commence as indicated by the FPD/CI notation. This may be for a number of reasons, including requirements for further coordination with local interests, questions concerning operation, pending permits, or other factors. In those cases where feasibility analysis has not been completed, construction and implementation, though indicated, could be delayed or possibly deactivated because of currently unanticipated social, economic, or technical constraints.

G. The third implementation category (FPD) includes those projects that cannot be brought to construction during the current fiscal year because they have not advanced beyond the conceptual stage and project characteristics do not allow completion of all FPD elements in less than one year.

H. Because several projects in the CI category still require completion of some FPD task, it is necessary to have

two sub-categories within the FPD category (3a and 3b in Table 1). The first sub-category includes those projects for which completion of the FPD elements is necessary to advance the project to the CI category this year. Accordingly, priority in this group parallels that of the CI category. The second sub-category comprises those projects for which only FPD elements are proposed this year.

I. All phases of project development, implementation, and operation will be coordinated with all appropriate government agencies and landowners. This is a requirement not only because of governmental mandates, and state and private land ownership, but also because a number of projects were identified for which costs are shared by state, local, or federal government. Although some parishes have indicated a willingness to share in the cost of design and construction of several projects, a formal policy dealing with cost-sharing remains to be developed and must be included as a parameter in future plan development.

J. In addition to the projects identified above, a number of programs are recommended for funding from the Wetland Fund during Fiscal Year 1990-91. These programs include both long- and short-range programs, and are listed in Table 2 with a short description of their objective. Additionally, it is recommended that a number of institutional and structural measures be advanced for state and federal action for the purpose of conservation, restoration, and creation of wetlands. These are identified in Table 3 with funding requested for (1) matching federal or local monies for various dredged material disposal programs to create or protect marsh; (2) assisting local governments in rerouting runoff waters through wetlands; (3) cost-sharing in the restoration of back-barrier wetlands (such as at Wine Island) by the Corps of Engineers during navigation channel dredging; and (4) operation of various structures, if needed, to offset saltwater intrusion, retain freshwater, or to remove excess water from marsh areas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:213.6.

HISTORICAL NOTE: Promulgated by Office of the Governor, Wetlands Conservation and Restoration Authority, LR 16: (July 1990).

### §109. Funding

A. Because of uncertainties about feasibility, permitting, and other project elements, it is proposed that state funding be provided for project implementation on a category (OMR, CI, FPD) basis rather than a project basis. Under this funding provision, project implementation within each group would occur according to the established and legislatively approved priority unless problems arise that delay implementation of a given project. In that case, work will begin on the project with the next highest priority.

B. Line item funding is requested for each of the project categories detailed in Tables 1, 2, and 3 as follows:

1. Operation/Maintenance/Rehabilitation	\$ 775,000
2. Construction/Implementation	\$ 18,500,000
3. Feasibility Analysis/Planning and Permitting/Design	\$ 2,000,000
4. Long- and Short-Range Programs	\$ 4,000,000
5. Policy and Structural Measures	\$ 1,000,000
	Total \$ 26,275,000

C. Approval is also requested to transfer up to 20 percent of allocated funds from any one category to other cate-

gories as needed to prevent undesirable delays in project planning and implementation.

**Table 1. Projects Grouped by Category (OMR, CI, FPD) and Order of Priority<sup>1</sup>**

**1. Operation/Maintenance/Rehabilitation (OMR)**

<b>Priority 1</b>							
Project	Parish	Rank	Acres	Cost	Sed	Fw	
BS-1 Bohemia Diversion Structure	Plqs						
a) Achieve operation of present structure		12	2	4	1	1	
PO-1 Violet Siphon Diversion	StBd						
a) Achieve operation of present structure		12	2	4	1	1	
C/S-4 Cameron/Creole Watershed	Camr						
a) Operation of control structures		10	2	4	0	0	
TE-1 Montegi Wetland - protection	Terb						
		10	2	4	0	0	

**2. Construction/Implementation (CI)**

<b>Priority 1</b>							
Project	Parish	Rank	Acres	Cost	Sed	Fw	
BA-1 Davis Pond Freshwater Diversion *	StCs		16	4	2	1	1
BS-3 Caernarvon Freshwater Diversion *							
c) Diversion structure	Plqs		16	4	2	1	1
BA-2 GIWW to Clovelly Wetland *	Lafr		14	4	2	0	0
BA-3 Naomi (LaReussite) Diversion Siphon	Plqs		13	3	2	1	1
a) Siphon construction							
b) Enlargement diversion capacity							
BA-4 West Point a la Hache Diversion Siphon	Plqs		13	3	2	1	1
a) Siphon construction							
b) Enlargement diversion capacity							
ALL-1 Sedimentation and Vegetation Planting							
a) Christmas tree project	All		-	-	-	-	-

**Priority 2**

Project	Parish	Rank	Acres	Cost	Sed	Fw	
BS-4 White's Ditch Diversion Siphon	Plqs		12	2	4	1	1
a) outfall management							
C/S-1 Calcasieu-Sabine Wetland - protection from:	Camr		12	3	3	0	0
a) Peveto Beach to Holly Beach							
MR-1 Small Sediment Diversions	Plqs		12	2	4	1	1
a) Pass A Loutre Wildlife Management Area			12	2	4	1	1
b) Delta Wildlife Refuge *							
ME-1 Pecan Island Freshwater Introduction	Vrml		11	2	4	0	1
a) Pecan Island Structure							
PO-1 Violet Siphon Diversion	StBd		11	2	3	1	1
b) Enlargement of diversion capacity							
TE-2 Falgout Canal Wetland - protection	Terb		11	2	4	0	1
TE-3 Bayou la Cache Wetland - protection	Terb		11	2	4	0	1

**Priority 3**

Project	Parish	Rank	Acres	Cost	Sed	Fw	
C/S-2 Rycade Canal - water control to Black Lake	Camr		10	2	4	0	0
PO-3 La Branche Wetland	StCs		10	2	4	0	0
a) Completion of management plan			9	2	1	1	1
PO-4 Bonnet Carré Freshwater Diversion	StCs		9	2	1	1	1

**Priority 4**

Project	Parish	Rank	Acres	Cost	Sed	Fw	
ME-2 Hog Bayou Wetland - enhancement	Camr		8	1	4	0	1
PO-8 Central Wetlands Pump Outfall	StBd		8	1	4	0	1
AT-1 Sediment trapping/vegetation planting	StMy		7	1	4	0	0
a) Atchafalaya River Delta							
PO-2 Sediment / vegetation / shore protection	Orls		7	1	4	0	0
b) Alligator Point Wetland - protection							
BA-5 Sediment trapping/vegetation planting	Jefn		7	1	4	0	0
c) Queen Bess Island - restoration							
T/V-2 Cote Blanche Wetlands - protection	StMy		7	1	4	0	0
a) Hammock Lake - restoration			7	1	4	0	0
b) Yellow Bayou Wetland - protection			7	1	4	0	0
T/V-3 Vermilion River Cutoff - restoration	Vrml		7	1	4	0	0
TE-4 Sediment trapping/vegetation planting	Terb		7	1	4	0	0
b) Barrier Islands - sediment retention							
T/V-1 Shark Island/Weeks Bay Wetland - protection	Ibra		6	1	3	0	0

(Table 1 continued)

C/S-1 Calcasieu-Sabine Wetland - protection from:	Camr		12	3	3	0	0
a) Peveto Beach to Holly Beach							
MR-1 Small Sediment Diversions	Plqs		12	2	4	1	1
a) Pass A Loutre Wildlife Management Area			12	2	4	1	1
b) Delta Wildlife Refuge *							
ME-1 Pecan Island Freshwater Introduction	Vrml		11	2	4	0	1
a) Pecan Island Structure							
PO-1 Violet Siphon Diversion	StBd		11	2	3	1	1
b) Enlargement of diversion capacity							
TE-2 Falgout Canal Wetland - protection	Terb		11	2	4	0	1
TE-3 Bayou la Cache Wetland - protection	Terb		11	2	4	0	1

**Priority 3**

Project	Parish	Rank	Acres	Cost	Sed	Fw	
C/S-2 Rycade Canal - water control to Black Lake	Camr		10	2	4	0	0
PO-3 La Branche Wetland	StCs		10	2	4	0	0
a) Completion of management plan			9	2	1	1	1
PO-4 Bonnet Carré Freshwater Diversion	StCs		9	2	1	1	1

**Priority 4**

Project	Parish	Rank	Acres	Cost	Sed	Fw	
ME-2 Hog Bayou Wetland	Camr		8	1	4	0	1
PO-8 Central Wetlands Pump Outfall	StBd		8	1	4	0	1
AT-1 Sediment trapping/vegetation planting	StMy		7	1	4	0	0
a) Atchafalaya River Delta							
BA-5 Sediment trapping/vegetation planting	Jefn		7	1	4	0	0
c) Queen Bess Island - restoration							
PO-2 Sediment / vegetation / shore protection	Orls		7	1	4	0	0
b) Alligator Point Wetland - protection							
T/V-2 Cote Blanche Wetlands - protection	StMy		7	1	4	0	0
a) Hammock Lake - protection			7	1	4	0	0
b) Yellow Bayou Wetland - protection			7	1	4	0	0
T/V-3 Vermilion River Cutoff - restoration	Vrml		7	1	4	0	0
TE-4 Sediment trapping/vegetation planting	Terb		7	1	4	0	0
b) Barrier Islands - sediment retention							
T/V-1 Shark Island/Weeks Bay Wetland	Ibra		6	1	3	0	0

**b. FPD-Projects for which CI is not yet scheduled**

**Priority 1**

Project	Parish	Rank	Acres	Cost	Sed	Fw	
BS-3 Caernarvon Diversion Outfall	Plqs		14	3	3	1	1
BA-6 Highway 90 TO GIWW Wetland	Lafr		13	3	3	0	1

**Priority 2**

Project	Parish	Rank	Acres	Cost	Sed	Fw	
BS-5 Bayou LaMoque Diversion - outfall	Plqs		12	2	4	1	1
TE-5 Grand Bayou Wetland - protection	Lafr		12	3	3	0	0
BA-3 Naomi (LaReussite) Diversion Siphon	Plqs/Jefn		11	2	3	1	1
c) Outfall management							
BA-4 West Point a la Hache Diversion Siphon	Plqs		11	2	3	1	1
c) Outfall management							
BS-1 Bohemia Diversion Structure	Plqs		11	2	3	1	1
b) Outfall management							
BS-4 White's Ditch Diversion Siphon	Plqs		11	2	3	1	1
b) Enlargement							
C/S-4 Cameron/Creole Watershed	Camr		11	2	4	0	1
b) Freshwater introduction - from GIWW							
PO-1 Violet Siphon Diversion	StBd		11	2	3	1	1
c) Outfall management							

**Priority 3**

Project	Parish	Rank	Acres	Cost	Sed	Fw	
BA-5 Sediment/vegetation/shore protection	StCs		10	2	4	0	0
d) Baie de Chactas - protection			10	2	4	0	0
BA-7 Couba Island - protection/restoration	StCs		10	2	4	0	0
C/S-1 Calcasieu-Sabine Wetland - protection from:	Camr		10	3	1	0	0
b) Holly Beach to Calcasieu			10	2	3	0	1
C/S-5 Sabine Freshwater Introduction	Camr		10	2	3	0	1
ME-1 Pecan Island Freshwater Introduction	Vrml		10	2	3	0	1
b) Outfall management			10	2	4	0	0
ME-4 Freshwater Bayou Wetland - ponding	Vrml		10	2	4	0	0
PO-3 La Branche Wetland	StCs		10	2	4	0	0
b) Stabilize critical reaches of shoreline							
PO-5 Southeast Lake Maurepas Wetland	StJn		10	2	4	0	0
a) Reduce ponding of water			10	2	2	1	1
b) Small diversion of Mississippi River water			10	2	4	0	0
PO-7 North Shore Wetland - restoration	StTm		10	2	4	0	0
TE-6 Pointe au Chien Wetland - protection	Terb		10	2	4	0	0
TE-7 Lake Boudreaux Wetland - protection	Terb		10	3	1	0	0
TE-8 Bayou Pelton Wetland - protection	Terb		10	2	4	0	0
PO-6 Fritchie Wetland - restoration	StTm		9	2	3	0	0

**Priority 4**

Project	Parish	Rank	Acres	Cost	Sed	Fw	
PO-2 Sediment/vegetation/shore protection	Orls		7	1	4	0	0
c) Bayou Chevee - protection							
C/S-1 Calcasieu-Sabine Wetland - protection from:	Camr		5	1	2	0	0
c) Constance Beach to Ocean View							

1) Relative values used in project ranking (see pages 4 and 5 for further explanation):

- Rank = composite number used for ranking each project.
- Acres = relative value for estimated range of acres benefitted (1 to 4).
- Cost = relative value for estimated range of implementation cost (4 to 1).
- Sed = absence or presence of sediment introduction (0 or 1).
- Fw = absence or presence of freshwater introduction and utilization (0 or 1).

\* Federal and state cost sharing

Categories:  
 OMR = Operation/Maintenance/Rehabilitation  
 CI = Construction/Implementation  
 FPD = Feasibility Analysis/Planning/Permitting/Design

Basins:  
 All = all basins  
 AT = Atchafalaya  
 BA = Barataria  
 BS = Breton Sound  
 C/S = Calcasieu/Sabine  
 ME = Mermentau  
 MR = Mississippi River Delta  
 PO = Pontchartrain  
 TE = Terrebonne  
 TV = Teche/Vermilion

Parishes:  
 all = all parishes  
 Assn = Assumption  
 Calc = Calcasieu  
 Camr = Cameron  
 Ibra = Iberia  
 Jefn = Jefferson  
 Lafr = Lafourche  
 Livn = Livingston  
 Orls = Orleans  
 Plqs = Plaquemines  
 StBd = St. Bernard  
 StCs = St. Charles  
 StJm = St. James  
 StJn = St. John the Baptist  
 StMn = St. Martin  
 StMy = St. Mary  
 StTm = St. Tammany  
 Tang = Tangipahoa  
 Terb = Terrebonne  
 VrmI = Vermilion

**Table 2. Long and Short-Range Programs to be Funded**

Objective: Investigate potential, large-scale measures requiring further evaluation as part of a comprehensive, long-term planning effort to maximize the use of available water and sediment resources to restore and enhance coastal vegetated wetlands.

1. Louisiana Comprehensive Coastal Wetlands Study (Corps/State)\*  
 Objective: To develop a comprehensive plan that addresses large-scale and long-term requirements for the conservation, restoration, and enhancement of Louisiana's coastal wetlands with Federal participation.  
 Status: Letter of agreement to be formulated.
  - (a) Develop and implement a plan to allocate water and sediments of the Atchafalaya and Mississippi Rivers, considering the proposed measures listed below, in order to maximize maintenance, restoration, enhancement, and creation of vegetated wetlands.
    - \* Major diversion into Lake Verret watershed from the Atchafalaya River
    - \* Diversion from the Atchafalaya River through the Avoca Island levee south of Morgan City
    - \* An alternate Mississippi River navigation channel
    - \* Major intermittent diversion near Des Allemands
    - \* Major intermittent diversion north of Bonnet Carré Spillway
    - \* Major diversion below Caernarvon
    - \* Major diversion below Port Sulphur
    - \* Major diversion into West Bay
  - (b) Develop and implement a water management plan for the marshes between Calcasieu and Sabine Lakes.
  - (c) Isolate Houma Navigation Canal via construction of a floodgate in the canal and stabilize canal banks.
  - (d) Construct a water control structure at Black Bayou, Cameron Parish.
  - (e) Rebuild and protect back-barrier marsh platform of barrier islands through dredged material placement, structural measures, or combinations as appropriate.
    - (1) East Timbalier to Cat Island Pass
    - (2) Cat Island Pass to Whiskey Pass
    - (3) Whiskey Pass to Raccoon Point
    - (4) Sandy Point to Belle Pass
  - (f) Develop and implement a plan for freshwater and sediment diversions into wetlands in the vicinity of the Bonnet Carré Spillway.
2. Land Loss and Marsh Creation Study (Corps/State)\*  
 Objective: Identify, evaluate, and implement measures to create marsh using diversion of sediment from the Mississippi River and dredged material.  
 Status: Draft report concerning Plaquemines, St. Bernard, and Jefferson Parishes submitted for review.
3. Project Operation/Maintenance/Rehabilitation/Monitoring  
 Objective: To provide for (1) operation, maintenance, and monitoring of, and (2) emergency repairs, for vegetated wetland projects that have been implemented under the authorized Plan.
4. National Estuary Program (EPA/State)\*  
 Objective: To develop and implement plans to protect the integrity of nationally significant estuaries threatened by pollution, development, or over-use.  
 Status: Application for inclusion of Barataria and Terrebonne Basins submitted.
5. Watershed Program (SCS/State under PL-566)\*  
 Objective: To plan and implement projects for the management of small watersheds for marsh conservation and enhancement purposes and to provide technical and planning assistance for implementation of marsh management programs to private landowners.  
 Status: Ongoing throughout the coastal area.
6. Vegetation and Sedimentation Program (CRD-DNR)  
 Objective: To plan and implement marsh restoration and conservation using vegetation planting, sediment trapping, and low-cost shore protection.

- (a) Sediment Trapping and Outfall Management in the Mississippi River and Atchafalaya Deltas.
  - (b) Sediment trapping, vegetation planting, and other low-cost protection along shorelines of coastal bays and lakes.
7. Basin Level Hydrologic Evaluation Program (CRD-DNR)  
 Objective: To assure mutual compatibility of proposed projects with regard to hydrology of each coastal basin.
  8. Office of Coastal Activities (Governor's Office)  
 Objective: To execute powers and duties as provided by Act 6.

\* Federal and state cost-sharing

**Table 3. Measures Recommended for State and Federal Action**

**A. For State Action**

1. Develop legislation or rules and regulations to provide, at a minimum, for replacement of the loss of functional coastal wetland values which result from permitted activities in the coastal zone.
2. Revise State Coastal Use Guidelines through appropriated rulemaking procedures to provide, at a minimum, for replacement of the loss of functional coastal wetland values due to permitted coastal activities.
3. Institute state mineral board advertisement of environmental conditions prior to mineral lease sale on state water bottoms.
4. Investigate alternatives to Avoca Island Levee Extension, and if none are feasible, require full mitigation of environmental impacts resulting from the existing levee and proposed extensions.
5. Route non-point-source discharges and, where appropriate, point-source discharges through wetlands to offset saltwater intrusion, enhance vegetation growth, and improve water quality.

**B. For Federal Action**

1. Increase flows into the Atchafalaya River through the Old River Control Structure for marsh building in the Atchafalaya Delta, in a manner that will produce no additional flooding of Morgan City and other coastal communities.
2. Maintain at least 30% of total Atchafalaya River flow through Wax Lake Outlet during normal flows.
3. Implement a management plan for maximizing growth of the Atchafalaya Delta.
4. Operate Bonnet Carré Floodway for freshwater diversion.
5. Operate Freshwater Bayou Structure to remove excess water from marshes in eastern Vermilion Parish.
6. Operate Algiers Lock for freshwater diversion.
7. Operate Violet Floodgate for freshwater retention and water-level control.
8. Reduce Mean Water Levels in the Grand-White Lakes impoundment.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 49:213.6.

**HISTORICAL NOTE:** Promulgated by Office of the Governor, Wetlands Conservation and Restoration Authority, LR 16: (July 1990).

The Coastal Wetlands Conservation and Restoration Plan is available upon request to: Coastal Activities, Office of the Governor, Box 94004, Baton Rouge, LA 70804 or by calling (504) 342-6493. The document may also be viewed at the Office of the State Register, 5th Floor, State Capitol, Baton Rouge, LA, by contacting Beckey Vincent at (504) 342-7015.

David M. Soileau  
 Executive Assistant

## RULE

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, is adopting the following rule in the Title XIX (Medicaid) Program. The emergency rulemaking provisions of the Administrative Procedure Act, R.S. 49:953B, were exercised effective April 1, 1990 and published in the *Louisiana Register* Vol. 16, Number 4, page 285 on April 20, 1989 relative to this provision. The rule was published as a notice of intent in the *Louisiana Register* on May 20, 1990 (Volume 16, No. 5, page 451).

## RULE

The upper income eligibility limitation for children born after September 30, 1983 who have not attained six years of age, is a family income up to 133 percent of the federal poverty level as required by the Omnibus Budget Reconciliation Act of 1989.

David L. Ramsey  
Secretary

## RULE

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, is adopting the following rule in the Title XIX (Medicaid) Program. The rule was published as a notice of intent in the *Louisiana Register* on April 20, 1990 (Volume 16, No. 4, page 341).

In the April 20, 1990 *Louisiana Register*, the Department of Health and Hospitals published a notice of intent proposing revisions to the Facility Need Review Program. Several verbal and written comments were received prompting a potpourri notice in the June 20, 1990 *Louisiana Register* to extend the date for publication of the final rule to July 20, 1990.

Several current operators of nursing facilities and the Louisiana Nursing Home Association requested that the department consider tightening the exception for facilities in planning districts where all Medicaid approved beds are enrolled and a high occupancy prevents some Medicaid applicants from entering a facility in their home parish. While the department is cognizant of the problems low occupancy presents for some nursing facility operators in those areas, its primary responsibility is to insure that Medicaid recipients have reasonable access to nursing facilities in their home area so that lifelong relationships with family and friends are not disrupted.

Other respondents suggested the facility specific exception proposed by the department (98 percent occupancy for four consecutive quarters) was too stringent and needed to be lowered for facilities with fewer than 100 beds. These respondents pointed out that it was virtually impossible for smaller facilities to meet the 98 percent threshold because of the department's practice of counting uncompensated leave

days in determining the occupancy level, as well as the fact that these facilities cannot admit members of one sex into double rooms where a member of the opposite sex is occupying one bed. The department agreed with these respondents and is amending the policies and procedures to provide that uncompensated leave days will not be counted in calculating the occupancy level. The department will continue to study the issue of establishing a lower threshold for facilities with fewer than 100 beds.

Other respondents requested that the threshold for adding a new facility should function as a ceiling so that nursing facilities in areas with a lower occupancy could be allowed to temporarily convert unoccupied beds to other uses until such time as all approved Medicaid beds are enrolled and occupancy has reached the threshold level. At that time the operator would have the option of making the beds available for Medicaid recipients needing nursing facility services or surrendering the approval for the beds converted to an alternate use. The department feels this proposal could be helpful to facilities in planning districts with low occupancy levels and is incorporating the provision in the final rule.

Finally, several respondents suggested that the 94 percent threshold level was either too low or too high. Federal regulations require that Medicaid recipients have freedom of choice of providers and departmental policy has been that services should be provided as close to the recipient's home as is practical. The department has determined that the threshold level for approval of a new facility can be dropped to 93 percent without affecting the fiscal impact of the proposed rule.

## RULE

The policies and procedures for Facility Need Review (FNR) are being revised to reflect the bureau's concern regarding the availability of beds for Title XIX recipients. In order to determine and monitor the actual bed need for Title XIX recipients, the bureau will consider only Title XIX approved beds in inventories and utilization rates for purposes of FNR. The bureau also recognizes that nursing facilities, enrolled in Title XIX (Medicaid), with exceptionally high occupancy in overbedded areas, should be given the option of adding a limited number of beds. Similarly, a new facility may apply for approval and enrollment under certain circumstances. These changes and clarifications are reflected in this rule, which addresses occupancy and bed need criteria.

Specific changes in the determination of need for additional nursing beds include:

1. Reducing the average occupancy rate criteria for adding beds to the service area from 95 percent to in excess of 93 percent (unless an exception is applicable).

2. The exception for facilities with high occupancy of enrolled beds is being changed from average annual occupancy of 99 percent for all beds to an average annual occupancy rate of 98 percent of its enrolled beds for the four most recent quarters.

3. A new exception is being added which allows the addition of a new facility in a parish where all Title XIX beds are enrolled and average annual occupancy of the enrolled beds exceeds 93 percent for the four most recent quarters. In the event that multiple applications are received for the same service area at the same time, the department shall review the applications on a comparative basis to determine which application is the most appropriate and most responsive to

public need. Applications submitted under this exception shall be hand delivered to Carroll Davies, Facility Need Review Program, 1201 Capitol Access Road, Sixth floor, Baton Rouge, LA (504-342-3956).

4. A policy has been added which will allow for alternate use of licensed approved Title XIX beds; in a service area (parish) in which average annual occupancy is lower than 93 percent, a nursing home may elect to temporarily convert a number of Title XIX beds to an alternate use (e.g., adult day care). The beds may be converted for alternate use until such time as the average annual occupancy in the service area exceeds 93 percent, at which time the facility may re-enroll the beds as nursing home beds, or surrender the approval and continue to use the beds for other purposes.

Applications submitted on or after the effective date of this rule must be submitted on the application forms prepared and issued by the Facility Need Review Program, dated July 1, 1990.

David L. Ramsey  
Secretary

**RULE**

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, is adopting the following rule in the Title XIX (Medicaid) Program. The emergency rulemaking provisions of the Administrative Procedure Act, R.S. 49:953B, were exercised effective February 16, 1990 and published in the *Louisiana Register* Vol. 16, Number 2, page 191 on March 20, 1989, and the emergency rule was readopted effective June 15, 1990 and published in the *Louisiana Register* Vol. 16, Number 6, page 488 on June 20, 1990 relative to this provision. The rule was published as a notice of intent in the *Louisiana Register* on May 20, 1990 (Volume 16, No. 5, page 451).

**RULE**

The Family and Community Services Program, a home and community-based services program providing alternative services to persons with developmental disabilities, shall be covered under the state's Title XIX Medical Assistance Program in accordance with all regulations applicable to such programs, as specified in §1915(c) of the Social Security Act and as approved in the waiver request document and attachments.

David L. Ramsey  
Secretary

**RULE**

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, is adopting

the following rule in the Title XIX (Medicaid) Program. The emergency rulemaking provisions of the Administrative Procedure Act, R.S. 49:953B, were exercised effective April 1, 1990 and published in the *Louisiana Register* Vol. 16, Number 4, page 285 on April 20, 1989 relative to this provision. The rule was published as a notice of intent in the *Louisiana Register* on May 20, 1990 (Volume 16, No. 5, page 461).

**RULE**

The upper income eligibility limitation for pregnant women and infants to age one is a family income up to 133 percent of the federal poverty level as required by the Omnibus Budget Reconciliation Act of 1989.

David L. Ramsey  
Secretary

**RULE**

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has adopted the following rule in the Title XIX Medicaid Program.

**RULE**

The value of property which is used in the applicant/recipient's trade or business or in the employment of the applicant/recipient's spouse or parent is excluded from the equity value of the person's property when determining SSI-related eligibility. Property used as a means of self-support includes tools, machinery, and livestock. Income generated from the property is counted in determining eligibility.

David L. Ramsey  
Secretary

**RULE**

**Department of Insurance  
Commissioner of Insurance**

The Department of Insurance hereby amends Insurance Department Rule Number Four regarding the "interlocal risk management agency" to provide for high interest rates under circumstances defined in the amendments.

**Rule Number 4**

**§1. Authority**

This rule is adopted by the commissioner of insurance pursuant to the authority vested in him by Title 22, Section 2, Louisiana Revised Statutes of 1950 and Act 462 of the 1979 Session of the Louisiana Legislature.

**§2. Purpose**

The purpose of this rule is to adopt provisions and uniform guidelines for their interpretation as authorized specifically by Act 462 of the 1979 Session of the Legislature. This rule is designed to facilitate and implement the provisions of that Act. It is intended to supplement, not alter in any manner, the provisions of the Act.

### §3. Applicability

These provisions shall be applicable to any and all entities which may be defined an "interlocal risk management agency" by Act 462 of the 1979 Session of the Louisiana Legislature.

### §4. Definitions

When used in this rule, the following words or terms have the meaning described in this Section.

(1) *Department* means the Insurance Department of the state of Louisiana.

(2) *Loss Fund* means the retention of risk sharing for an interlocal risk management agency under the terms of an aggregate excess contract or contracts.

(3) *Trustees* means the executive boards of the Louisiana Municipal Association or of the Police Jury Association of Louisiana, as the case may be, where those bodies have been designated in an inter governmental agreement to administer an interlocal risk management agency or such members of such executive boards as do not decline to serve as trustees. In all other cases, "trustee" means a group of members elected by the interlocal risk management agency for stated terms of office, to administer a group self-insurance fund, and whose duties shall include responsibilities for approving applications for new members of such fund. A trustee shall not be an owner, officer or employee of the service agent.

(4) *Service Agent* means a business which contracts with an interlocal risk management agency for the purpose of providing all services necessary to place and maintain a group self-insurance program.

(5) *Trustee Fund* means any monies and investment under the control of the board of trustees of a self-insurance fund which are not part of the loss fund or which are not required to pay claims.

(6) *Gross Premium* means the premium determined by multiplying the payroll or other unit of exposure (segregated into the proper workmen's compensation job classification or general liability classification) times the appropriate manual rates.

(7) *Standard Premium* means gross premium plus or minus applicable experience modification.

(8) *Normal Premium* means the standard premium less any discount allowed.

(9) *Manual Rate* means for workmen's compensation purposes that rate filed by and approved for use in the state by the National Council on Compensation Insurance. For public liability exposure, the term means that rate filed by, and approved for use by the Insurance Services Office.

(10) *Experience Modification* means the applicable experience debit or credit promulgated in accordance with those experience rating plans filed by and approved for the National Council on Compensation Insurance or the Insurance Services Office.

(11) *Fund* means the interlocal risk management agency self-insurers fund.

(12) *Certified Audit* means an audit upon which the auditor expresses his professional opinion that the accompanying statements present fairly the financial position of the self-insurance fund in conformity with generally accepted accounting principles consistently applied, and accordingly include such test of the accounting records and such other auditing procedures as considered necessary by such auditor.

(13) *Net Safety Factor* means any amount needed in a given fund year, in addition to current loss' reserves to fund future loss development.

(14) *Contingent Liability* means the amount that the interlocal risk management agency may be obligated to pay in excess of a given year's normal premium collected or on hand.

(15) *Surplus* means all other assets a fund may have on hand in excess of all loss reserves, actual and contingent liabilities and net safety factors in all fund years.

(16) *Statutory Workmen's Compensation Benefits* means those prescribed by Title 23, Louisiana Revised Statutes of 1950, as amended.

### §5. Requirements Necessary to Obtain a Certificate of Authority as an Interlocal Risk Management Agency

(1) Evidence must be submitted to the Insurance Department that two or more local government subdivisions have made an executed agreement among themselves to form and become members of an interlocal risk management agency.

(2) Copies of the bylaws and other agreements must be submitted to the Insurance Department.

(3) A copy of the ordinance or other enabling act that is adopted by the political subdivisions authorizing execution of an agreement to form an interlocal risk management agency must be submitted to the Department of Insurance.

(4) Each interlocal risk management agency must identify its agent for service of process to the Department of Insurance.

(5) Each fund must have an annual gross premium calculated in accordance with the applicable manual premium rate or rates, plus or minus applicable experience credits or debits, of not less than \$200,000.

(6) An interlocal risk management agency must at all times maintain a contract or contracts of aggregate excess insurance of at least \$5,000,000 as respects public liability claims if a fund is formed to self insure public liability claims.

(7) An interlocal risk management agency must at all times maintain a contract or contracts of specific excess insurance as respects workmen's compensation claims. Those contracts must provide for statutory workmen's compensation benefits which shall include provisions for unlimited medical and rehabilitation expenses, except that interlocal risk management agencies that are in existence prior to September 1, 1980 shall be deemed to be in compliance with this rule provided a contract or contracts of specific excess insurance has been submitted with a limit of liability in the amount of at least \$1,000,000. On the first renewal date following September 1, 1980, the exception shall not be applicable.

(8) Each interlocal risk management agency must provide statutory workmen's compensation benefits. A contract or contracts of excess insurance as provided in (7) above shall be provided to secure payment of statutory workmen's compensation benefits.

(9) A copy of each contract of excess and aggregate insurance must be filed with the Department of Insurance.

(10) Each risk contract must contain a provision that the Department of Insurance will be notified not less than 30 days in advance in the event of cancellation of the contract by action of either the interlocal risk management agency or the insurance company that issued the contract.



## §6. Filing of Reports

(1) A certified audited financial statement must be submitted annually. That statement must contain a review of the interlocal risk management agency operations and general conditions by a certified independent casualty actuary. During the first two years of the existence of the interlocal risk management agency, the commissioner of insurance or his chief examiner may require periodic interim financial reports. Those reports may be required on a basis no more frequent than quarterly.

(2) That statement of financial condition must include a report of the outstanding workmen's compensation liabilities of the interlocal risk management agency, and include details of the amount and source of all monies recoverable from any third party.

(3) Summary loss data shall be filed with the Department of Insurance on each fund member within 60 days after the evaluation date of the losses being reported in a manner acceptable to the Department of Insurance.

(4) Classified, audited, and properly limited payrolls and premium development on each fund member shall be submitted to the Insurance Department on acceptable forms within 60 days after the evaluation date of the summary loss information required in (3) above.

(5) All of the information required in (4) above shall be submitted using classification, payroll limitations, experience modification and rate procedure of the National Council on Compensation Insurance or in the case of public liability those of Insurance Services Office, as filed and approved for use in this state.

(6) Failure or refusal of the interlocal risk management agency to file these reports in accordance with this rule, shall be considered good cause to suspend or refuse renewal of the Certificate of Authority issued by the commissioner of insurance.

## §7. Solvency or Risk Management Agencies; Trustee Responsibilities

(1) In order to insure the financial stability of the operations of each interlocal risk management agency, the board of trustees of each fund shall be responsible for all operations of the fund. The board of trustees of each agency shall take all necessary precautions to safeguard the assets of the fund or funds of such agency including:

(a) The designation of a fiscal agent or administrator, if not otherwise provided for by Act 462 of the 1979 Regular Session of the Louisiana Legislature to administer the financial affairs of the fund, which as obligee, shall furnish a fidelity bond, or acceptable substitute, to protect the fund against misappropriation or misuse of any monies or securities. The amount of the bond, or substitution therefor shall be determined by the interlocal risk management agency subject to approval by the Insurance Department. Such fiscal agent or administrator shall not be an owner, officer or employee of the service agent.

(b) Retain control of all monies collected or disbursed from the fund or funds and shall segregate all monies into a claims fund and trustee fund. The amount allocated to the claims fund will be sufficient to cover payment of the entire aggregate loss fund as defined in the aggregate excess insurance policy. Only disbursements that are credited toward the loss fund (as defined in the aggregate excess policy) will be made from the claims fund. All administration costs and other disbursements will be made from the trustee fund. The

administrator of the fund, shall establish a revolving fund for use by the authorized service agent, which will be replenished from time to time from the claims fund. The service agent and its employees shall be covered by a fidelity bond, with the interlocal risk management agency named as obligee in an amount sufficient to protect all monies placed in the revolving fund. Such bond and its amount shall be subject to approval by the Insurance Department.

(c) Audit of the accounts and records are provided for in Act 462 of the 1979 Regular Session of the Louisiana Legislature.

(d) The board of trustees or its fiscal agent or administrator shall not utilize any of the monies collected as premiums for any purpose unrelated to workmen's compensation or public liability purposes. Further, it shall not borrow any monies from the fund or in the name of the fund without advising the Department of Insurance of the nature and purpose of the loan and obtaining approval. The board of trustees may, at its discretion, invest any surplus monies not needed for current obligations, but such investments shall be limited to bonds of the state of Louisiana or its political subdivisions, United States government bonds or securities, United States treasury notes, investment share accounts in any savings and loan association whose deposits are insured by a federal agency, and certificates of deposit issued by a duly chartered commercial bank, prime commercial paper and repurchase agreements, and preapproved first mortgage loans on commercial real estate owned by the fund administrator, located within the state of Louisiana and occupied by the fund or its trustees, administrator or third party administrator. Deposits in savings and loan associations and commercial banks shall be limited to institutions in this state except in those instances where higher interest rates paid on deposits by such institutions in other states will provide better investment income and such deposits shall not exceed the federally insured amount in any one account, except that the federally insured amount on any one account may be exceeded if the amount involved in such an account does not exceed the greater of either of the two following factors:

(i) five percent of the combination of surplus and undivided profits and reserves as currently reported for each bank in this state in the banking division annual report of the Financial Institution Office of the Department of Commerce (banking control) or financial reports filed with the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Federal Reserve Bank of Atlanta;

(ii) \$500,000 per institution.

(2) The board of trustees may delegate authority for specific functions to the administrator of the self-insurers' fund. The functions which may be delegated include, but are not limited to, such matters as contracting with a service agent, determining the premium charged to and refunds payable to members, investing surplus monies subject to the restrictions set forth in subdivision (d) of subrule 1, and approving applications for membership. All delegated authority shall be specifically defined in the written minutes of the trustees' meetings and shall be subject to final approval.

## §8. Interlocal Risk Management Self Insurance funds; Advance Premium Discounts; Surplus Distribution; Deficit

(1) The trustees of any interlocal risk management agency shall not allow advance premium discounts to any member in excess of that allowed by the excess insurance underwriter, subject however, to a maximum of 15 percent of

their standard premium.

(2) Any surplus monies for a fund year in excess of the amount necessary to fulfill all obligations under the workmen's compensation act for that fund year, including a provision for claims incurred, but not reported and related expenses, may be declared to be refundable by the trustees at any time, and the amount of such declaration shall be a fixed liability of the fund at the time of the declaration. The date of payment shall be as agreed by the trustees except that surplus monies not needed to satisfy the loss fund requirements (i.e. trustees' funds), as established by the aggregate excess contract, may be refunded immediately after the end of the fund year with the approval of the commissioner of insurance. The intent of this rule is to ensure that sufficient monies are retained in the funds to assure that the total assets are \$200,000 greater than total liabilities for each fund year.

(3) In the event of a deficit in any fund year, the deficit shall be made up immediately from any of the following:

- (a) unencumbered surplus from a fund year other than the current fund year;
- (b) trustees' funds;
- (c) by assessment of the membership of the deficit fund year if ordered;
- (d) by such alternative method as the commissioner of insurance may approve;
- (e) by reduction or elimination of the advance premium discount provided to members.

The commissioner of insurance shall be notified before any transfer of unencumbered surplus funds and of any method utilized to eliminate a deficit.

#### §9. Aggregate Excess Insurance, Interlocal Risk Management Agency; Self-Insurance

(1) No contract or policy of aggregate excess insurance shall be recognized in considering the ability of an applicant to indemnify the financial obligations of its members under the workmen's compensation act, unless such contract or policy complies with all of the following:

- (a) is issued by a casualty insurance company authorized to transact such business in this state, or a licensed resident surplus lines broker;
- (b) is not cancellable or nonrenewable unless written notice by registered or certified mail is given to the other party to the policy and to the commissioner of insurance not less than 30 days before termination by the party desiring to cancel or not renew the policy;
- (c) any contract or policy containing any type of commutation clause shall provide that any commutation effected thereunder shall not relieve the underwriter or underwriters of further liability in respect to claims and expenses unknown at the time of such commutation and which are subsequently reopened by or through a competent authority. If the underwriter proposes to settle their liability for future payments payable as compensation for accidents occurring during the term of the policy by the payment of a lump sum to the interlocal risk management agency, to be fixed as provided in the commutation clause of the policy, then not less than 30 days prior notice of such commutation shall be given to the Insurance Department by the underwriter(s) or its (their) agent by registered or certified mail. If any commutation is effected, then the commissioner of insurance shall have the right to direct that such sum be placed in trust for the benefit of the loss fund.

(d) all of the following shall be applied toward the reaching of the retention level in the aggregate excess contract:

- (i) payments made by the employer;
- (ii) payments due and owing to claimants of the employers;
- (iii) payments made on behalf of the employers by any surety bond under a bond required by the commissioner of insurance;
- (iv) payments made by the Interlocal Risk Management Agency security fund;
- (e) copies of the complete policy of aggregate excess insurance shall be filed with the commissioner of insurance, together with a certification that such policy fully complies with this rule and applicable statutes.

#### §10. Servicing Interlocal Risk Management Agencies; Application; Requirements; Noncompliance

(1) Any individual, co-partnership, or corporation desiring to engage in the business of providing one or more services for an approved workmen's compensation program for an interlocal risk management agency shall apply to, and shall satisfy the commissioner of insurance that it has adequate facilities and competent staff within the state of Louisiana to service the self-insurance program in such a manner as to fulfill the employers' obligations under the workmen's compensation act and any rules and regulations applicable thereto. Service may include, but is not limited to, claims adjusting, industrial safety engineering, underwriting and the capacity to provide required reporting.

(2) Application for approval to act as a servicing agent for an interlocal risk management agency shall be made on the required form. The application shall contain answers to all questions propounded and shall be sworn to and approved before the service agent enters into a contract with an interlocal risk management agency. Applications for approval to act as a service agent shall be granted for a period of one year and shall be subject to renewal annually.

(3) If the service agent seeks approval to service claims, then proof shall be required that it has within its organization, or has contracted on a full-time basis with, at least one person who has the knowledge and experience necessary to handle claims involving the workmen's compensation act and public liability. A resumé covering that person or person's background shall be attached to the application of the service agent.

(4) If the service agent seeks approval to provide underwriting services, then proof shall be required that it has within its organization, or has contracted on a full-time basis with at least one person who has the knowledge and experience necessary to provide underwriting services for workmen's compensation excess insurance and public liability coverage. A resumé covering that person or person's background shall be attached to the application of the service agent.

(5) If the service agent seeks approval to furnish safety engineering services, then proof shall be required that it has within its organization, or has contracted on a full-time basis with at least one person who has the knowledge and background necessary to adequately provide industrial safety and health engineering services.

(6) The service agent shall maintain adequate staff and the staff shall be authorized to act for the service agent on all matters covered by the workmen's compensation act

and rules and regulations applicable thereto.

(7) The service agent shall file copies of all contracts entered into with interlocal risk management agencies as they relate to the services to be performed. Such reports shall be kept confidential. The service agent will handle all claims with dates of injury or disease within the contract period until their conclusion unless the service agent is relieved of that responsibility by a successor service agent.

(8) Failure to comply with the provisions of the workmen's compensation act shall be considered good cause for withdrawal of the approval to act as a service agent. Thirty days notice of withdrawal shall be given and notice shall be served by certified or registered mail upon all interested parties.

#### §11. Penalty for Non-compliance

Non-compliance with the provisions of this rule may result in suspension, revocation or non-renewal of the Certificate of Authority issued by the commissioner of insurance pursuant to the provisions of Act 462 of the 1979 Session of the Louisiana Legislature.

#### §12. Severability

If any of the provisions of this rule are held invalid, such invalidity shall not affect other provisions which can be given effect with the invalid item, and to this end the provisions of this rule are hereby declared severable.

Douglas D. "Doug" Green  
Commissioner of Insurance

### RULE

#### Department of Natural Resources Office of Coastal Restoration and Management

Notice is hereby given that the Department of Natural Resources, under the authority of R.S. 49:950, et seq. and R.S. 49:214.30, amends a rule pertaining to Coastal Use Permit extensions pursuant to the notice of intent which was published in Volume 16 of the *Louisiana Register* on April 20, 1990. This rule shall become a part of Title 43: Part I, Chapter 7.

#### Title 43 NATURAL RESOURCES Part I. Office of the Secretary

#### Chapter 7. Coastal Management

#### §723. Rules and Procedures for Coastal Use Permits

A. - B. ...

C. Permit Application, Issuance and Denial

1. - 8. ...

9. Conditions of permit:

a. - b. ...

c. Permitted uses subject to this Part shall be of two types continuing and noncontinuing uses which are defined below as follows.

i. Continuing uses are activities which by nature are carried out on an uninterrupted basis, examples include shell dredging and surface mining activities, projects involving maintenance dredging of existing waterways, and maintenance and repair of existing levees.

ii. Noncontinuing uses are activities which by nature are done on a one-time basis, examples include dredging

access canals for oil and gas well drilling, implementing an approved land use alteration plan, and constructing new port or marina facilities.

d. The term of issuance of permits shall be as follows.

i. The term to initiate a coastal use permit for a non-continuing use shall be two years from the date of issuance, and the term to complete the use shall be five years from the date of issuance. The permit term for initiation may be extended pursuant to Subsection D for an additional two years. The permit term for completion may not be extended.

ii. The term of a coastal use permit for a continuing use shall be five years from the date of issuance. The permit term may not be extended.

D. Modification, Suspension, or Revocation of Permits

1. - 4. ...

5. Extension

a. The secretary shall review extension requests subject to this part on a case-by-case basis. The secretary shall determine, based upon the merits of the request and upon the compliance of the permitted activity with the regulations and policies existing at the time of the request, whether extension may be considered.

b. If the secretary determines that extension may be considered, the Coastal Management Division shall cause to be issued for public comment, for a period of 25 days, a copy of the original permit with its associated drawings in accordance with Subparagraph h below. The secretary shall consider public comments received during this period prior to the final decision on whether to allow permit extension. The sole reason for not allowing extension based upon public comment shall be that there has been a change in the conditions of the area affected by the permit since the permit was originally issued.

c. If the secretary determines that a permit should not be extended, the permittee shall be notified and, provided that the permittee desires a new permit, the use shall be subject to processing as a new permit application pursuant to the procedures set forth in Subsection C. A decision of the secretary not to allow extension of a permit shall not be subject to appeal. A decision of the secretary to allow extension shall be subject to appeal only on the grounds that the proposed activity should be treated as a new application pursuant to Subsection C rather than be considered for extension.

d. The permit terms of noncontinuing uses may be extended once for an additional two years, except that an extension may be granted only for the term to initiate work and not for the term to complete work as described in Subsection C.9.c.i above.

e. All coastal use permits in effect on the date these rules are adopted are eligible for extension provided that all requirements in Subparagraph f below are met.

f. Extension requests shall be in the form of a written letter which shall refer to the original Coastal Use Permit application number and specifically state that a permit extension is desired. An extension request fee in the amount of \$80 must be included with such a request, and the request must be received by the Coastal Management Division no sooner than 180 days and no later than 60 days prior to the expiration of the permit in question. Requests received later than 60 days prior to the expiration date of the permit shall not be eligible for consideration for extension.

g. Extension requests involving modifications to a permitted activity which would result in greater impacts to the

environment than previously permitted will be considered as new applications rather than as extension requests. Extension requests involving modifications to a permitted activity which would result in identical or lesser impacts to the environment than previously permitted may be considered as extension requests, and must, in addition to the requirements in Subparagraph f above, contain adequate information (such as drawings, maps, etc.) to support and explain the proposed modifications.

h. The Coastal Management Division shall issue notice of the extension request to all members of the Joint Public Notice mailing list, and shall publish notice that the extension request has been granted or denied in the Bi-weekly Status Report that is published in the state journal as well as mailed to Joint Public Notice mailing recipients.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 49:214.30.

**HISTORICAL NOTE:** Promulgated by the Department of Natural Resources, Office of the Secretary, LR 6:493 (August 1980), amended LR 8:519 (October 1982), amended by the Office of Coastal Restoration and Management, LR 16: (July 1990).

Ron Gomez  
Secretary

#### **RULE**

##### **Department of Social Services Office of Community Services**

In accordance with the application provisions of the Administrative Procedure Act R.S. 49:950 et seq., notice is hereby given that the Louisiana Department of Social Services has adopted the department rule published in the *Louisiana Register*, Volume 16, No. 5 of May 20, 1990. The LIHEAP State Plan will be available for public review at each OCS parish office, Monday through Friday from 8:30 a.m. to 4 p.m.

A public hearing was held June 1, 1990 at which time comments and suggestions regarding the proposed rule were received. The department also accepted written comments regarding the proposed rule through June 15, 1990.

In response to comments received concerning the notice of intent, the department will make benefit payments according to a fixed rate schedule so as to effect a more uniform and equitable payment system.

May Nelson  
Secretary

#### **RULE**

##### **Department of Social Services Office of Eligibility Determinations**

The Department of Social Services, Office of Eligibility Determinations, has adopted the following rule to establish

the Job Opportunities and Basic Skills Training Program (JOBS).

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 Act 566 of the 1989 regular session of the Louisiana Legislature which require the implementation of the JOBS program for recipients of Aid to Families with Dependent Children (AFDC). The JOBS program will be administered in accordance with the above-referenced regulations and law, and the Louisiana State Plan for JOBS.

In the proposed rule the second paragraph at II.B. incorrectly stated that all non-exempt applicants and recipients with children "under" age three (instead of "over" age three) must participate in the JOBS program. This error was noted at the public hearings and has been corrected in this final rule.

#### **RULE**

Effective October, 1990, the Department of Social Services, Office of Eligibility Determinations will implement the JOBS program, which is designed to assist recipients of AFDC to become self-sufficient by providing needed employment-related activities and support services.

##### **I. Program Components**

Employment-related activities will include the components of education, job skills training, job readiness training, job development, job placement, job search and on-the-job training. Support services will include child care, transportation and other employment-related expenses designed to eliminate or moderate the most common barriers to employment.

##### **II. Participation Requirements**

###### **A. Initial Implementation Parishes**

The JOBS program will be implemented effective October 1, 1990 in the following parishes: Caddo, Calcasieu, East Baton Rouge, Iberia, Lincoln, Orleans, Ouachita, Pointe Coupee, St. Charles and Vernon. These ten parishes contain 48 percent of the state's current AFDC caseload. They also represent both small and large and urban and rural parishes, as well as the parishes with the highest and lowest unemployment rates. At least one parish from each of the Office of Eligibility Determinations' eight administrative regions is included. Following a successful beginning in these parishes the state will continue to phase in the program in the remaining parishes by October 1, 1992.

###### **B. Individual Participation Requirements**

All AFDC recipients are mandatory participants unless determined exempt in accordance with 45 CFR 250.30 or 250.33.

Regulations at 45 CFR 250.30 mandate that all non-exempt applicants and recipients with children over age three participate in the JOBS program as an eligibility condition for receipt of AFDC benefits. States have the option to reduce that age requirement to one year. Recognizing that early positive intervention in the lives of AFDC clients is essential in preventing public assistance dependence, Louisiana will exercise the option to reduce the age to one year. This age limitation is overridden in the case of the custodial parent under age 20 who has not completed high school, since the legislation requires that such an individual participate in the education component of the program regardless of the age of the dependent child.

Regulations at 45 CFR 250.33 require participation of

at least one parent in any family eligible for AFDC by reason of the unemployment of the parent who is the principal wage earner. Louisiana will exercise the option to require participation of both parents unless one or both of them meet exemption criteria.

Failure to participate in the JOBS program without good cause will result in progressive levels of sanctioning in accordance with 45 CFR 250.34.

III. Program Administration

A. Coordination with Other Service Providers

The Department of Social Services through the Office of Eligibility Determinations is the agency mandated by 45 CFR 250.10 as being responsible for implementation and administration of the JOBS program. To maximize the potential that the JOBS program offers to AFDC recipients the Department of Social Services will coordinate with the Departments of Health and Hospitals, Employment and Training, Education and Economic Development, as well as other providers of program components and services.

B. Responsibilities of Office of Eligibility Determinations

The JOBS program will be administered by OED State Office JOBS program staff, regional JOBS Program Specialists, and parish office staff.

The Department of Social Services will implement a case management system through the newly created positions of case managers in each OED parish office to assist JOBS participants in their efforts to become economically independent. Case managers will: assess the participant's family circumstances, education and training status and level of job readiness; negotiate with the participant an employability plan that is realistic and achievable; provide positive intervention and act as participant advocate to maximize effectiveness of the program; select and arrange for appropriate JOBS program component participation; and monitor program activities.

May Nelson  
Secretary

**RULE**

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

Pursuant to the authority granted by R.S. 42:871(c) and R.S. 42:874 the Board of Trustees of the State Employees Group Benefits Program has amended language in the Plan Document of Benefits as necessitated by amendments made to COBRA by the Omnibus Budget Reconciliation Act of 1989 (OBRA '89), as follows:

Add to Article 1, Section III (K) a new Subsection (7):

7. Effective July 1, 1990, if an employee becomes entitled to Medicare, on or before the date such employee's eligibility for benefits under this contract terminates, the period of continued coverage available for the employee's covered dependents shall be until the earliest of the following events:

1. Thirty-six months from the date the employee becomes entitled to Medicare or, if greater, 18 months from the

date coverage would have otherwise terminated in the absence of Article 1, Section III, E; or

2. Pursuant to the other termination provisions of Article 1, Section III, E.

Tommy D. Teague  
Acting Executive Director

**RULE**

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

The Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program has amended the Plan Document as follows.

Amend the Schedule of Benefits, as follows:

Add a single asterisk "\*" after "80%" and "100%", and change the single asterisk after "50%" to a double asterisk "\*\*", as follows:

Percentage Payable after Satisfaction of Applicable Deductibles:

- Eligible expenses up to \$5,000 per Calendar Year, per person . . . . . 80%\*
- Eligible expenses in excess of \$5,000 per Calendar Year, per person . . . . . 100%\*
- Outpatient mental or nervous conditions and/or substance abuse treatment . . . . . 50%\*\*

Insert the following before the current footnote:

\*The \$5,000 eligible expense maximum shall not include any expenses for which 100 percent benefits are available in accordance with Article 3, Section V, Supplemental Emergency Accident (SEA) and Article 3, Section VII, Catastrophic Illness Endorsement (CIE).

Add another asterisk to current footnote. After the words "Calendar Year" substitute a comma "," for the period ":" and add the following language:

\*\*Percentage payable for treatment of mental or nervous conditions and/or substance abuse while not hospital confined is limited to 50 percent of eligible expenses (subject to applicable limitations of the Fee Schedule). Outpatient mental or nervous conditions and/or substance abuse treatment is further limited to 50 visits per Calendar Year, payable at 50 percent of the charge with a maximum allowable charge of \$40 per visit. Reimbursement will be limited to a maximum payment of \$20 per visit.

Amend Article 1, Section I (l) (2) (3) to include parenthetical language in items (2) and (3) to clarify adding a dependent within 30 days from date of birth. The paragraphs will then read as follows:

2. any unmarried (never married) children from date of birth (must be added to coverage within 30 days from date acquired by completing appropriate enrollment documents in accordance with Article 1, Section IV, Adding or Deleting Dependents) to 19 years of age, dependent upon the employee for support;

3. any unmarried (never married) children 19 years of age, but under 24 years of age, who are enrolled and attending classes as full-time students and who depend upon the employee for support. The term full-time student shall mean

students who are enrolled at an accredited college or university, or at a vocational, technical, or vocational-technical or trade school or institute, or secondary school, for the number of hours or courses which is considered to be full-time attendance by the institution the student is attending. (See Article 1, Section IV, "Adding or Deleting Dependents" and Article 1, Sections C through K.)

It shall be the responsibility of the plan member to furnish proof acceptable to the program documenting the full-time student status of a dependent child.

Amend Article 1, Section I (R) (7) to specify that facilities primarily for the treatment of conduct disorders or habitual disorders not be included in the definition of a hospital, as follows:

Amend item (7) by substituting a comma "," for the period "." after the word "institution" and adding the following language:

7. Is not primarily an institution for rest, the aged, the treatment of pulmonary tuberculosis, a nursing home, extended care facility, remedial training institution, or facilities primarily for the treatment of conduct disorders or habitual behavior.

Amend Article 1, Section I (T) to specify that non-board certified social workers and licensed counselors are not covered, as follows:

After the word "include" and before the word "any" add the following language "social workers who are not board certified; licensed counselors; or". The paragraph will then read as follows:

The term physician does not include social workers who are not board certified; licensed counselors; or any interns, residents, or fellows enrolled in a residency training program regardless of any other title by which he is designated or his position on the medical staff of a hospital. A senior resident, for example, who is referred to as an assistant attending surgeon or an associate physician, is considered a resident since the senior year of the residency is essential to completion of the training program. Provided, however, that effective October 1, 1977, charges made by a physician, as defined herein, who is on the faculty of a state medical school, or on the staff of a state hospital, will be considered a covered expense if such charges are made in connection with the treatment of a disease, illness, accident or injury covered under this plan and further provided that such physician would have charged a fee for such services in the absence of this provision.

In the following paragraph, after the word "by" and before the word "an" add the following language, "social workers who are not board certified; licensed counselors; or". The paragraph will then read as follows:

It is the specific intent and purpose of the program to exclude reimbursement to the covered person for services rendered by social workers who are not board certified; licensed counselors; or an intern, resident, or fellow enrolled in a residency training program regardless of whether the intern, resident, or fellow was under supervision of a physician or regardless of the circumstances under which services were rendered.

In the following paragraph, after the word "supervising" and before the word "interns" add the following language, "social workers who are not board certified; licensed counselors; or". The paragraph will then read as follows:

The term physician shall not include a practicing med-

ical doctor in the capacity of supervising social workers who are not board certified; licensed counselors; or interns, residents, senior residents, or fellows enrolled in a training program, who does not personally perform a surgical procedure or provide medical treatment to the covered person.

ALSO

Amend Article 3, Section IX by adding item (FF) as follows:

(FF) social workers who are not board certified, licensed counselors, chemical dependency counselors, or any other persons who do not otherwise meet the definition of a physician as contained in Article 1, Section I (T).

Amend Article 1, Section I to include a definition for Pain Rehabilitation Control and Pain Rehabilitation Therapy by inserting the following language between the terms Rehabilitation and Rehabilitation Therapy and Rest Cure and renumbering same, as follows:

BB. The terms Pain Rehabilitation Control and Pain Rehabilitation Therapy as used herein shall mean any program designed to develop the individual's ability to control or tolerate chronic pain.

Amend Article 1, Section II to change the heading from "Employees to be Covered" to "Persons to be Covered".

Change Article 1, Section II (E) (3), "New Enrollment/Previous Contract" to Article 1, Section II (G), "Reenrollment, Previous Employment" to read as follows:

An application for coverage by an employee of a participating employer whose employment is terminated while covered or eligible for coverage under the program and who is reemployed by the same or another participating employer within 12 months of the effective date of termination shall be considered a reenrollment, previous employment application. A reenrollment, previous employment applicant will be eligible for only that classification of coverage (employee only, employee and one dependent, family) in force on the effective date of termination, subject to all modifications of eligible expenses, benefits, and/or premiums which became effective in the interim."

Amend Article 3, Section VI "Dental Surgical Benefits" by deleting the following item (B) in its entirety.

B. No deductible amount shall apply to benefits payable under this Section and expenses in excess of the amounts shown in the Schedule of Dental Surgical Procedures shall not be considered eligible out-of-pocket expenses as defined in Article 3, Section 1 (A) (3).

Amend Article 3, Section IX (I) to specify that wedges, cookies, and arch supports are not covered even though they may be custom built.

After the word "supports," delete the remainder of the sentence and substitute the following language, "except as indicated in Article 3, Section I, (G) (22)". The paragraph will then read as follows:

I. Expenses incurred for shoes and related items such as wedges, cookies, and arch supports, except as indicated in Article 3, Section I, (G) (22);

Amend Article 3, Section IX (K) to more clearly define dental exclusions.

Move the word "dentures" after the word "disease" and add the following language, "dental implants and any surgery for the use thereof; except as indicated in Article 3, Section G (15)". The paragraph will then read as follows:

K. Dental braces and orthodontic appliances for what-

ever reason prescribed or utilized; treatment of periodontal disease; dentures, dental implants and any surgery for the use thereof; except as indicated in Article 3, Section G (15).

Amend Article 3, Section IX (Y) to clarify that the correction of refractive errors through any type of surgical procedure is not covered.

Substitute the words "or any" for the words "and similar" so that the paragraph will read as follows:

Y. Radial keratotomy or any procedures for the correction of refractive errors.

Tommy D. Teague  
Acting Executive Director

# Notices of Intent

## NOTICE OF INTENT

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

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:1433, notice is hereby given that the Department of Agriculture and Forestry, Seed Commission, intends to amend the following rule and regulation to read as follows:

**Title 7  
AGRICULTURE AND ANIMALS  
Part XIII. Seeds**

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

**Subchapter B. General Seed Certification Requirements  
§8741. Fees**

A. The application fee for certification shall be \$15 for each crop, one variety per application, plus \$.60 per acre inspection fee for all crops except sweet potatoes and sugarcane which shall be \$.90 per acre and Turf, Lawn and Pasture Grass which shall be \$25 per acre.

The application fee shall be due and payable upon filing of the application for certification.

B. The fee for certification on any application submitted after the deadline shown in LAC 7:XIII.8729 shall be \$100.

C. A fee of \$25 shall be charged for each reinspection of a field.

D. Fees for issuance of certified seed tags shall be eight cents for the following classes of seed:

1. breeder (white tag)
2. foundation (white tag)
3. registered (purple tag)
4. certified (blue tag)
5. selected tree seed (green tag); and
6. source identified tree seed (yellow tag)

**E. Fees for Sweet Potatoes**

A fee of five cents per 1,000 plants will be collected for each 1,000 sweet potato plants inspected for certification purposes.

**F. Fees for Bulk Seed Certification**

The fee for issuance of a bulk seed certificate shall be eight cents per bushel for each bushel in the lot being certified.

**G. Fees for Phytosanitary Inspection**

1. A fee of \$.50 per acre shall be charged for phytosanitary inspections.

2. The application fee for phytosanitary inspection shall be due and payable upon filing of the application for certification.

**H. Fees for Re-sampling Certified Seed**

A fee of \$15 will be charged for each re-sample, which fee shall be due and payable when the request for re-sample is initially made.

**I. Fees for Bulk Sampling**

A fee of \$25 shall be charged for each bulk sample by vacuum probe, which shall be due and payable when request for bulk sample is initially made.

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

**HISTORICAL NOTE:** Promulgated by the Department of Agriculture, Seed Commission, LR 8:566 (November 1982), amended LR 10:495 (July 1984); repealed and re-adopted by the Department of Agriculture and Forestry, Seed Commission LR 12:825 (December 1986), amended LR 14:604 (September 1988), amended LR 16:

**§8815. Turf, Pasture and Lawn Grass Certification Standards**

**A. Field Standards**

Factor	Foundation	Registered	Certified
*Land requirement	5 yrs.	1 yr.	1 yr.
Isolation	6 ft.	6 ft.	6 ft.
Other varieties	None	1 plant per 1000 sq. ft.	3 plants per 1000 sq. ft.
Noxious weeds	None	None	None

\*A field entered for certification shall be subject to at least three inspections per year, one during dormancy and two during the active growing period prior to harvest. Harvest sprigs shall be inspected before final certification and issuance of tags on bags or certificate in case of bulk shipments.

**B. Planting Stock Standards**

Factor	Foundation	Registered	Certified
Pure live sprigs containing roots (minimum by count)	90.0%	90.0%	90.0%
Other live plants (Maximum by count)	2.0%	2.0%	2.0%
Noxious weeds	None	None	None



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

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 9:204 (April 1983), repealed and readopted LR 12:825 (December 1986), amended LR 16:

Interested persons may submit comments through October 1, 1990 to Matthew Keppinger, Assistant Director, Department of Agriculture and Forestry, Box 1108, Baton Rouge, LA 70821-1108.

Bob Odom  
Commissioner

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Seed Commission**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Although the Department of Agriculture and Forestry inspectors will have to inspect the grasses for certification, all implementation costs will be charged to existing funds.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The estimated revenue collections from certifying grasses are nominal.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
Grass farmers will be required to pay an application fee of \$15 for certification of each variety plus \$25 per acre inspection fee.  
It is estimated that five acres will be entered into the certification program in 1990-91 growing season.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
The effect on competition with this rule change would mean that Louisiana gas farmers will be able to sell more Turf, Lawn and Pasture grass once it becomes certified.

Richard Allen  
Assistant Commissioner

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Agriculture and Forestry  
Office of Animal Health Services  
Livestock Sanitary Board**

In accordance with the provisions of R.S. 49:950, et seq., the Administrative Procedure Act, and R.S. 3:2095, relative to the power of the Louisiana Livestock Sanitary Board to deal with diseases of animals, notice is hereby given that the Louisiana Livestock Sanitary Board advertises its intent to amend LAC 7:XXI.11733, to require the following:

A. 5. All bulls, 12 months of age and over, must be tested negative to the brucellosis card test, within 30 days prior to admission to all fairs, livestock shows, breeders' as-

sociation sales, and rodeos. All bulls must be accompanied by a current health certificate.

Interested persons may comment on the proposed policy changes and/or additions, in writing, until 4:30 p.m., August 16, 1990, at the following address: Maxwell Lea, Jr., D.V.M., State Veterinarian, Department of Agriculture and Forestry, Livestock Sanitary Board, Box 1951, Baton Rouge, LA 70821.

Bob Odom  
Commissioner

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Admittance of Louisiana Cattle to Fairs,  
Livestock Shows, Breeders' Association Sales and  
Rodeos in Louisiana**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There would be no costs or savings to state or local governmental units to implement this proposed amendment.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Implementation of the proposed amendment would have no effect on revenue collections or state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There would be minimal cost to persons having bulls entering a fair, livestock show, breeders' association sale, or rodeo. The cost of a brucellosis test and the accompanying health certificate, (which is already required), is estimated to be approximately \$7.50 to \$10 per animal. If bulls are from a brucellosis certified free herd, they would not be required to be tested prior to entry; however, they still have to have a health certificate issued by an accredited veterinarian.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
Implementation of this rule would provide a small increase in fees for accredited veterinarians, issuing health certificates, because they would also have to draw a blood sample for brucellosis testing and send it to the State Brucellosis Laboratory. Those producers not having the brucellosis testing done will not be able to enter their animal/animals in shows, fairs, rodeos etc.

Richard Allen  
Assistant Commissioner

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Agriculture and Forestry  
Office of Animal Health Services  
Livestock Sanitary Board**

In accordance with the provisions of R.S. 49:950, et seq., the Administrative Procedure Act, and R.S. 3:2095, relative to the power of the Louisiana Livestock Sanitary Board

to deal with diseases of animals, notice is hereby given that the Louisiana Livestock Sanitary Board advertises its intent to amend LAC 7:XXI.11709, to require the following:

H. Livestock auction markets must maintain complete records of all transactions for a period of 12 months. The records must be kept in such a manner that all livestock can be traced from the seller to the purchaser, and include the name and complete address of the seller and purchaser. The records must also include the weight, backtag number, and price of the livestock. These records shall be made available to representatives of the Livestock Sanitary Board upon request.

Interested persons may comment on the proposed policy changes and/or additions, in writing, until 4:30 p.m., August 16, 1990, at the following address: Maxwell Lea, Jr., D.V.M., State Veterinarian, Department of Agriculture and Forestry, Livestock Sanitary Board, Box 1951, Baton Rouge, LA 70821.

Bob Odom  
Commissioner

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Livestock Auction Market Requirements**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There would be no cost or savings to state or local governmental units to implement the proposed amendment.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Implementation of the proposed amendment would 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)**

There would be no costs and/or economic benefits to directly affected persons or non-governmental groups if this rule change is implemented.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

Competition and employment would not be affected by this rule change.

Richard Allen  
Assistant Commissioner

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Agriculture and Forestry  
Office of Animal Health Services  
Livestock Sanitary Board**

In accordance with the provisions of R.S. 49:950, et seq., the Administrative Procedure Act, and R.S. 3:2095, relative to the power of the Louisiana Livestock Sanitary Board to deal with diseases of animals, notice is hereby given that

the Louisiana Livestock Sanitary Board advertises its intent to amend LAC 7:XXI.11735, to require the following:

A. 2. All cattle that are offered for sale through Louisiana livestock auction markets, must be identified by an official backtag; those animals two years of age and older, shall have this official backtag placed immediately behind the shoulder of the animal. The market shall furnish the Livestock Sanitary Board's official representative a copy of each check-in slip, showing the name of the auction market, the date, the name and complete address of each consignor, and the official backtag numbers applied to the consignor's livestock. The check-in slip shall be made available to the Livestock Sanitary Board's official representative, before the animals can be tested for brucellosis.

It shall be a violation of this regulation for anyone to consign livestock to a Louisiana livestock auction market and give a name and address that is not the name and address of the owner consigning the livestock to the auction market.

A. 4. b. is herewith deleted in its entirety.

Interested persons may comment on the proposed policy changes and/or additions, in writing, until 4:30 p.m., August 16, 1990, at the following address: Maxwell Lea, Jr., D.V.M., State Veterinarian, Department of Agriculture and Forestry, Livestock Sanitary Board, Box 1951, Baton Rouge, LA 70821.

Bob Odom  
Commissioner

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Livestock Auction Market Requirements**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There would be no costs or savings to state or local governmental units to implement the proposed rule change.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The implementation of the proposed rule change would have no effect on revenue collections by state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

There would be no costs and/or economic benefits to directly affected persons if this rule change is implemented.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

Employment would be affected only slightly because the name of the auction would have to be written since it is no longer preprinted. No additional personnel would be necessary. Competition would not be affected by this rule change.

Richard Allen  
Assistant Commissioner

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Agriculture and Forestry  
Office of Animal Health Services  
Livestock Sanitary Board**

In accordance with the provisions of R.S. 49:950, et seq., the Administrative Procedure Act, and R.S. 3:2095, relative to the power of the Louisiana Livestock Sanitary Board to deal with diseases of animals, notice is hereby given that the Louisiana Livestock Sanitary Board advertises its intent to amend LAC 7:XXI.11711, to require the following:

A. 3. Records of all sales and purchases must be maintained for at least 12 months. The records shall contain the complete name and address of the seller, the permanent identification number of any brucellosis test eligible animals, the weight and price of the animals, and the complete name and address of the purchaser. These records shall be made available to representatives of the Livestock Sanitary Board upon request. Livestock dealers who are not approved, will be governed by LAC 7:XXI.11733 for cattle.

Interested persons may comment on the proposed policy changes and/or additions, in writing, until 4:30 p.m., August 16, 1990, at the following address: Maxwell Lea, Jr., D.V.M., State Veterinarian, Department of Agriculture and Forestry, Livestock Sanitary Board, Box 1951, Baton Rouge, LA 70821.

Bob Odom  
Commissioner

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Livestock Dealer General Requirements**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There would be no costs or savings to state or local governmental units to implement the proposed amendment.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Implementation of the proposed amendment would 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)  
There would be no costs and/or economic benefits to directly affected persons or non-governmental groups, if this rule change is implemented.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
Competition and employment would not be affected by this rule change.

Richard Allen  
Assistant Commissioner

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Agriculture and Forestry  
Office of Animal Health Services  
Livestock Sanitary Board**

In accordance with the provisions of R.S. 49:950, et seq., the Administrative Procedure Act, and R.S. 3:2095, relative to the power of the Louisiana Livestock Sanitary Board to deal with diseases of animals, notice is hereby given that the Louisiana Livestock Sanitary Board advertises its intent to amend LAC 7:XXI.11739, to require the following:

B. 1. i. and ii. is herewith deleted.

Interested persons may comment on the proposed policy changes and/or additions, in writing, until 4:30 p.m., August 16, 1990, at the following address: Maxwell Lea, Jr., D.V.M., State Veterinarian, Department of Agriculture and Forestry, Livestock Sanitary Board, Box 1951, Baton Rouge, LA 70821.

Bob Odom  
Commissioner

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Governing the Sale and Purchase Within Louisiana, of all Livestock Not Governed by Other Regulations (Brucellosis Requirements)**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There would be no costs or savings to state or local governmental units to implement the proposed amendments.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Implementation of the proposed amendments would 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)  
There would be no costs and/or economic benefits to directly affected persons or non-governmental groups, if the proposed rule change is implemented.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There would be no effect on competition and employment by this rule change.

Richard Allen  
Assistant Commissioner

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Agriculture and Forestry  
Office of Animal Health Services  
Livestock Sanitary Board**

In accordance with the provisions of R.S. 49:950, et seq., the Administrative Procedure Act, and R.S. 3:2095, rel-

ative to the power of the Louisiana Livestock Sanitary Board to deal with diseases of animals, notice is hereby given that the Louisiana Livestock Sanitary Board advertises its intent to amend LAC 7:XXI.11737, to require the following:

A. 3. b. Effective January 1, 1989, all heifers and cows over 12 months of age, must be official brucellosis vaccines, (calfhood or adult), be from a producer's herd, (not a herd owned by the dealer), that has had a complete negative brucellosis herd test, conducted in the past 12 months, be negative to the brucellosis card test within 30 days prior to, or at the time of purchase by the dealer and the animals do not come in contact with animals other than those from the herd of origin. The dealer must keep a copy of the complete negative brucellosis herd test with his records, to show that the animals have met the above requirements.

A. 3. b. (2.) is herewith deleted in its entirety.

Interested persons may comment on the proposed policy changes and/or additions, in writing, until 4:30 p.m., August 16, 1990, at the following address: Maxwell Lea, Jr., D.V.M., State Veterinarian, Department of Agriculture and Forestry, Livestock Sanitary Board, Box 1951, Baton Rouge, LA 70821.

Bob Odom  
Commissioner

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Governing the Sale of Cattle in Louisiana by  
Livestock Dealers**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There would be no costs or savings to state or local governmental units to implement the proposed amendments.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF  
STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Implementation of the proposed amendments would 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)**

There would be no costs and/or economic benefits to directly affected persons or non-governmental groups, if the proposed rule change is implemented.

**IV. ESTIMATED EFFECT ON COMPETITION AND EM-  
PLOYMENT (Summary)**

There would be no effect on competition and employment by this rule change.

Richard Allen  
Assistant Commissioner

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Economic Development  
Office of Commerce and Industry  
Financial Incentives Division**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 37:3111 et seq., the Department of Economic Development, Office of Commerce and Industry, is hereby giving notice of its intention to amend and adopt the rules and regulations detailed below.

§721.E is added to clarify the intent of Act 496 of the 1989 Regular Legislative Session, which contained R.S. 51:1924 F. regarding new legislation which provides for the transfer or sale of income tax credits.

Written comments may be addressed to Robert G. Berling, Program Administrator, Office of Commerce and Industry, Financial Incentives Division, Box 94185, Baton Rouge, LA 70804-9185.

**Title 13  
ECONOMIC DEVELOPMENT  
Part I. Commerce and Industry  
Subpart I. Finance**

**Chapter 7. Louisiana Capital Companies Tax Credit Program**

**§721. Transfer or Sale of Income Tax Credits**

A. - D. ...

E. The transfer or sale of income tax credits, pursuant to R.S. 51:1924 F., will be restricted to transfer or sale between affiliated companies. The secretary of Economic Development shall approve all such transactions involving income tax credits. Companies shall submit in writing, to the secretary, all requests for the transfer or sale of income tax credits. Affiliated companies are defined as two or more companies related through common ownership; or, two or more corporations closely related through stock ownership.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1921-1932.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 15:1054 (December 1989), amended LR 16:

Arnold M. Lincove  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Louisiana Capital Companies Tax Credit Program**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

This program as created by Act 642 of the 1983 Legislature, and later amended by Act 891 in 1984, Acts 695 and 915 in 1986, and Act 496 in 1989. No additional implementation costs will be incurred by state or local governments.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF  
STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

State income taxes and state insurance premium taxes will be reduced. To date, three capital companies

have been designated as "certified Louisiana capital companies." As of March 5, 1990, \$8,887,513.33 in cash investments are reported by the three companies. Potential state income tax credits totaled \$3,110,629.67 and state insurance premium tax credits totaled \$17,285,090. This program does not impact local government revenues.

### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

An investor in a certified Louisiana capital company receives an income tax credit, calculated at 35 percent of the cash investment, on income taxed in the year in which the investment is made. Any remaining tax credit may be carried forward until exhausted. The value of property or services contributed cannot be included for purposes of determining the income tax credit. For insurance companies that invest in certified Louisiana capital companies, a premium tax reduction is available. The annual premium tax reduction is subject to certain limitations.

### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The primary purpose of the Louisiana Capital Companies Tax Credit Program is to provide assistance in the formation and expansion of new businesses which create jobs in the state by providing for the availability of venture capital financing to entrepreneurs, managers, inventors, and other individuals for the development and operation of "qualified Louisiana businesses."

Robert Paul Adams  
Director of Finance

David W. Hood  
Senior Fiscal Analyst

## NOTICE OF INTENT

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

The Department of Economic Development, Office of Commerce and Industry proposes to adopt the following rule in accordance with the authority given in the Administrative Procedure Act, R.S. 49:951, et seq.

#### Title 13

#### ECONOMIC DEVELOPMENT

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

#### Chapter 9. Louisiana Industrial Training Program

#### §901. Eligibility

- A. Applicant must be a manufacturing firm.
- B. Applicant must apply for a minimum of 10 net-new, permanent manufacturing jobs that are classed as entry-level unskilled.
- C. Applicant must assign a supervisor/instructor to at least 10 trainees.

#### §903. Preference

- A. Preference will be given to applicants locating in a parish which has an unemployment rate higher than the state average.
- B. Secondary preference will be given to companies in targeted Standard Industrial Classification (SIC) Codes. The

target industries for any particular fiscal year shall be determined by the secretary of Economic Development in June of each year.

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

A. An application shall be submitted for approval to the development supervisor for the Department of Economic Development, Office of Commerce and Industry.

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

#### §907. Contract and Monitoring

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

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

#### §909. Method of Payment

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

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

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

#### §911. Location of Training

- A. All training locations shall be in Louisiana.
- B. Exceptions to this may be made at the discretion of the secretary of Economic Development.

#### §913. Amount of Training Grants

- A. On-the-Job Training grants will be calculated at \$200 per job.
- B. Pre-Employment Training grants will not exceed \$70,000.
- C. Exceptions to this may be at the discretion of the secretary of Economic Development.

Any comments may be addressed in writing to Harold Price, Assistant Secretary, Box 94185, Baton Rouge, LA 70804-9185. They must be received by September 1, 1990.

Harold Price  
Assistant Secretary

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Louisiana Industrial Training Program

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no added implementation costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governments.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The manufacturer will receive a maximum of \$200 per net-new job created in the On-the-Job Training Program and negotiated instructor reimbursement/supply cost in the Pre-employment Training Program. No Pre-employment Training Program will exceed \$70,000 unless approved by the secretary of the Department of Economic Development.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition. Approximately 3,500 Louisianians would receive training for jobs that are immediately available and being offered by the manufacturer to selected trainees.

Harold Price  
Assistant Secretary

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

**Administrative Leadership Academy Guidelines**

In accordance with R.S. 49:950, et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the Administrative Leadership Academy Guidelines. (See June, 1990 issue of the *Louisiana Register* for complete text of guidelines.)

Interested persons may comment on the proposed policy change and/or additions in writing until 4:30 p.m., September 7, 1990 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Administrative Leadership  
Academy Guidelines**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no additional implementation costs connected with the implementation of the Administrative Leadership Academy Guidelines. The Administrative Leadership Academy received \$750,000 of 8(g) funds in the current year and it is estimated that \$550,000 of 8(g) funds will be received in 1990-91.

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 are no economic benefits to administrators affected by the Administrative Leadership Academy Guidelines; individuals attending academy-approved training activities may incur registration and/or travel expenses.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition will not be affected. There may be employment consequences for public school administrators who fail to meet the credit-earning requirement stipulated in the legislation and guidelines. Specific consequences can not be determined.

Graig A. Luscombe  
Deputy Superintendent

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

**Annual Special Education Program Plan for FY 91-93**

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 Annual Special Education Program Plan for FY 91-93. The plan may be viewed in its entirety in the Office of the Louisiana Register, the Office of the State Board of Elementary and Secondary Education located in the Education Building in Baton Rouge, Louisiana, or in the Office of Special Educational Services, State Department of Education.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., September 7, 1990 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Annual Special Education  
Program Plan for FY 91-93**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no estimated implementation costs associated with the adoption of the Annual Special Education Program Plan. It is estimated that the state will receive \$22,982,713 of Federal P.L. 94-142, Part B funds and \$3,634,200 of federal Pre-School Grant funds in FY 91.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Adoption of this rule and subsequent approval by the U.S. Department of Education would increase state revenues in the amount indicated above.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Adoption of this rule would provide approximately \$18,386,170 of the FY 91 P.L. 94-142, Part B funds to local school systems (LEAs) to assist in the implementation of their special education programs and approximately \$2,725,650 of the FY 91 Preschool funds to provide local school systems with inservice training, technical assistance and program support.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Twenty-seven administrative (24 P.L. 94-142, Part B; 3 Preschool) and 54 support (52 P.L. 94-142, Part B; 2 Preschool) SEA level positions, and seven regional LEA preschool coordinators would be continued which are essential for the coordination of local, state, and federal guidelines mandating services for exceptional students. The effect on employment for local school system personnel is substantial. Local school systems employ needed personnel with flow-through monies based on approval of their local project application for funding.

Graig A. Luscombe  
Deputy Superintendent

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

**Teaching Time Requirements for Nonpublic Elementary and Secondary Summer School**

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 deleted Standards 6.113.07 (elementary) and 6.116.09 (secondary) regarding the teaching time requirements of the nonpublic summer school (Bulletin 741 amendment).

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., September 7, 1990 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Deletion of Standards 6.113.07 and 6.113.09  
from Bulletin 741**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is estimated that approximately \$200 would be needed to reprint pages 41 and 43 of Bulletin 741, Nonpublic School Standards and to disseminate this information to all nonpublic schools and local school systems.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There should be no effect on revenue collection at the state or local level.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There should be no effect on costs or benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There should be no impact on competition and employment.

Graig A. Luscombe  
Deputy Superintendent

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

**Amendment to Bulletin 741-Teaching Hours for Elementary and Secondary Public Summer School**

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 deleted Standards 2.113.07 and 2.116.09 of Bulletin 741 relative to teaching hours in elementary and secondary public summer schools.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., September 7, 1990 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Deletion of Standards from 2.113.07 and  
2.116.09 Bulletin 741**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is estimated that approximately \$200 would be needed to reprint pages 106 and 110 of Bulletin 741, Louisiana Handbook for School Administrators and to disseminate this information to all public schools and local school systems.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There should be no effect on revenue collection at the state or local level.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There should be no effect on costs or benefits to directly affected persons or non-governmental groups.



IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There should be no impact on competition and employment.

Graig A. Luscombe  
Deputy Superintendent

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Certification Categories Specified in  
the Children First Legislation

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following certification requirements specified in the Children First Legislation for implementation September 1, 1990. (Also adopted as an emergency rule - see June, 1990 issue of the *Louisiana Register*.)

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., September 7, 1990 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Certification Categories -  
Children First Legislation**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the cost of printing and postage associated with this rule change will be \$50.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There may be a decrease in fees collected by the Bureau of Teacher Certification for certificate upgrades which will be discontinued.

The impact of this revision on certification fee collection is unknown at this time.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

This proposed action will have no economic effect on individuals or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition and employment is anticipated as a result of this proposed action.

Graig A. Luscombe  
Deputy Superintendent

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Circular 665 Employees

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education adopted the following requirement to be met by persons employed on Circular 665 in public systems and on temporary certificates in private, nondiocesan schools: (Also adopted as an emergency rule - see June, 1990 issue of the *Louisiana Register*.)

Teachers who do not have a regular Louisiana teaching certificate must be eligible for admission to an approved teacher education program, effective July 1, 1990.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., September 7, 1990 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Circular 665 requirement**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the cost of printing and postage associated with this rule change will be \$50.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This action will not affect revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

This proposed action will have no economic effect on individuals or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This requirement will restrict the employment of non-certified personnel to individuals who are eligible for admission to an approved teacher education program.

Graig A. Luscombe  
Deputy Superintendent

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

ECIA Chapter I FY 91 Migrant Education State Plan

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 ECIA Chapter I FY 91 Migrant Education State Plan. The plan may be viewed in its entirety in the Office of the Louisiana Register.

ter, the Office of the State Board of Elementary and Secondary Education located in the Education Building in Baton Rouge, Louisiana, or in the Office of Educational Support Programs, State Department of Education.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., September 7, 1990 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: FY-91 Migrant State Plan**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Participating Local Education Agencies (LEAs) and Community Action Agencies (CAAs) will expend approximately \$2,945,352 and the Louisiana Department of Education (LDE) will expend approximately \$254,648 to implement the provisions of the FY-91 Louisiana State Plan for Migrant Education.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Participating LEAs and CAAs will collect approximately \$2,945,352 and the LDE will collect approximately \$254,648 in federal funds.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

Approximately 6,500 children living in Louisiana for at least a portion of the school year will receive instructional or supportive services through the Migrant Education Programs. A decrease is expected with a FY-91 allocation of \$3.2 million. The FY-90 allocation was \$3.5 million.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The Migrant Education program creates full-time instructional positions for more than 250 persons, most of whom are paraprofessional teaching aides. Approximately 55 additional full-time positions are funded for recruitment personnel, records personnel, and state office staff. A number of part-time or share-timed positions are also funded with these monies. The program has little if any effect on competition.

Graig A. Luscombe  
Deputy Superintendent

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education  
Financial Management and Accounting Handbook  
for School Food Service Programs**

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 Financial Management and Accounting Handbook for School Food Service Programs, effective July 1, 1990. (Amendment to Bulletin 1196, *School Food Services Program Policies of Operation*). This document replaces the Financial Management and Full-Cost Accounting Handbook, published June, 1977. This handbook may be seen in its entirety in the Office of the Louisiana Register, the Office of the State Board of Elementary and Secondary Education located in the Education Building in Baton Rouge, Louisiana, or in the Office of Educational Support Programs, State Department of Education.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., September 7, 1990 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Financial Management and Accounting  
Handbook for School Food Service Programs**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Implementation costs will be limited to the printing cost necessary to provide copies of the Financial Management and Accounting Handbook to 112 School Food Authorities. Economic benefits to the local governmental units will result from a decrease in administrative time required for recordkeeping and preparing state reports. Implementation costs will be approximately \$792.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

There will be no impact on revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

There are no estimated costs and/or economic benefits to affected persons or non-governmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There will be no effect on competition or employment.

Graig A. Luscombe  
Deputy Superintendent

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

**Teacher Tuition Exemption Program (FY 90-91)**

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 pro-

gram and budget for the Teacher Tuition Exemption Program (FY 90-91) with the condition that if legislation is passed money will be available for the Tulane Medical Schools and LSU Medical Center. These guidelines were also adopted as an emergency rule. See emergency rule of this issue for complete text of guidelines.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., September 7, 1990 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Tuition Exemption Guidelines**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no estimated implementation costs associated with the adoption of these rules. The Tuition Exemption Program has been awarded \$3,000,000 of 8(g) funds for fiscal year 1990-91. Administrative costs for fiscal year 1990-91 are estimated at \$126,821.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
An increase in the number of teachers able to participate in the program, due to increased funding level and additional courses approved should result in an increase in payments to institutions of higher education.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
Public and non-public, elementary and secondary classroom teachers are eligible for tuition waivers at participating Louisiana colleges and universities.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no effect on competition or employment.

Graig A. Luscombe  
Deputy Superintendent

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

**Regulations for Granting Temporary Teaching Assignments**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following Regulations for Granting Temporary Teaching Assignments, effective July 1, 1990. (Also adopted as an emergency rule - see June, 1990 issue of the *Louisiana Register*.)

**Regulations for Granting Temporary Teaching Assignments**

Effective July 1, 1990, local school systems shall have

the authority to grant temporary teaching assignments on a school year basis. These assignments shall be made according to the following regulations.

1. Temporary teaching assignments shall be made on forms prescribed by the State Department of Education.
2. Temporary teaching assignments are valid for one school year only and the summer immediately following that school year, if needed. Renewals may be made on a yearly basis.
3. The school system shall be responsible for maintaining files on all temporary teaching assignments.
4. Local school systems shall adhere to the "Procedures for Granting Appeals for Renewal of Temporary Teaching Assignments," as developed by the Department of Education, when appeals are requested for renewal of the temporary teaching assignment.
5. The local school system may reissue a temporary teaching assignment, according to procedures developed by the State Department of Education, to an applicant who has not met the requirement of earning six hours of college credit.
6. The local school systems shall be accountable for all aspects of this program.
7. The State Department of Education shall monitor the implementation of the regulations for temporary teaching assignments.

**Polices and Criteria Governing the Issuance of Temporary Teaching Assignments (Valid for One Year)**

Policies and criteria governing the issuance of temporary teaching assignments shall be made as follows:

1. A temporary teaching assignment, valid for one school session only and authorizing the employment of a specified teacher in a position for which he is not regularly certified, may be issued by the employing superintendent, if criteria herein outlined are met and provided the following statement is signed by the superintendent on each temporary teaching assignment:

"I hereby certify that there is no regularly certified, competent, and suitable person available for this position and that the applicant named above is the best qualified person available for employment in the position herein above described."

2. A temporary teaching assignment may be made only for persons who have a baccalaureate degree.

3. Teachers who do not have a regular Louisiana teaching certificate must have the appropriate scores on the NTE and be eligible for admission to an approved teacher education program.

4. To reemploy a teacher on a temporary teaching assignment, a minimum of six semester hours of credit earned in residency or by extension must be earned. The hours must be applicable toward the certification area in which the temporary teaching assignment was approved.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., September 7, 1990 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Temporary Teaching Assignments**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that the cost of printing and postage associated with this rule change will be approximately \$50.

There will be no anticipated savings to the department as a result of this rule. There should be no additional costs to monitor the implementation of this rule.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is estimated that fees collected could decrease by an estimated \$20,000.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

This proposed action will have no economic effect on individuals or non-governmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

No effect on competition and employment is anticipated as a result of this proposed action.

Graig A. Luscombe  
Deputy Superintendent

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Board of Examiners of Psychologists**

The following notice of intent establishes Continuing Education Requirements for renewal of license as stipulated in R.S. 37:2357.

In order to renew a license to practice psychology, each Louisiana licensed psychologist except those exempted shall report timely compliance with the minimum continuing education requirement as set forth below. The report shall be made on a form issued by the State Board of Examiners of Psychologists.

**1.0 Effective Date**

The requirements established by this rule shall become effective on 1 July 1990.

**2.0 Minimum Continuing Education Requirement**

Licensees shall document successful completion of 30 clock hours of acceptable continuing education during each biennial period.

A minimum of two of these 30 clock hours of continuing education must involve topics in professional ethics or forensic issues in delivering psychological services.

The number of clock hours claimed for continuing education activities that award Continuing Education Hours cannot exceed the number of CE Hours awarded.

**2.1 Criteria of Acceptability**

Acceptable continuing education activities are defined as: (a) formally organized and planned instructional experiences; (b) with objectives compatible with the professional continuing education needs of the licensee; and (c) con-

ducted or sponsored by accredited institutions of higher education or by national, regional or state professional associations or divisions of such associations.

**2.1.1 Continuing Education Activities Specifically Acceptable for License Renewal**

Prior board approval must be obtained for all activities other than those specified under A and B (below) but which, in the licensee's judgment, meet the board's criteria of acceptability.

A. (No limit on the number of clock hours that may be applied toward satisfying the continuing education requirement during a biennium.)

1. Activities (including home study courses) offered by APA (American Psychological Association) approved Category I sponsors.

2. Other postdoctoral workshops, institutes, or courses germane to the licensee's practice of psychology and conducted or sponsored by accredited institutions of higher education or by national, regional or state professional associations or divisions of such associations.

B. (A maximum of 12 clock hours may be applied toward satisfying the continuing education requirement during a biennium.)

Registered attendance at professional meetings, conferences or conventions lasting for one full day or longer. Registered attendance at each such meeting, conference or convention shall carry three clock hours of continuing education credit.

**2.1.2 Continuing Education Activities Specifically Unacceptable for License Renewal**

However valuable for other purposes, the board will not credit the following activities as fulfilling any portion of its continuing education requirement for license renewal: (a) presenting to professional meetings, conferences or conventions; (b) teaching or supervision; (c) holding organizational offices or fulfilling editorial responsibilities; (d) participating in or attending case conferences, Grand Rounds, informal presentations, etc.; (e) informal self-study (e.g., self-selected reading, participation in a journal club, listening to audio tapes not awarded APA Category I CE approval, etc.); (f) personal psychotherapy.

**3.0 Report Requirements**

**3.1 Report Form**

Reports shall be typewritten on forms available from the Board of Examiners. The board will routinely distribute its Continuing Education Report form along with the annual renewal notice.

**3.2 Signatures**

By signing the biennial report of continuing education, the licensee signifies that the report is true and accurate.

**3.3 Documentation**

Licensees shall retain corroborating documentation of their CE participations. Although corroborating documentation is not routinely required as part of the licensee's submission, the board may, at its discretion, request such documentation. Any misrepresentation of continuing education will be cause for disciplinary action by the board.

**3.4 Biennial Reporting Period**

Licensees must report their continuing education hours to the Board of Examiners no later than 1 July of the licensee's applicable biennial reporting period as set forth in 3.4.1. The completed Continuing Education Report form shall accompany the licensee's Application for License Re-

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Continuing Education**

newal in the second year of each reporting period.

**3.4.1 Division of Licensees for Reporting Purposes**

Licensees holding odd-numbered licenses shall make their continuing education report to the board coincident with their application for license renewal in odd-numbered years. Licensees holding even-numbered licenses shall make their continuing education report to the board coincident with their application for license renewal in even-numbered years.

**3.4.2 Special Provision for Initial Reports Due in 1991**

The initial continuing education report from licensees holding odd-numbered licenses will be due by 1 July 1991. Thus, their reporting period will be the previous 12 (rather than 24) months. Accordingly, the continuing education requirement for this group of licensees shall be satisfied by appropriate documentation of 15 clock hours (i.e., 50 percent of the biennial requirement stated in 2.0).

**4.0 Exemptions**

**4.1 Newly licensed psychologists**

Newly licensed psychologists are considered to have satisfied continuing education requirements for the remainder of the year for which their license is granted.

**4.2 Other Exemptions**

The following groups of licensees may be exempt from compliance with the continuing education requirement:

A. Louisiana licensees on extended active military service outside of the state of Louisiana during the applicable reporting period and who do not engage in delivering psychological services within the state of Louisiana. The board must receive timely confirmation of such status in order to consider issuing an exemption.

B. Louisiana licensees who are unable to fulfill the requirement because of illness or other personal hardship. The board must receive timely confirmation of such status in order to consider issuing an exemption.

C. Louisiana licensees approved by the board for *Emeritus* status.

**5.0 Noncompliance and Reinstatement**

**5.1 Noncompliance**

No compliance shall include, in part, incomplete reports, unsigned reports, failure to timely file a report, and failure to report a sufficient number of acceptable continuing education clock hours as defined in Section 2 above.

**5.2 Consequence of Noncompliance**

Failure to fulfill the requirements of the Continuing Education rule shall cause the license to lapse pursuant to R.S. 37:2357.

**5.3 Notice of Noncompliance**

The State Board of Examiners shall serve written notice of noncompliance on a licensee determined to be in non-compliance. The notice will invite the licensee to request a hearing with the board or its representative to claim an exemption or to show compliance. All hearings shall be scheduled within 30 days of the date of Notice of Noncompliance.

**5.4 Reinstatement**

For a period of two years from the date of lapse of the license, the license may be renewed upon proof of fulfilling all continuing education requirements applicable through the date of reinstatement and upon payment of all fees due under R.S. 37:2354.

Kenneth R. Bouillion, Ph.D.  
Chairman

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
It is estimated that implementation will cost \$1,000/year in agency self generated revenues.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
This rule will have no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
Compliance with the rule will cost each affected person approximately \$500.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
Implementation will improve the qualifications of licensed psychologists. It will have no effect on competition or employment.

Kenneth R. Bouillion, Ph.D.  
Chairman

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

The Louisiana State Board of Nursing hereby gives notice that the board, at its September 20-21, 1990 meeting, intends to amend LAC 46:XLVII.3337, Reinstatement of License as follows.

**Title 46  
PROFESSIONAL AND OCCUPATIONAL STANDARDS  
Part XLVII. Nurses  
Subpart 2. Registered Nurses**

**Chapter 33. General Rules**

**Subchapter C. Disciplinary Proceedings**

**§3337. Reinstatement of License**

A. Application for reinstatement of a revoked license must be made in accordance with the requirements of initial licensure in Louisiana.

B. The application for reinstatement of a suspended license does not require satisfaction of the requirements for initial licensure. However, the requirements of LAC 46:XLVII.3355 and 3356 shall be met.

C. Prior to reinstatement of a license previously revoked or suspended (except for non-payment of fees), a hearing is held before the board to afford the applicant with the opportunity to present evidence that the cause for the revocation or suspension no longer exists and to provide an opportunity for the board to evaluate changes in the person or conditions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918, R.S. 37:921, R.S. 37:922 and R.S. 37:923.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 7:74 (March 1981), amended by the Department of Health and

Hospitals, Board of Nursing; LR 16:

Public notification made herein indicates no final approval.

The public is made aware of the proposed amendments in compliance with R.S. 49:950 et seq.

Written comments may be addressed to Barbara L. Morvant, MN, RN, Executive Director, Louisiana State Board of Nursing, 907 Pere Marquette Building, 150 Baronne Street, New Orleans, LA 70112 until 4:30 p.m. on September 14, 1990.

A public hearing on the proposed amendments will be held at 10 a.m. on July 30, 1990, at the Holiday Inn Superdome, 330 Loyola Avenue, New Orleans, LA.

Barbara Morvant, MN, RN  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Reinstatement of License**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no anticipated implementation cost because this amendment is an editorial change to make this rule consistent with LAC 46:XLVII.3355 and the proposed LAC 46:XLVII.3356.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no anticipated effect on revenue collections because this amendment is an editorial change to make this rule consistent with LAC 46:XLVII.3355 and the proposed LAC 46:XLVII.3356.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

There is no anticipated effect on costs and/or economic benefits to directly affected persons because this amendment is an editorial change to make this rule consistent with LAC 46:XLVII.3355 and the proposed LAC 46:XLVII.3356.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There is no anticipated effect on competition and employment because this amendment is an editorial change to make this rule consistent with LAC 46:XLVII.3355 and the proposed LAC 46:XLVII.3356.

Barbara L. Morvant, RN, MN  
Executive Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

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

The Louisiana State Board of Nursing hereby gives notice that the board, at its September 20-21, 1990 meeting, intends to amend LAC 46:XLVII.3355, Renewal of License and Reinstatement of Lapsed License.

Public notification made herein indicates no final approval.

**Title 46  
PROFESSIONAL AND OCCUPATIONAL STANDARDS  
Part XLVII. Nurses  
Subpart 2. Registered Nurses**

**Chapter 33. General Rules**

**Subchapter D. Registration and Licensure**

**§3347. Renewal of License and Reinstatement of Lapsed License**

A. Every person holding a license to practice as a registered nurse, and intending to practice during the ensuing year, shall renew their license annually. It shall be the duty of the registrant to notify the board of changes in condition as follows.

1. Change of Address. Notify the office of the board prior to September 1 if a change of address has occurred since the last renewal time. If a change of address occurs after September 1, and before the renewal application is received, notify the board immediately.

2. Change of Name. If a registered nurse/candidate for registration should change her name through marriage, divorce, religious order, or for any other reason, a request for a change of name should be sent to the office of the board. A copy of the marriage certificate, divorce document, or affidavit confirming change of name, is required to execute a name change on board records.

B. Requirements for renewal of license include:

1. completion of application form, including statistical information;

2. payment of fee;

3. evidence of meeting other requirements for special categories of nursing practice, such as requirements for advanced practitioners of nursing;

4. evidence of meeting the requirements of LAC 46:XLVII.3356, effective September 20, 1992.

C. A lapsed license may be reinstated by submitting a completed application, paying the required fee, and meeting all other relevant requirements, provided no criminal charge is under adjudication.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918 and R.S. 37:920

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 7:78 (March 1981), amended by the Department of Health and Hospitals, Board of Nursing, LR 16:

The public is made aware of the proposed amendments in compliance with R.S. 49:950 et seq.

Written comments may be addressed to Barbara L. Morvant, MN, RN, Executive Director, Louisiana State Board of Nursing, 907 Pere Marquette Building, 150 Baronne Street, New Orleans, LA 70112 until 4:30 p.m. on September 14, 1990.

A public hearing on the proposed amendments will be held at 10 a.m. on July 30, 1990, at the Holiday Inn Superdome, 330 Loyola Avenue, New Orleans, LA.

Barbara L. Morvant, MN, RN  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Renewal of License and Reinstatement of  
Lapsed License**

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: LAC 46:XLVII.3356  
Requirements for Relicensure**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no anticipated implementation cost because this amendment is an editorial change to make this rule consistent with the proposed LAC 46:XLVII.3356.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no anticipated effect on revenue collections because this amendment is an editorial change to make this rule consistent with the proposed LAC 46:XLVII.3356.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There is no anticipated effect on costs and/or economic benefits to directly affected persons because this amendment is an editorial change to make this rule consistent with the proposed LAC 46:XLVII.3356.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no anticipated effect on competition and employment because this amendment is an editorial change to make this rule consistent with the proposed LAC 46:XLVII.3356.

Barbara L. Morvant, RN, MN     David W. Hood  
Executive Director                 Senior Fiscal Analyst

**NOTICE OF INTENT**

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

The Louisiana State Board of Nursing hereby gives notice that the board, at its September 20-21, 1990 meeting, intends to amend LAC 46:XLVII.3356, Requirements for Relicensure: Continuing Education/Nursing Practice.

Public notification made herein indicates no final approval.

The public is made aware of the proposed amendments in compliance with R.S. 49:950 et seq. These proposed rules may be obtained in their entirety by contacting the Board of Nursing at the address below or by contacting the Office of the State Register, Box 94095, Baton Rouge, LA 70804-9095.

Written comments may be addressed to Barbara L. Morvant, MN, RN, Executive Director, Louisiana State Board of Nursing, 907 Pere Marquette Building, 150 Baronne Street, New Orleans, LA 70112 until 4:30 p.m. on September 14, 1990.

A public hearing on the proposed amendments will be held at 10 a.m. on July 30, 1990, at the Holiday Inn Superdome, 330 Loyola Avenue, New Orleans, LA.

Barbara L. Morvant, MN, RN  
Executive Director

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The cost of implementation of this rule is estimated at \$308,900 total for the first three years. This expenditure will be covered by funds generated by the Board of Nursing.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
During the implementation phase, it is anticipated that the revenue collections of the Board of Nursing will increase by approximately \$5,620, representing fees collected for approval of continuing education.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
Licensure fees were increased at the beginning of FY 88-89 in anticipation of the cost of implementing the proposed rule. Licensees will realize increased services for the already established licensure fee.  
The continuing education requirement will result in added costs to licensees and revenue to the providers of the offerings/programs. The providers will have to pay the fees for offering/program review.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no anticipated negative effect on employment. Competition which is expected to ensue among providers of continuing education should have a positive effect on the quality of continuing education for registered nurses.

Barbara L. Morvant, RN, MN     David W. Hood  
Executive Director                 Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Office of the Secretary**

The Department of Health and Hospitals (DHH) intends to apply for Block Grant Federal Funding for FY 1990-91 in accordance with Public Law 97-35, the Omnibus Budget Reconciliation Act of 1981, and with federal regulations as set forth in the *Federal Register* Vol. 47, No. 129, Tuesday, July 6, 1982, pages 29472-29493. DHH will continue to administer programs funded under the Block Grants in accordance with provisions set forth in Public Law 97-35 and the federal regulations.

The Block Grants and the Offices responsible for program administration are as follows:

1. Alcohol Drug Abuse and Mental Health Services - Office of Human Services, Division of Mental Health and Division of Alcohol and Drug Abuse. Inquiries and comments may be addressed to Billy Ray Stokes, Assistant Secretary, Office of Human Services, Box 4049, Baton Rouge, LA

70821. The application is available for review at any mental health facility.

2. Maternal and Child Health Services - Office of Public Health. Inquiries and comments may be addressed to Joel L. Nitzkin, MD, Assistant Secretary, Office of Public Health, Box 60630, New Orleans, LA 70160. The application is available for review at any regional OPH facility.

3. Preventive Health and Health Services - Office of Public Health. Inquiries and comments may be addressed to Joel L. Nitzkin, MD, Assistant Secretary, Office of Public Health, Box 60630 New Orleans, LA 70160. The application is available for review at any regional OPH facility.

A public hearing on the Block Grant applications for FY 1990-91 is scheduled for August 3, 1990 at 1 p.m. in the Department of Transportation and Development Auditorium 1201 Capitol Access Road, Baton Rouge, LA.

At the public hearing all interested persons will have the opportunity to provide recommendations on the proposed Block Grant applications orally or in writing. Written comments will be accepted through August 20, 1990.

David L. Ramsey  
Secretary

### Fiscal and Economic Impact Statement For Administrative Rules

#### Rule Title: Maternal and Child Health Block Grant

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This block was implemented in FY '82. Neither an increase nor a decrease in implementation costs is expected, as DHH will continue to administer these programs in accordance with existing federal and state laws and regulations. No workload change is anticipated, as the same amounts and kinds of services are expected to be delivered.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No effect on revenue collections is anticipated. Naturally, if the federal allotment to Louisiana for this block decreases, the state will be required to subsequently decrease the allotment to all programs covered under the block, but this is a factor beyond our control.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

No direct effect is anticipated on patients, groups, units of local government or state agencies other than DHH.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect is anticipated on competition and employment, as the same kinds and amounts of services are to be offered. Should the amount of federal funds eventually appropriated be at such a decreased level as to warrant reductions in staff, unemployment will result.

Joseph A. Kimbrell  
Deputy Assistant Secretary

David W. Hood  
Senior Fiscal Analyst

### Fiscal and Economic Impact Statement For Administrative Rules

#### Rule Title: Preventive Health and Health Services Block Grant

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This is an ongoing public health grant and therefore has no associated implementation costs.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The Office of Public Health Services anticipates receiving \$2.8 million in federal funds during FFY 90-91 under this Block Grant. The same amount was available in FFY 89-90.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The effect of this ongoing public health grant is continuation of health services, not economic benefits.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This grant funds public health programs already in existence. The approval of this grant application continues the work of public health staff currently employed.

Joel L. Nitzkin  
Director

David W. Hood  
Senior Fiscal Analyst

### Fiscal and Economic Impact Statement For Administrative Rules

#### Rule Title: Division of Alcohol and Drug Abuse ADMS Block Grant- 90-91

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no projected increase to the state or local government units for the implementation of the 90-91 Block Grant.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This Grant is expected to increase in FY 90-91 to an estimated \$18 million, which is \$1.5 million over the FY 90-91 level, due to increased congressional authorization. The total grant will be used to implement current Block Grant commitments, and to fund additional positions/programs.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The increase in funds over prior year will result in an increase in treatment services to alcohol and drug abuse clients.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Direct employment resulting from these funds will be enhanced by positions in treatment agencies throughout the state. Due to the manpower shortage in this field, there will be increased competition for trained counselors. This demand could result in additional needs by the colleges and universities to provide training modules.

Robert A. Perkins  
Director

David W. Hood  
Senior Fiscal Analyst



## NOTICE OF INTENT

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, proposes to adopt the following rule in the Title XIX Medicaid Program. The proposed rule was adopted through emergency rule-making effective June 1, 1990, and was published in the June 20, 1990 issue of the *Louisiana Register*.

#### SUMMARY

The Omnibus Budget Reconciliation Act of 1989 (OBRA), enacted on December 19, 1989, amended Section 8010 of the Social Security Act to waive certain rules pertaining to the eligibility of disabled children for Supplemental Security Income (SSI) benefits. OBRA of 1989 provides that the Social Security Administration shall disregard parental income and resources in determining SSI eligibility when a child meets the following requirements:

1. under age 18;
2. living at home;
3. disabled;
4. a former SSI recipient while institutionalized; and,
5. eligible for medical assistance under a state home care plan (approved Title XIX waived service).

For purposes of the SSI Program, children who meet these requirements will receive the same personal needs allowance (\$30 per month) as if they were institutionalized. OBRA of 1989 requires that this provision shall become effective June 1, 1990.

Rulemaking is necessary to define the Title XIX Medicaid Program's responsibilities in implementing this provision under OBRA of 1989 relating to the deeming of income and resources for disabled children.

The Bureau of Health Services Financing has determined that disabled children under age 18 may participate in the Title XIX Mental Retardation/Developmental Disabilities (MR/DD) waiver when services provided under the HCFA-approved waiver will permit the child to live at home rather than be institutionalized. Children who may qualify will be identified by the Office of Mental Retardation case manager who will assist in the completion of an application for Title XIX services. The Department of Social Services, Office of Eligibility Determinations will determine the child's financial eligibility for Title XIX waived services in accordance with the Memorandum of Understanding between the two departments. The Department of Health and Hospitals Health Standards Regional Office will determine if the child meets the medical criteria for waived services. If the child is eligible to participate in the Title XIX MR/DD waiver, the Bureau of Health Services Financing shall be notified by the Office of Eligibility Determinations. The bureau will advise the appropriate Social Security Administration Regional Office regarding participation in the MR/DD waiver in order that the child's eligibility for SSI may be determined. The SSI Program will then establish if the disabled child was a former SSI recipient while in an institution and therefore qualifies for the \$30 monthly personal needs allowance without regard to parental income and resources.

Accordingly, the bureau proposes to adopt the rule below to define the Medicaid Program's responsibility in com-

plying with the mandated federal requirement of OBRA of 1989 relating to disabled children.

#### PROPOSED RULE

When a disabled child under age 18, formerly an SSI recipient while institutionalized, is determined eligible to participate in the Title XIX MR/DD waiver, this information shall be reported to the Social Security Administration in order that the child's eligibility for SSI may be determined without regard to parental income and resources. If the SSI Program establishes that the disabled child was a former SSI recipient while in an institution and therefore qualifies for the \$30 monthly personal needs allowance without regard to parental income and resources, the child will also be eligible to receive the optional state supplementary payment at the current maximum \$8 benefit level.

Interested persons may submit written comments to the following address: Carolyn O. Maggio, Office of the Secretary, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. She is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule will be held on August 7, 1990 in Auditorium, First Floor, Department of Transportation and Development, 1201 Capitol Access Road, Baton Rouge, LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing at the hearing.

David L. Ramsey  
Secretary

#### Fiscal and Economic Impact Statement For Administrative Rules

#### Rule Title: Deeming of Income and Resources for Disabled Children in SSI-Related Cases

##### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The estimated implementation costs will be \$100 for manual revisions of which \$50 is the projected cost to the state for SFY 90-91. The federally-required waived services provided to this targeted group of children has been calculated in the state's approved Title XIX Mental Retardation/Developmental Disabilities waiver. The department implemented this policy regarding disabled children by emergency rule effective June 1, 1990, in accordance with OBRA of 1989. The cost of the state supplementary payment of \$8 monthly for each eligible child is budgeted in the Department of Social Services' budget.

##### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Implementation of the proposed rule increases federal matching funds for Title XIX administrative expenditures by \$50 for issuance of Chapter XIX policy to clarify policy regarding deeming of income and resources for disabled children in SSI-related cases.

##### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Disabled children and their parents would be the only persons or groups directly affected by this proposed pol-

icy which provides that disabled children may live at home instead of in an institution without losing their eligibility for Medicaid if they were eligible for such benefits while institutionalized and if they participate in the Mental Retardation/Developmental Disabilities Title XIX waiver.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

This proposed rule will have no known impact on competition or employment.

Carolyn O. Maggio  
Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Insurance  
Commissioner of Insurance**

The Department of Insurance advertises its intent to adopt rules regarding the continuing education requirements needed to maintain eligibility as an insurance agent in the state of Louisiana. The rules will also establish the criteria to be met in order to qualify as an approved continuing education program to provide continuing education services to insurance agent's seeking to maintain a valid agent's license in the state of Louisiana.

These rules may be viewed in their entirety at the Office of the State Register, 900 Riverside North, Room 512, Baton Rouge, LA or at the Department of Insurance at the address below.

Interested parties may submit written comments on the proposed rules until 4:30 p.m., September 14, 1990, at the following address: Joseph Shorter, III, Deputy Commissioner of Management and Finance, Box 94214, Baton Rouge, LA 70804-9214.

A public hearing will be held to obtain comments from interested parties. The public hearing will be held in Baton Rouge, LA at the Insurance Building Hearing Room located at 950 N. Fifth Street at 2 p.m. on September 19, 1990.

Douglas D. "Doug" Green  
Commissioner

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Continuing Education Requirements**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Implementation of continuing education requirements for insurance agents will not result in any additional expenditures for the Department of Insurance.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Implementation of the Continuing Education Requirements will generate revenue in the amount of \$15,000 based on review of 60 programs at \$250 each in FY 90-91.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

Programs certified will pay a fee of \$250 for certification. Individuals seeking certification will most likely pay fees estimated at \$50 to \$250 to programs offering continuing education services.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

Implementation of these rules will create opportunities for proprietary schools to provide services to persons seeking to maintain their agent's license in good standing. Many insurance companies and trade associations will also be active providers. The number of jobs created in the private sector can not be determined at this time.

Dougals D. "Doug" Green  
Commissioner of Insurance

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Insurance  
Commissioner of Insurance**

The Department of Insurance advertises its intent to adopt rules regarding the implementation of the Louisiana Workplace Safety Program. The rules will establish the criteria to be met by employers to be eligible for premium credit under the program. These rules may be viewed in their entirety at the Office of the State Register, 900 Riverside North, Room 512, Baton Rouge, LA or at the Department of Insurance at the address below.

Interested parties may submit written comments on the proposed rules until 4:30 p.m., August 17, 1990, at the following address: Joseph Shorter, III, Deputy Commissioner of Management and Finance, Box 94214, Baton Rouge, LA 70804-9214.

A public hearing will be held to obtain comments from interested parties. The public hearing will be held in Baton Rouge, LA at the Insurance Building Hearing Room located at 950 N. Fifth Street at 10:30 a.m. on August 15, 1990.

Douglas D. "Doug" Green  
Commissioner of Insurance

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: La. Workplace Safety Program**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Implementation of the Louisiana Workplace Safety Program will not result in any additional expenditures for the Department of Insurance. The Department of Insurance would serve as a collection and conduit agency for an inspection fee anticipated to total \$150 to be paid to a certified inspection agent. The inspection fee would be paid by an insured employer seeking to participate in the program.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Implementation of the Workplace Safety Program should not impact revenue collections of state or local governmental units, except that the Insurance Department would serve as the collection and conduit agency to forward fees to a private concern for the actual inspection.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Most Certified Employers will get a 20 percent credit. However, there are start-up and ending ranges which phase the program in and out among the high and low premium employers.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Implementation of the Workplace Safety Program should reduce the cost of conducting business in the state and as a result should increase the competitive atmosphere and increase employment.

Douglas D. "Doug" Green  
Commissioner of Insurance

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Social Services  
Office of Eligibility Determinations**

The Department of Social Services, Office of Eligibility Determinations, proposes to adopt the following rule to establish the Aid to Families with Dependent Children-Unemployed Parent (AFDC-UP) Program.

This rule is mandated by Section 401 of the Family Support Act of 1988 (Public Law 100-485) which requires the implementation of the AFDC-UP program. The program will be administered in accordance with this law, the implementing regulations and the Louisiana State Plan for the Aid to Families with Dependent Children program.

**PROPOSED RULE**

Effective October 1990, the Department of Social Services, Office of Eligibility Determinations, will implement the Aid to Families with Dependent Children-Unemployed Parent (AFDC-UP) Program which is designed to provide cash assistance and Medicaid benefits monthly to those families with dependent children who are deprived of parental support because of the unemployment or underemployment of the parent who is the principal wage earner. The principal wage earner is defined as the parent who earned the greater income during the 24 months preceding the application, with the last month being the month prior to application. Unemployed or underemployed is generally defined as being employed less than 100 hours a month. The principal wage earner must meet the specified work history requirements. Other eligibility factors and benefit levels for the AFDC-UP program will be the same as those for the existing AFDC program. The rule for Medicaid benefits will be published by the Department of Health and Hospitals.

This rule is mandated by Section 401 of the Family

Support Act of 1988 (Public Law 100-485) which requires the implementation of the AFDC-UP program. The program will be administered in accordance with this law, the implementing regulations and the Louisiana State Plan for the Aid to Families with Dependent Children program.

Interested persons may submit written comments to the following address: Howard L. Prejean, Assistant Secretary, Office of Eligibility Determinations, Box 94065, Baton Rouge, LA 70804-4065. He is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on the proposed rule will be held on August 1, 1990 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: Aid to Families with Dependent Children-Unemployed Parent 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 monthly assistance payments as follows:

FY	TOTAL	FEDERAL	STATE
90/91	\$ 8,838,004	\$ 6,417,745	\$ 2,420,259
91/92	\$ 21,410,960	\$ 15,502,463	\$ 5,908,497
92/93	\$ 21,803,166	\$ 15,794,637	\$ 6,008,529

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 be:

- \$ 6,417,745 in FY 90/91
- \$ 15,502,463 in FY 91/92
- \$ 15,794,637 in FY 92/93

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The Aid to Families with Dependent Children-Unemployed Parent (AFDC-UP) Program will provide cash assistance and Medicaid benefits monthly to families with dependent children who are deprived of parental support because of the principal wage earner parent's unemployment or underemployment. It is estimated that an average 4,050 families will be assisted each month during FY 90/91, this increasing to an average 7,290 families in FY 91/92 and 7436 in FY 92/93.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect projected on competition or employment.

Howard L. Prejean  
Assistant Secretary

John R. Rombach  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Department of Transportation and Development Board of Registration for Professional Engineers and Land Surveyors

In accordance with R.S. 49:950, et seq., notice is hereby given that the Louisiana State Board of Registration for Professional Engineers and Land Surveyors intends to revise LAC 46:LXI as follows:

#### Title 46

#### PROFESSIONAL AND OCCUPATIONAL STANDARDS Part LXI. Professional Engineers and Land Surveyors

#### Chapter 25. Minimum Standards for Property Boundary Surveys

##### §2501. General

A. The following minimum standards of practice for land surveying in the state of Louisiana have been adopted to help ensure that surveys are performed in accordance with acceptable procedures.

B. These standards are set forth to provide a means by which professional performance can be assessed and to enable the surveying profession as a whole to better protect the safety, health, and welfare of the public. It should be recognized that surveying practices now in place may vary from one region of the state to another, and these practices should be evaluated when at variance with these standards.

C. It is intended that these be recognized as minimum standards of practice and that they not be relied upon by the professional surveyor as a substitute for the exercise of proper individual skill, professional discretion, and good judgment in fulfilling the legal or contractual requirements of any survey.

D. When special conditions exist that effectively prevent the survey from meeting these minimum standards, the special conditions and any necessary deviation from the standards shall be noted upon the drawing. It shall be a violation of this rule to use special conditions to circumvent the intent and purpose of these minimum standards.

##### §2503. Definitions

Any terms not specifically defined herein shall be as defined in the most current publication of *Definitions of Surveying and Associated Terms* as published by the American Congress on surveying and mapping.

A. *Abstract of title* - A summary of all conveyances, such as deeds, or wills, and legal proceedings, giving the names of the parties, the description of the land and the agreements, arranged to show the continuity of ownership.

B. *Adverse possession* - A method of acquisition of title by possession for a statutory period under certain conditions. It has been described as the statutory method of acquiring title to land by limitation. The possession must be actual; adverse; under claim of right; continuous; notorious; open; exclusive; and hostile. Although color of title is not essential, it is of great evidentiary value in establishing adverse possession.

C. *Corner* - A point on a land boundary, at which two or more boundary lines meet. Not the same as monument, which refers to the physical evidence of the corner's location on the ground.

D. *Deed* - An instrument in writing which, when executed and delivered, conveys an estate in real property or interest therein.

E. *Description, legal* - A written description usually contained in an act of conveyance, judgment of possession, etc., recognized by law which definitely locates property by reference to government surveys, coordinate systems or recorded maps; a description which is sufficient to locate the property without oral testimony.

F. *Description, metes and bounds* - A description of a parcel of land by reference to course and distances around the tract, or by reference to natural or record monuments.

G. *Encroachment* - Any structure or obstruction which intrudes upon, invades or trespasses upon the property of another.

H. *Monument* - A physical structure which marks the location of a corner or other survey point. In public-land surveys, the term "corner" is employed to denote a point determined by the surveying process, whereas the "monument" is the physical structure erected to mark the corner point upon the earth's surface. Monument and corner are not synonymous, though the two terms are often used in the same sense.

I. *Positional tolerance* - The difference between the actual position of a physically monumented boundary corner with respect to its reported position.

J. *Prescription* - Title obtained in law by long possession. Occupancy for the period prescribed by the Louisiana Civil Code, as sufficient to bar an action for the recovery of the property, gives title by prescription.

K. *Servitude* - A nonpossessing interest held by one person in land of another whereby the first person is accorded partial use of such land for a specific purpose. A servitude restricts but does not abridge the rights of the fee owner to the use and enjoyment of his land. The term easement is often used interchangeably with servitude and means the same thing.

##### §2505. Classification of Surveys

Presented below are categories which define the degree of accuracy which should be attained for surveys performed in Louisiana. These classifications are based upon 1) the purposes for which the property is being used at the time the survey is performed and 2) any proposed developments which are disclosed by the client. Refer to this Chapter for accuracy standards for each of the following classes of surveys:

A. Class A Surveys. Surveys which require maximum surveying accuracy. This includes, but is not limited to, surveys of urban business district properties and highly developed commercial properties.

B. Class B Surveys. Surveys of properties which justify a high degree of surveying accuracy. This includes, but is not limited to, surveys of commercial properties and higher priced residential properties located outside urban business districts and highly developed commercial areas.

C. Class C Surveys. Surveys of residential and suburban areas. This includes, but is not necessarily limited to, surveys of residential areas which cannot be classified as Class A or Class B surveys.

D. Class D Surveys. Surveys of all remaining properties which cannot be classified as Class A, B or C surveys. This includes, but is not limited to, surveys of farm lands and rural areas.

##### §2507. Property Boundary Survey

A. Definition.

1. A property survey which, after careful study, investi-

gation, and evaluation of major factors influencing the location of boundaries, results in the deliberate location or relocation on the ground of one or more boundaries. When all of the boundaries of a parcel of land are surveyed, an area determination may be included if requested by the client.

2. A property boundary survey shall only be performed by persons qualified to practice land surveying and registered in accordance with the provisions of R.S. 37:681, et seq.

B. Purpose. The purpose of a property boundary survey is to locate or relocate the physical position and extent of the boundaries of real property, and the discovery of visible evidence of prescriptive rights or adverse possession relating thereto. A property boundary survey may also include the location or relocation of the physical position and extent of political boundaries which define the perimeters of public or private ownership. In addition, the property boundary survey is a means of marking boundaries for sufficient definition and identification to uniquely locate each lot, parcel, or tract in relation to other well recognized and established points of reference, adjoining properties and rights-of-way.

C. Product. A property boundary survey will result in the establishment of monumented corners; points of curvature and tangency; and reference points (See Subsection E, "Monuments," this Section). In event that no plat of survey is required, the professional land surveyor must maintain adequate records to substantiate his professional opinion in re-establishing boundary lines and corners on a survey. If requested by the client, a boundary survey may also include the following:

1. a signed and sealed metes and bounds written description depicting the surveyed boundary (See Subsection H, "Descriptions," this Section);

2. a certified map or plat depicting the survey as made on the ground;

3. a signed and sealed written report of the surveyor's findings and determinations.

D. Research and Investigation. A surveyor shall obtain the most recent recorded legal description and plats describing the property to be surveyed. The surveyor shall then evaluate the necessity to obtain the following data based on the specific purpose of the survey:

1. the most recent recorded legal descriptions and plats of tracts adjoining or in proximity to the property to be surveyed;

2. the recorded legal descriptions of adjoining or severing servitudes or rights-of-way, including, but not necessarily limited to, highways, roadways, pipelines, utility corridors, and waterways used for drainage or flood control. Where the purpose of a survey does not require nor include research and investigation of servitudes, a note to that effect shall be placed upon the plat of survey;

3. grants, patents, subdivision plats, or other recorded data that will reference or influence the position of boundary lines.

E. Monuments. Monuments set or called for, whether artificial or natural, represent the footsteps of the surveyor and his professional opinion as to the proper location of the points or corners of a property boundary survey. The following guidelines for monumentation of property boundary surveys shall be observed.

1. Natural monuments are objects which are the works of nature; such as streams, rivers, ponds, lakes, bays, trees,

rock outcrops, and other definitive topographic features.

2. Artificial monuments are relatively permanent objects used to identify the location of a corner. Artificial monuments must retain a stable and distinctive location and be of sufficient size and composition to resist the deteriorating forces of nature.

3. The following guidelines apply to artificial monuments to be set.

a. Monuments of a ferrous material must have at least a one-half inch outside diameter, and must be at least 18 inches in length (longer in soft or unstable soil).

b. Concrete monuments shall be at least four inches in width by 24 inches in length, reinforced with an iron rod at least one-fourth inch in diameter, and shall contain a precise mark on top indicating the exact location of the corner.

c. Marks on existing concrete, stone, or steel surface will consist of drill holes, chisel marks or punch marks and must be of sufficient size, diameter or depth to be definitive, stable and readily identifiable as a survey monument.

d. It is unacceptable to set wooden stakes as permanent boundary monuments.

e. Monuments must be set vertically whenever possible and the top should be reasonably flush with the ground when practical. Monuments subject to damage from earthwork, construction or traffic should be buried at a sufficient depth to offer protection.

f. When physically impossible to set a monument at the corner, witness monuments shall be set when possible, preferably on each converging line at measured distances from the corner and identified as such in the description and on the plat of the property.

F. Field Procedures. All field work shall be performed in accordance with accepted modern surveying theory, practice and procedures. Any person in charge of a field party shall be well trained in the technical aspects of surveying. Every registered professional land surveyor under whose direction a survey is conducted is also required to adhere to the following.

1. All field measurements of angles and distance shall satisfy the closures and tolerances expressed in this Chapter.

2. In performing resurveys, the surveyor shall, as nearly as possible, reestablish the original lines of any prior survey made under United States or state authority. In all townships or portions of townships where no survey has been made, the surveyor, in surveying or platting the township or portion thereof, shall make it conform as nearly as practicable to the lots and sections indicated upon the plats according to which the lands were granted by the state or by the United States. (R.S. 50:125)

3. Where applicable, surveys necessitating the division of a section, shall be performed in accordance with the instructions for the subdivisions of sections as published by the United States Department of the Interior, Bureau of Land Management, in its book entitled *Manual of Instruction for Survey of the Public Lands of the United States*, and all applicable federal laws.

4. Special consideration shall be afforded the rules of evidence and "hierarchy of calls" before any decision is made regarding property boundaries. "... The legal guides for determining a question of boundary or the location of a land line in order of their importance and value are:

1. Natural Monuments
2. Artificial Monuments
3. Distances
4. Courses
5. Quantity,

but the controlling consideration is the intention of the parties." (See citation in *Meyer vs Comegys*, 1920 La. Supreme Court, 147 La. 851 and 86 SO. 307, 309.)

5. A careful search shall be made for corner monuments affecting the location of the boundaries of land to be surveyed. Any evidence discovered shall be evaluated for its agreement in description and location with the call in the relevant deeds and/or plats.

6. All boundary discrepancies, visible encroachments, and visible indications of rights which may be acquired through prescription or adverse possession must be physically located. All evidence of servitudes that is visible without meticulous searching is to be physically located during the survey. Furthermore, non-visible servitudes need to be located only upon the client's specific request.

7. All field data shall be gathered, permanently maintained and shall satisfy the requirements of the following Subsection on plats, maps and drawings.

G. Plats and Maps. Every original plat or map of a boundary survey should be a reproducible drawing at a suitable scale which clearly shows the results of the field work, computations, research and record information as compiled and checked. The plat, map or drawing should be prepared in conformity with the following guidelines.

1. Any reasonably stable and durable drawing paper, linen, or film of reproducible quality will be considered suitable material for boundary survey plats and maps.

2. No plats or maps shall have dimensions less than 8 by 10½ inches.

3. All dimensions, bearings or angles, including sufficient data to define the curve shall be neatly and legibly shown with respect to each property or boundary line. When possible, all bearings shall read in a clockwise direction around the property.

4. Monuments shall be labeled as "found" or "set," with a brief definitive description of the monument and relevant reference markers, if any, along with their positions in relation to the corner. This description should include the physical characteristics of the monument and its relevance to the survey.

5. All pertinent natural or man-made features located during the course of the field survey (water courses, streets, visible utilities, etc.) shall be labeled, dimensioned and referenced to the nearest property line or represented by a symbol on the map in its proper location. Each symbol must clearly indicate what is represented or shall be labeled for identification either individually or in a separate key to symbols (legend).

6. All maps or plats must show a north arrow and it is recommended that the drawing be oriented so that north is toward the top of the sheet.

7. A statement indicating the origin and method of observation of the bearings shall be made on each plat, map or drawing. The origin of the bearings should include one or more of the following:

- a. reference to true north as computed by astronomic observation within one mile of the surveyed site;
- b. reference to the Louisiana Coordinate System with

the proper zone and controlling station(s) noted;

c. reference to the record bearing of a well established line found monumented on the ground as called for in a relevant deed;

d. when none of the above alternatives are practical, a magnetic bearing (corrected for declination) may be used.

8. If a coordinate system is used on a map, its origin must be identified. If that system is the Louisiana Coordinate System, the appropriate zone must be shown on the map.

9. Where the new survey results differ from the prior deed information in regard to course, distance or quantity, the plat shall indicate such differences or discrepancies.

10. Where separate intricate details, blowups or inserts are required for clarity, they shall be properly referenced to the portion of the map where they apply. This applies particularly to areas where lines of occupation do not conform to deed lines and to areas where a comparison of adjoining deeds indicates the existence of a gap or an overlap.

11. Cemeteries and burial grounds known by the surveyor to be located within the premises being surveyed should be indicated on the plat.

12. When the purpose of the survey dictates, properties, water courses and rights of way surrounding, adjoining, or severing the surveyed site shall be identified. Private lands or servitudes should be labeled with the name of the owner or with a reference to the deed under which ownership is held, provided that such information is furnished by the client.

13. Original section, grant, subdivision or survey lines should be shown in proper location with pertinent labeling. A measurement of course and distance must be shown to a parent tract corner, block corner, section corner, subdivision or grant corner, and existing monuments shall be indicated.

14. Differing line weights or delineating letters or numbers ("A," "B," "C," etc.) shall be used to clearly show the limits of what is being surveyed.

15. Each plat, map or drawing shall show the following:

- a. caption or title;
- b. client and/or purpose;
- c. general location of the property (or vicinity map);
- d. the date of the survey;
- e. the name, location and registration number of the surveyor;
- f. signature and stamp or impression seal of land surveyor under whose direction the survey was done.

16. Final plats or maps issued to the client must contain a certificate signed and sealed by the registered professional land surveyor certifying its authenticity (that it represents his survey) and stating that the survey is in accordance with the applicable standards of practice as stipulated in this publication based on the current survey "classification" (see §2505 on Classification of Surveys).

H. Descriptions. A written legal description of the surveyed tract of land must provide information to properly locate the property on the ground and distinctly set it apart from all other lands. The following guidelines apply.

1. When the surveyed property's dimension, boundaries and area are in agreement with the existing recorded deed or platted calls, the existing recorded description may be used if it approximates the standards contained herein.

2. When the property is an aliquot part of a rectangu-

lar section or a lot in platted subdivision, the aliquot method or the lot, block and subdivision method (including recordation data) of describing the property can be used. Metes and bounds descriptions of this type of property are optional.

3. Every aliquot description must contain the following basic information: aliquot part of section, township, range, parish, land district and meridian (if applicable), and state.

4. Every subdivision lot description must also contain the following basic information: lot, block, unit (if applicable), name of subdivision, city (if applicable), parish and state.

5. Every metes and bounds description should be written in at least two parts. The first part, called the "General Description," should indicate the general location of the property by naming the particular lot or block, etc., within which it is located if in a subdivision or by naming the grant or aliquot part of a rectangular section within which it is located, along with the township, range, land district and meridian (if applicable), city (if applicable), parish and state. The second part called the "Particular Description," shall logically compile and incorporate calls for the following:

- a. courses and distances of the new survey, preferably in a clockwise direction;
- b. adjoining apparent rights-of-way or servitudes;
- c. monuments, including descriptions of type, size, material, reference monuments (if applicable), and whether found, set or replaced;
- d. parenthetical deed calls where the deed calls differ from the new survey;
- e. the area, if stated, shall be in square feet or acres within the tolerances specified in this Chapter.

6. The "Point of Beginning" should be the property

corner that is most accessible and most easily identifiable by interested parties. This point shall be carefully chosen and described in a manner which will distinguish it indisputably from any other point. The "Commencing Point" shall be any identifiable point used to locate the "Point of Beginning."

7. It is recommended, for uniformity, that the metes and bounds description be written so that progression of courses is in a clockwise direction.

8. The courses in the written description shall be as brief and yet as explanatory as the author can construct. Brevity should not cause important locative information to be omitted, and explanatory phrases should not enlarge the description to the extent of confusion.

9. Curved boundaries shall be identified as tangent or non-tangent curves and sufficient data to define the curve shall be presented.

10. Each metes and bounds description must return to the point of beginning and close mathematically within the tolerances stated in this Chapter.

11. A statement at the end of the description should connect the description to the specific survey on which it is based and to the map or plat which depicts the survey. Such a statement may be phrased, "This description is based on the boundary survey and plat made by \_\_\_\_\_, Registered Professional Land Surveyor, dated \_\_\_\_\_" or "This description is based on plat recorded \_\_\_\_\_" (give recordation data).

12. The metes and bounds description shall then be signed and sealed by the surveyor.

#### §2509. ACCURACY SPECIFICATIONS AND POSITIONAL TOLERANCES

CONDITION	D	C	B	A	REMARKS AND FORMULA
	RURAL	SUBURBAN	URBAN	URBAN BUSINESS DISTRICT	
Unadjusted Closure (maximum allowable)	1:5,000	1:7,500	1:10,000	1:15,000	Traverse Loop or between Control Monuments
Angular Closure (maximum allowable)	30" $\sqrt{N}$	25" $\sqrt{N}$	15" $\sqrt{N}$	10" $\sqrt{N}$	N=Number of Angles in Traverse
Accuracy of Bearing in Relation to Source (maximum Allowable)	+40 Sec.	+30 Sec.	+20 Sec.	+15 Sec.	1/Sine Angle = Denominator in Err. of Closure (Approx.)
Linear Distances Accurate to: (maximum allowable)	+0.2 ft. per 1,000 ft.	+0.15 ft. per 1,000 ft.	+0.1 ft. per 1,000 ft.	+0.05 ft. per 1,000 ft.	Sin Ang. x 1000 (Approx.) where = Accuracy of Bearing
Positional Error of Any Monument (Maximum)	.1'+ AC/5,000	.07'+ AC/7,500	.05'+ AC/10,000	.03'+ AC/15,000	AC = Length of Any Course*

§2509. ACCURACY SPECIFICATIONS AND POSITIONAL TOLERANCES

CONDITION	D	C	B	A	
Calculation of area - Accurate and carried to nearest _____ (decimal place) of an acre.	0.001 .01 .1 .3	0.001 .01 .1 .2	0.001 .001 .01 .1	0.001 .001 .01 .1	To 1 acre To 10 acres To 100 acres To 1000 acres
Elevations for Boundaries Controlled by Tides, Contours, Rivers, etc. Accurate to:	<u>+0.2</u> ft.	<u>+0.1</u> ft.	<u>+0.05</u> ft.	<u>+0.03</u> ft.	Based on Accepted Local Datum
Location of Improvements Structures, Paving, etc. (Tie Measurements)	<u>+1</u> ft.	<u>+0.5</u> ft.	<u>+0.2</u> ft.	<u>+0.1</u> ft.	
Scale of Maps Sufficient to Show Detail but no less than	1" = 2,000'	1"=1,000'	1" = 400'	1" = 200'	
Positional Error in Map Plotting not to Exceed: (Applies to Original Map only)	50 ft. 1" = 2,000'	25 ft. 1"=1,000'	10ft. 1" = 400'	5 ft. 1" = 200'	Generally 1/40th of an inch. National Map accuracy calls for 1/50th inch.
Adjusted Mathematical Closure to Survey (Minimum)	1:50,000	1:50,000	1:50,000	1:50,000	

\* Short courses in Categories "A" and "B" may generate Positional Errors of less than 0.01 feet. A minimum course distance of 200' should be used in calculating Positional Error.

Interested persons may submit written comments or offer amendments to the proposed rules to the board office at 1055 St. Charles Avenue, Suite 415, New Orleans, LA 70130, at any time prior to September 17, 1990. The board proposes to consider and take action on the adoption of these rules at a meeting in its office at 11 a.m. on September 24, 1990.

Paul L. Landry, P. E.  
Executive Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Property Boundary Surveys**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

One-time printing and distribution costs are estimated at \$500.

The costs associated with publication and distribution of the new rule can be absorbed within the operating budget of the State Board of Registration for Professional Engineers and Land Surveyors.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule will have no effect on revenue collections of state or local government units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

Land surveying standards will increase the efficiency, accuracy, and consistency of the work of Louisiana's professional land surveyors thereby having a direct benefit to the general public. The fiscal impact of such economic benefits cannot be determined.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

All professional land surveyors will have to adhere to the minimum standards of practice subject to enforcement by the board. Those who fail to comply with the standards may face loss of registration by the board and hence loss of ability to compete for work.

Paul L. Landry  
Executive Secretary

John R. Rombach  
Legislative Fiscal Officer



## NOTICE OF INTENT

### Department of the Treasury Louisiana Housing Finance Agency

The Louisiana Housing Finance Agency advertises its intent to adopt a rule regulating the administration and establishing the selection criteria for applicants of federal low-income housing tax credits. The proposed rule contains the fees the Louisiana Housing Finance Agency will charge for the review of applications for federal low-income housing tax credits and for the allocation and administration of the federal low-income tax credits in accordance with §42 of the Internal Revenue Code of 1986, as amended.

Interested persons may submit written comments on the proposed rule until 4:30 p.m., August 17, 1990, at the following address: Louisiana Housing Finance Agency, 5615 Corporate Boulevard, Suite 6-A, Baton Rouge, LA 70808.

Allison Kendrick  
President

### Fiscal and Economic Impact Statement For Administrative Rules

#### Rule Title: Low Income Housing Tax Credit Program Rule

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The proposed rule will cost the Louisiana Housing Finance Agency an additional \$264,000 to implement this proposed rule regarding the Low-Income Housing Tax Credit Program. The funds to implement this proposed rule will be paid from agency self-generated revenue derived from application, award, compliance, and analysis fees from tax credit applicants.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Additional revenue in the amount of \$264,000 will be collected by the Louisiana Housing Finance Agency due to the proposed rule which was necessitated by Congressional amendments to the Tax Credit Program. The revenue will be collected in the form of application, award, compliance, and analysis fees.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
Owners/developers of rental property which apply for Low-Income Housing Tax Credits will be assessed additional fees. The number of low-income units to become available as well as the total number of applications for the 1990 tax credit program due to this proposed rule cannot be determined at this time.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
Availability of Low-Income Housing Tax Credits under this proposed rule may increase employment through construction and rehabilitation of low-income housing projects. Additional employment may be increased in the management, maintenance, and monitoring of these low-income units.

Allison A. Kendrick  
President

David W. Hood  
Senior Fiscal Analyst

## NOTICE OF INTENT

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

It is the intent of the Wildlife and Fisheries Commission to establish a public oyster seed ground in portions of Vermilion, East and West Cote Blanche and Atchafalaya Bays, pursuant to the authority given to the Commission in R.S. 56:434.

#### Title 76

#### WILDLIFE AND FISHERIES

#### Part VII. Fish and Other Aquatic Life

#### Chapter 5. Oysters

#### §507. Public Oyster Seed Ground - Vermilion, East and West Cote Blanche and Atchafalaya Bays.

The Vermilion, East and West Cote Blanche, and Atchafalaya Bay Public Oyster Seed Ground is described as that portion of state waterbottoms beginning at a point of land on the southwest side of Southwest Pass, (y-335554.00) (x-1,774,683.00), thence S 31 54 44 E 4300.4 feet to Light-house Point on the southeast side of Southwest Pass and the most westerly point of Marsh Island (y-331,903.69) (x-1,776,956.24), thence along the south shoreline of Marsh Island to the point known as South Point (y-298,750.40) (x-1,863,189.50) thence S 74 10 18 E 5278.6 feet to a platform (y-284,352.82) (x-1,913,973.65) thence S 68 18 41 E 75,154.9 feet to Eugene Island (y-256,578.31) (x-1,983,808.02) thence S 35 17 41 E 17,453.6 feet to Point Au Fer (y-242,332.84) (x-1,993,892.44) thence along the southeastern shoreline of Atchafalaya Bay to South Point (y-257,413.00) (x-2,031,117.00) thence N 29 36 41 E 7455.7 feet to the north bank of Four League Pass (y-263,895.00) (x-2,034,801.00) thence along the eastern shoreline of Atchafalaya Bay to the east bank of the Atchafalaya River (y-294,175.00) (x-2,020,925.00) thence N 80 57 36 W 6001.5 feet to the west bank of the Atchafalaya River (y-295,118.00) (x-2,014,998.00) thence along the north shoreline of Atchafalaya Bay to Belle Isle Point (y-312,510.00) (x-1,969,990.00) thence following the shoreline of New Pass to a point on the west bank of New Pass (y-318,375.00) (x-1,967,345.00) thence westerly along the north shoreline of Atchafalaya Bay to Point Chevreuil (y-309,951.00) (x-1,930,415.00) thence northerly along the shoreline of East Cote Blanche Bay to Point Marone (y-352,112.00) (x-1,898,410.00) thence northerly along the east shoreline of West Cote Blanche Bay to the east side of the Jaws (y-389,415.00) (x-1,909,020.00) thence N 64 01 41 W 4407.1 feet to the west side of the Jaws (y-391,345.00) (x-1,905,058.00) thence westerly along the north shoreline of West Cote Blanche Bay to Cypremort Point (y-380,726.00) (x-1,826,461.00) thence northerly along the east shoreline of Vermilion Bay to Little Mud Point (y-412,498.00) (x-1,836,480.00) thence in a southerly direction along the shoreline of Weeks Bay to the east bank of Shark Bayou (y-403,692.00) (x-1,840,583.00) thence northerly along the east shore of Weeks Bay to a point at the Mouth of Bayou Carlin (y-422,780.00) (x-1,841,195.00) thence westerly along the north shoreline of Vermilion Bay to Mud Point (y-382,749.00) (x-1,741,026.00) thence continue along the shoreline to a point at the southeast corner of Little White Lake (y-395,495.00) (x-1,738,384.00) thence along the shoreline of Little White Lake to Buck Point (y-391,673.00) (x-1,736,065.00) thence continue along the shoreline to Redfish

# Potpourri

## POTPOURRI

### Department of Environmental Quality Office of the Secretary Municipal Facilities Division

#### PUBLIC NOTICE

The Department of Environmental Quality, Office of the Secretary, Municipal Facilities Division, will conduct a public hearing to present, for public review and comment, the proposed FY 1991 Municipal Facilities Project Priority List and the Municipal Facilities Revolving Loan Fund Intended Use Plan. The Priority List is a ranking of communities that request federal assistance for the construction of wastewater treatment facilities through the Construction Grants Program and also those that are eligible to request financial assistance through the Municipal Facilities Revolving Loan Fund. The Intended Use Plan identifies the intended uses of funds available to the Revolving Loan Fund and the criteria and method for their distribution. The Priority List is prepared in accordance with the provisions in 40 CFR 35.2015-2025 and Section 603(c) of Title VI of the Federal Water Quality Act of 1987. The Intended Use Plan is prepared in accordance with the provisions of Section 606(c) of Title VI of the Federal Water Quality Act of 1987.

The public hearing will be held on August 16, 1990, at 10 a.m. in the Mineral Board Hearing Room, in the lobby of the State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons may submit written comments to William B. DeVillie, Administrator, Municipal Facilities Division, Box 44066, Baton Rouge, LA 70804. Written comments will be received until August 20, 1990.

Copies of the proposed FY 1991 Municipal Facilities Priority List and the Intended Use Plan will be available for public review at least 30 days prior to the public hearing at the Department of Environmental Quality, Municipal Facilities Division, 333 Laurel Street, Suite 420, Baton Rouge, LA and in the following Department of Environmental Quality Regional Offices throughout the state:

Acadiana Regional Office, 100 Eppler Road, Lafayette, LA.

Bayou Lafourche Regional Office, 302 Barataria Street, Lockport, LA.

Capitol Regional Office, 11720 Airline Highway, Baton Rouge, LA.

Central Regional Office, 402 Rainbow Drive, Pineville, LA.

Northeast Regional Office, 804 North 31st Street, Monroe, LA.

Northwest Regional Office, 1525 Fairfield, Room 11, Shreveport, LA.

Southeast Regional Office, 3945 N. I-10 Service Rd., W., Metairie, LA.

Southwest Regional Office, 1155 Ryan Street, Lake Charles, LA.

Paul H. Templet  
Secretary

Point (y-375,420.00) (x-1,786,260.00) thence southerly along the west shoreline of Vermilion Bay to a point at the mouth of Hog Bayou (y-346,604.00) (x-1,752,950.00) thence along the shoreline of Hell Hole to a point at the northeast corner of Hell Hole (y-347,496.00) (x-1,755,604.00) thence easterly along the shoreline of Vermilion Bay to Indian Point (y-352,201.00) (x-1,777,875.00) thence southerly along the shoreline of Vermilion Bay and Southwest Pass to the Gulf and the Point of Beginning.

Interested persons who wish to comment may submit written comments relative to the proposed rule until 4:30 p.m. July 20, 1990 to Philip Bowman, Assistant Administrator, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:434.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR 16:

Warren Pol  
Chairman

#### Fiscal and Economic Impact Statement For Administrative Rules

##### Rule Title: Vermilion, East and West Cote Blanche, and Atchafalaya Bay Oyster Seed Ground

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
This rule would not have any impact on revenue collections of state or local governments.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
This rule would not have any impact on revenue collections of state or local governments.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
Since hydrological conditions in this area vary from year to year directly affecting oyster production the exact economic benefits cannot be determined.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
By establishing an oyster seed ground in the central portion of the state with different hydrological characteristics from existing public oyster seed grounds the probability of having adequate supplies of seed oysters from year to year will be increased.

Bettsie Baker  
Undersecretary

John R. Rombach  
Legislative Fiscal Officer

**POTPOURRI**

**Department of Health and Hospitals  
Board of Embalmers and Funeral Directors**

The Louisiana State Board of Embalmers and Funeral Directors will give the National Board Funeral Director and Embalmer/Funeral Director exams on Saturday, September 8, 1990 at Delgado Community College, 615 City Park Ave., New Orleans.

Interested persons may obtain further information from the Louisiana State Board of Embalmers and Funeral Directors, Box 8757, Metairie, LA 70011, (504) 838-5109.

Dawn Scardino  
Confidential Assistant

**POTPOURRI**

**Department of Health and Hospitals  
Office of Public Health  
Nutrition Section**

In accordance with Public Laws 99-500 and 99-591 the Louisiana Special Supplemental Nutrition Program for Women, Infants and Children (WIC) is soliciting comments from the general public on the WIC program's State Plan for 1990-91. The plan describes in detail the goals and the planned activities of the WIC program for the next year. Interested persons may find copies of the State Plan at their local parish health units or they may apply directly to the nutrition/WIC office for copies of the plan at \$.05 per page. Interested individuals should submit their requests for copies or their comments on the plan to the following address: Department of Health and Hospitals, Office of Public Health, Nutrition Section, Room 405, Box 60630, New Orleans, LA 70160, Attn: State Plan.

Additional information may be gathered by contacting Henry M. Klimek (504) 568-5065.

Pamela P. McCandless, M.P.H.  
Administrator

**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 32 claims in the amount of \$69,295.77 were received in the month of June 1990; 78 claims in the amount of \$147,658.04 were paid; and two claims were denied.

Loran C. coordinates of reported underwater obstructions are:

27889	46863
28048	46833
27525	46929
28906	47018
27894	46861
28710	47035
29033	46789
28567	46855
28966	46919
28262	46820
28418	46835
28613	46861
28699	47047
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Anyone may obtain a list of claimants, and amounts paid, by submitting a request to Fishermen's Gear Compensation Fund, Box 94396, Baton Rouge, LA 70804, or by telephone (504) 342-0122.

Ron Gomez  
Secretary

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