

New Louisiana Administrative Codes: Volumes 13 and 17

Vol. 13, Hazardous Waste, 2nd Edition, contains all new and amended rules and regulations as of August, 1990 and replaces Vol. 13, 1st Edition, published in 1988.

Vol. 17, Natural Resources, includes rules and regulations on resource conservation, injection wells, coastal restoration, natural gas policy, pipeline safety and surface mining.

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EXECUTIVE ORDER BR 90-15

WHEREAS, no office within the government of the State of Louisiana has responsibility for advocating for all persons with disabilities;

WHEREAS, the State of Louisiana does not have a coordinated system to enforce compliance with Section 504 of the Rehabilitation Act in state government;

WHEREAS, the State of Louisiana does not have a coordinated system to enforce compliance with the American Disabilities Act recently passed by Congress;

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

SECTION 1: That there shall be a Governor's Task Force on the Establishment of an Office of Disability Affairs.

SECTION 2: The purpose of the Task Force shall be to study the need for an office within state government to represent persons with disabilities and to develop recommendations for such an office prior to the first day of March, 1991.

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

- a. two members of the Louisiana Legislature;
- b. a representative from the governor's office;
- c. the executive director of the Advocacy Center of the Elderly and Disabled or her designee;
- d. the director of the Louisiana Mental Health Advocacy Service or his designee;
- e. the director of the Louisiana Rehabilitation Services or his designee;
- f. the president of the Louisiana Coalition of Citizens with Disabilities or her designee;
- g. the director of the Louisiana Commission on the Deaf or his designee;
- h. the chairperson of the Louisiana State Planning Council on Developmental Disabilities or her designee;
- i. a representative from the Department of Employment and Training;
- j. three members at large;

SECTION 4: The governor shall appoint a chairman and vice-chairman.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 25th day of October, 1990.

Buddy Roemer
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry
Agricultural Finance Authority

Title 7

AGRICULTURE AND ANIMALS

Part III. Agricultural Credit Corporation

Chapter 5. Agricultural Finance Authority

§526. Definitions:

The following definitions shall apply to §§526 through 531, which are sections pertaining to the Louisiana Agricultural Finance Authority Securitized Agricultural Revenue Bond Program.

A. *Act* means the Louisiana Agricultural Finance Act, Chapter 3-B of Title 3 of the Louisiana Revised Statutes of 1950, as amended (R.S. 3:261 through R.S. 3:284).

B. *Agreements* means agreements by which the issuer agrees to purchase from lenders certain agricultural loans.

C. *Agricultural Loan* means a loan made by a lender to any person for the purpose of financing land acquisition or improvement; soil conservation; irrigation; construction, renovation, or expansion of buildings and facilities; purchase of farm fixtures, livestock, poultry and fish of any kind; seeds; fertilizers; pesticides; feeds; machinery; equipment; containers or supplies employed in the production, cultivation, harvesting, storage, marketing, distribution, or export of agricultural products.

D. *Borrower* means any person engaged in agricultural production or exportation who has entered into an agricultural loan with a lender.

E. *Co-trustee* means Premier Bank, formerly known as the Louisiana National Bank of Baton Rouge.

F. *Indenture* means the trust indenture and its exhibits by and among the Louisiana Agricultural Finance Authority and Capital Bank and Trust Company now known as Sunburst Bank, as trustee and Louisiana National Bank of Baton Rouge, now known as Premier Bank, as co-trustee dated as of September 15, 1986. This document is defined as Exhibit A.

G. *Issuer* means the Louisiana Agricultural Finance Authority (LAFA).

H. *Lenders* means any lending institution as defined in the Act which institution either (1) sells an agricultural loan to the trustee or (2) enters into a repurchase obligation with the trustee.

I. *Trustee* means Sunburst Bank, formerly known as Capital Bank and Trust Company.

J. All capitalized, undefined terms used herein shall have the meanings ascribed thereto in the indenture and its exhibits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:266(4).

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Agricultural Finance Authority, LR 17:

§527. Definition of Program

A. Under the Act, the issuer is authorized to issue revenue bonds to alleviate the serious shortage of capital and credit available for investment in agriculture, for domestic and export purposes, at interest rates within the financial means of person engaged in agricultural production and agricultural exports. The Act also authorizes the issuer (1) to purchase or make contracts to purchase agricultural loans made by lenders to borrowers, and (2) to make loans or contract to make loans to and deposits with certain lending institutions, who will in turn make agricultural loans to borrowers with the proceeds.

B. The issuer, pursuant to its powers under the Act has authorized the issuance of bonds and intends to use a portion of the proceeds of the bonds (1) to purchase without recourse from lenders certain agricultural loans, which are to be originated by the lenders and purchased by the issuer pursuant to agreements and which shall be secured by mortgages and with either a letter of credit or a guaranty, and (2) to enter into repurchase obligations with certain banks to enable such banks to in turn make agricultural loans to borrowers. Under the Act, the issuer, prior to the purchase or contract to purchase agricultural loans from lenders, and prior to making or contracting to make agricultural loans to certain national banks who will in turn make loans to borrowers, is required to promulgate certain rules and regulations with regard to its loan program. These rules and regulations are intended to comply with this requirement of the Act and with Administrative Procedure Act, Louisiana Revised Statutes of 1950 as amended, R.S. 49:950 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:266(4).

HISTORICAL NOTE Promulgated by the Department of Agriculture and Forestry, Agricultural Finance Authority, LR 17:

§528. Types of Loans to be Purchased or Made

A. The issuer shall only purchase agricultural loans made by lenders or enter into repurchase obligations with certain national banks who will in turn make agricultural loans to borrowers.

B. Acquisition of Eligible Loans

1. Moneys in the loan fund shall be used only for the acquisition of eligible loans pursuant to agreements or to enter into repurchase obligations, as described below. No eligible loan shall be purchased unless such eligible loan bears interest, payable semiannually on April 1 and October 1 of each year, at a rate no less than 9.10 percent, and matures no later than October 1, 1996. No repurchase obligation shall be entered into unless such repurchase obligation carries with it an interest component as a part of the resale price of 9.10 percent, and matures no later than October 1, 1996. No eligible loan or repurchase obligation shall be purchased unless it requires that any principal amounts prepaid under such eligible loan or repurchase obligation, for whatever reason, shall be paid to the trustee in accordance with §4.14 of the indenture, and in no event shall any prepayment (including prepayments due to casualty or condemnation) be in an amount less than \$100,000. Prior to the disbursement of any funds from the loan fund to acquire an eligible loan or enter into a repurchase obligation, the trustee shall complete a

program checklist and submit the same to the issuer and to Standard and Poor's Corporation.

2. Moneys in the loan fund shall be used to acquire any eligible loans presented to the issuer and the trustee by a lender in accordance with the provisions set forth herein, pursuant to an agreement at a price described below upon receipt by the trustee of all documents, opinions and certificates required in the agreement and the program checklist. Each eligible loan shall be purchased at a purchase price of 99.78 percent of the outstanding principal amount of such eligible loan, less a surrender charge (as that term is defined in the investment agreement and which shall be payable to the insurance company), in the amount determined by the investment agreement provided that the purchase price of an eligible loan shall not be in an amount less than \$100,000 and shall not exceed \$5,000,000. The average principal amount of eligible loans must be at least \$500,000. Eligible loans may not be acquired after September 30, 1991, and the total amount of withdrawals (as such term is defined in the investment agreement) at any point in time shall not exceed the applicable maximum cumulative withdrawal amounts (as defined in the investment agreement). Payments made by a credit provider under a letter of credit or guaranty shall be applied as a credit against amounts owing by a borrower under a financed eligible loan with respect to which such letter of credit or guaranty was issued.

3. The issuer will cooperate with each lender, and shall require each lender to cooperate with the issuer, such that all accrued interest through the date on which the eligible loan is acquired by the issuer is paid directly or reimbursed to each lender.

4. Each eligible loan shall be secured by an irrevocable letter of credit, a guaranty, or a comparable instrument which shall effectively guarantee payment of all principal and interest on such eligible loan, such letter of credit, guaranty or comparable instrument being issued by a credit provider whose long-term unsecured debt rating is rated at least as high as the initial rating on the bonds, as confirmed in writing by Standard and Poor's Corporation, or, if not so rated (and then only in the case of a letter of credit delivered by a savings and loan association insured by FSLIC or a state-chartered banking association insured by FDIC), such credit provider shall pledge securities sufficient to maintain the initial rating on the bonds; the types of eligible collateral securities, and the level of collateralization required for each type of collateral security in order to obtain such a rating from Standard and Poor's Corporation, are set forth in Exhibit F; provided that if any such securities to be pledged consist of FHA/VA mortgage notes, conventional mortgage notes, FHA/VA mortgage notes - ARMS and conventional mortgage notes - ARMS (as those terms are used in the Collateral Pledge Agreement FSLIC), then prior to the acquisition of the eligible loan the trustee shall receive notice from Standard and Poor's Corporation (at the expense of the respective borrower) to the effect that the delivery of FHA/VA mortgage notes, conventional mortgage notes, FHA/VA mortgage notes - ARMS and conventional mortgage notes - ARMS by such credit provider will not adversely affect the rating on the bonds. In the event that an eligible loan is to be secured by an instrument other than a letter of credit or a guaranty in precisely the forms attached to the indenture, such eligible loan shall not be purchased with bond proceeds until such time as the trustee receives written confirmation from Stand-

ard and Poor's Corporation (at the expense of the respective borrower) that such purchase will not adversely affect the rating of the bonds.

C. Repurchase Obligations

Moneys in the loan fund shall also be used by the issuer to enter into any repurchase obligation presented to it by a credit provider in accordance with the provisions set forth herein (to enable such credit provider to in turn finance an eligible loan). Securities purchased under a repurchase obligation shall be purchased at a price of 99.78 percent of the purchase price, less a surrender charge (as that term is defined in the investment agreement and which shall be payable to the insurance company) in the amount determined by the investment agreement. The purchase price of a repurchase obligation shall not be in an amount less than \$100,000 and shall not exceed \$5,000,000. The average principal amount of repurchase obligations must be at least \$500,000. Repurchase obligations may not be acquired after September 30, 1991, and the total amount of withdrawals (as such term is defined in the investment agreement) at any point in time shall not exceed the applicable maximum cumulative withdrawal amounts (as defined in the investment agreement).

D. There shall be included as a provision to every loan note, the agreement of the maker thereof to the effect that the loan note shall continue to bear interest until such time as the trustee has on deposit available moneys representing sufficient funds for the payment of such loan note.

E. No eligible loan shall be purchased by the trustee, and no repurchase obligation shall be entered into by the trustee, during any period commencing with the date which would (if such eligible loan were otherwise purchased) constitute a draw date for such eligible loan and ending on the immediately succeeding interest payment date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:266(4).

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Agricultural Finance Authority, LR 17:

§529. The Credit Provider

The following financial institutions shall qualify as credit providers and shall meet the following conditions:

A. A savings and loan association insured by FSLIC may act as credit provider and shall deliver a letter of credit and in the event such savings and loan association does not have a long-term unsecured debt rating by Standard and Poor's Corporation at least equal to the initial rating on the bonds, such letter of credit shall be collateralized in accordance with a collateral pledge agreement (FSLIC) which shall be delivered to the trustee.

B. A national bank may act as a credit provider and if it does not have long-term credit rating at least equal to the initial rating on the bonds, shall enter into a repurchase obligation which shall be delivered to the trustee.

C. Any national bank which has an unsecured long-term debt rating by Standard and Poor's Corporation at least equal to the initial rating on the bonds may act as a credit provider and shall deliver an unsecured letter of credit.

D. A state-chartered bank insured by FDIC may act as a credit provider and shall deliver a letter of credit, and in the event such state-chartered bank does not have a long-term unsecured debt rating by Standard and Poor's Corporation at least equal to the initial rating on the bonds, such letter of

credit shall be collateralized in accordance with a collateral pledge agreement (FDIC) which shall be delivered to the trustee.

E. Any other legal entity may act as a credit provider which has a long-term unsecured debt rating (or, in the case of an insurance company, a claims-paying ability rating) by Standard and Poor's Corporation at least equal to the initial rating on the bonds and may only deliver a guaranty.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:266(4).

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Agricultural Finance Authority, LR 17:

§530. Procedure Required for Funding Agricultural Loans with Proceeds of the Bonds

A. Initiation of Eligible Loan Purchase

A lender may submit to the issuer, the trustee and the co-trustee a proposal to sell agricultural loans in substantially the form defined as Exhibit B. Such form shall include a description of the rates, fees and terms of the loans made by the lender to the borrower and a description of the project financed, including its location and characteristics. The lender shall also describe the security for the loan. Upon receipt of a proposal to sell agricultural loans, the issuer, the trustee and the co-trustee, on behalf of the issuer, shall review such proposal. If the issuer determines that the loans to be purchased are agricultural loans and that the loans to be purchased are eligible loans meeting the requirements of the Act, the issuer shall be empowered to send a conditional approval, in substantially the form defined as Exhibit C, to the lender. The form of agreement shall be enclosed with the conditional approval.

B. Initiation of Repurchase Obligation

A national bank may submit to the issuer, the trustee and the co-trustee a proposal to enter into repurchase obligation in substantially the form defined as Exhibit D. Such form shall include a description of the rates, fees, and terms of the loans to be made by the national bank to the borrower and a description of the project financed, including its location and characteristics. The national bank shall also describe the security for the loan. Upon receipt of a proposal to enter into repurchase obligation, the issuer, the trustee and the co-trustee, on behalf of the issuer, shall review such proposal. If the issuer determines that the loans to be made by the national bank are agricultural loans and determines that the loans to be made by the national bank are eligible loans meeting the requirements of the Act, the issuer shall be empowered to send a conditional approval, in substantially the form defined as Exhibit E, to the national bank. The form of the repurchase obligation shall be enclosed with the conditional approval.

C. Procedure to Purchase Eligible Loan

Upon execution of the agricultural loan purchase agreement by the lender, the lender shall return and the trustee, on behalf of the issuer, shall receive the agreement, which must be signed by the lender within 14 days of post-mark date of the conditional approval. The issuer shall then sign the agreement and notify the trustee. The trustee shall establish a loan closing date. The trustee shall, by telephonic notice, inform the issuer and the lender of such date. Such date is referred to herein as the "loan purchase date." On the loan purchase date, and upon completion of the program checklist by the trustee, which shall be forwarded to the is-

suer and Standard and Poor's Corporation, the issuer shall direct the trustee to disburse moneys from the loan fund for loan purchase.

D. Procedure to Enter into Repurchase Obligation

Upon execution of the repurchase obligation by the national bank, the national bank shall return and the trustee, on behalf of the issuer, shall receive the repurchase obligation, which must be signed by the national bank within 14 days of postmark date of the conditional approval. The issuer shall then sign the repurchase obligation and notify the trustee. The trustee shall establish a loan closing date. The trustee shall, by telephonic notice, inform the issuer and the national bank of such purchase date, and upon completion of the program checklist by the trustee, which shall be forwarded to the issuer and Standard and Poor's Corporation, the issuer shall direct the trustee to disburse moneys from the loan fund for the purpose of making a loan to the national bank.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:266(4).

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Agricultural Finance Authority, LR 17:

§531. Amendment to Program Guidelines

The program guidelines, Exhibit B of the indenture, may not be amended by the issuer, trustee, or co-trustee at any time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:266(4).

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Agricultural Finance Authority, LR 17:

EXHIBIT A

Trust Indenture

Note: This exhibit may be obtained from the Louisiana Agricultural Finance Authority, 5825 Florida Boulevard, Baton Rouge, LA 70806.

EXHIBIT B

Form of Proposal to Sell Agricultural Loans

**Louisiana Agricultural Finance Authority
Securitized Agricultural Revenue Bond Program**

Louisiana Agricultural Finance Authority
12055 Airline Highway
Baton Rouge, LA 70816

Sir:

The (name of lender) (the "lender") hereby requests to participate in the Securitized Agricultural Revenue Bond Program of the Louisiana Agricultural Finance Authority (the "authority").

(1) Name of lender.

(2) Jurisdiction of organization and date of incorporation.

(3) Address and telephone number of principal office.

(4) Name and title of person to whom correspondence with regard to this program should be addressed.

(5) Description of loans. Please provide the following information with respect to each existing or proposed loan which the lender desires to sell.

(i) Total amount of loan _____.

(ii) Date of loan _____.

(iii) Eligible Loan

(a) When does the loan mature? _____.

(b) How is principal payable (e.g. monthly, quarterly, semiannually, annually, at maturity)? _____.

(c) How is interest payable (e.g. monthly, quarterly, semiannually, annually, at maturity)? _____.

(d) What is the interest rate on the loan? _____.

(iv) Please attach the amortization schedule of the loan, showing when principal is payable (e.g. monthly, quarterly, semiannually, annually, at maturity), when the principal comes due and on what dates. _____.

(v) Project financed

(a) Location _____.

(b) Description of project _____.

(6) Dollar amount of loan to be financed by the authority _____.

(7) If existing, does lender wish to refinance loans to be sold? _____.

(8) If yes, please give desired length and terms of refinanced loans _____.

EXHIBIT C

Conditional Approval

(Lender)

Sir:

You are hereby notified that your proposal to sell agricultural loans to the Louisiana Agricultural Finance Authority ("authority") has been tentatively approved pending completion and signing an agricultural loan purchase agreement, a form of which is enclosed. This approval is based upon the information and representations provided by you in your proposal to sell agricultural loans application and is expressly conditioned upon the accuracy of such information and timely completion of the agricultural loan purchase agreement.

Pursuant to our earlier correspondence, the terms of the loan following the purchase by the authority shall be as follows:

(Terms of Refinanced Loan)

Please execute and return the enclosed agricultural loan purchase agreement within 14 days of the postmark of this conditional approval to the offices of the Louisiana Agricultural Finance Authority, Department of Agriculture and Forestry, 12055 Airline Highway, Baton Rouge, LA 70816, Attention: Director. If the agricultural loan purchase agreement is not received by the authority within 14 days of the postmark on the letter delivering this conditional approval, the authority may discontinue consideration of the applicant's loan purchase.

Sincerely,

Louisiana Agricultural
Finance Authority

EXHIBIT D

**Form of Proposal to Enter into
Repurchase Obligation**

**Louisiana Agricultural Finance Authority
Securitized Agricultural Revenue Bond Program**

Louisiana Agricultural Finance Authority
12055 Airline Highway
Baton Rouge, LA 70816

Sir:

The (name of national bank), a national banking association organized and existing under the laws of the United States, (the "bank") hereby requests to participate in the Securitized Agricultural Revenue Bond Program of the Louisiana Agricultural Finance Authority (the "authority").

- (1) Name of bank.
- (2) Date of incorporation.
- (3) Address and telephone number of principal office.
- (4) Name and title of person to whom correspondence with regard to this program should be addressed.

(5) Description of loans. Please provide the following information with respect to each proposed loan which the bank desires to make.

- (i) Total amount of loan _____.
- (ii) Date of loan _____.
- (iii) Eligible Loan
 - (a) When does the loan mature? _____.
 - (b) How is principal to be paid (e.g. monthly, quarterly, semiannually, annually, at maturity)? _____.
 - (c) How is interest to be paid (e.g. monthly, quarterly, semiannually, annually, at maturity)? _____.
 - (d) What will the interest rate on the loan be? _____.
 - (iv) Please attach the amortization schedule of the loan, showing when principal is payable (e.g. monthly, quarterly, semiannually, annually, at maturity), when the principal comes due and on what dates. _____.

- (v) Project financed
 - (a) Location _____.
 - (b) Description of project _____.

(6) Dollar amount of loan to be financed by the authority _____.

EXHIBIT E

Conditional Approval

(National Bank)

Sir:

You are hereby notified that your proposal to enter into repurchase obligation to the Louisiana Agricultural Finance Authority ("authority") has been tentatively approved pending completion and signing a repurchase obligation, a form of which is enclosed. This approval is based upon the information and representations provided by you in your proposal to enter into repurchase obligation application and is expressly conditioned upon the accuracy of such information and timely completion of the repurchase obligation.

Pursuant to our earlier correspondence, the terms of the loan shall be as follows:

(Terms of Refinanced Loan)

Please execute and return the enclosed repurchase obligation within 14 days of the postmark of this conditional approval to the offices of the Louisiana Agricultural Finance Authority, Department of Agriculture, 12055 Airline Highway, Baton Rouge, LA 70816, Attention: Director. If the repurchase obligation is not received by the authority within 14 days of the postmark on the letter delivering this conditional approval, the authority may discontinue consideration of the applicant's loan.

Sincerely,

Louisiana Agricultural
Finance Authority

EXHIBIT F

**Eligible Collateral and Collateral Levels
Repurchase Obligations**

Type of Collateral Security	% of Market Value to be Sold
FHLMC Participation Certificates ¹	158.0%
GNMA Pass-Through Certificates ¹	147.0%
FNMA Pass-Through Certificates ¹	158.0%
Cash and Federal Funds	100.0%
Government Securities ² with a remaining term to Maturity of up to and including:	
one year	108.0%
five years	128.0%
ten years	135.0%
fifteen years	140.0%
thirty years	150.0%

Letters of Credit/Guaranties

Type of Collateral Security	% of Market Value to be Pledged
FHLMC Participation Certificates ¹	158.0%
GNMA Pass-Through Certificates ¹	147.0%
FNMA Pass-Through Certificates ¹	158.0%
Cash and Federal Funds	100.0%
Government Securities ² with a remaining term to Maturity of up to and including:	
one year	108.0%
five years	128.0%
ten years	135.0%
fifteen years	140.0%
thirty years	150.0%
FHA/VA Mortgage Notes ³	150.0%
Conventional Mortgage Notes ³	150.0%
Conventional Mortgage Notes—ARMS ³	170.0%
FHA/VA Mortgage Notes—ARMS ³	170.0%

¹ Assumptions:

(a) Certificates represent undivided interest in pool of

fixed-rate single family mortgage loans with no further negative amortization.

(b) Registered in name of, and held by, bond trustee.

(c) Collateral cash flow released to collateral provider so long as requisite collateral level maintained.

(d) Collateral levels assume collateral proceeds will cover up to six months of accrued interest at maximum rate of 12 percent/annum.

(e) Collateral securities "marked to market on a monthly basis.

(f) Collateral provider has two business days to cause any deficiency in collateral level requirements.

(g) Collateral cannot be valued in an amount greater than the lesser of (i) 100 percent of its redemption value or (ii) 100 percent of its maturity value.

² Assumptions:

(a) "Government Securities" are obligations which are direct obligations or which are fully guaranteed by the full faith and credit of the United States of America which pay periodic interest and pay principal at maturity or call.

(b) The assumptions in (c), (d), (e), (f) and (g) in Footnote 1 above apply to Government Securities.

³ Assumptions:

(a) Mortgage loans meet the requirements of a prime collateral pool.

(b) The assumptions in (c), (d), (e), (f) and (g) in Footnote 1 above apply to Conventional/FHA/VA Mortgages.

Bob Odom
Commissioner

DECLARATION OF EMERGENCY

Department of Agriculture Agricultural Finance Authority

WHEREAS, a program for financing agricultural loans with the proceeds of \$150 Million Securitized Agricultural Revenue Bonds, Series 1986A, (Securitized Program) will be implemented on October 29, 1990, or shortly thereafter; and

WHEREAS, Louisiana Agricultural Finance Authority (LAFA) desires to clarify its intent regarding the meaning of the undefined term "national bank," as used in any and all LAFA programs; and

WHEREAS, LAFA desires to clarify its intent regarding the limitations on the amounts of loans which LAFA may purchase or sell or contract to purchase or sell; and

WHEREAS, any lack of clarification could prevent implementation of the aforesaid program of financing agricultural loans; and

WHEREAS, the failure to timely implement the program will immediately imperil the public welfare by preventing utilization of proceeds of the Securitized Program;

THEREFORE, be it resolved that the following regulations be adopted by emergency rule as provided by R.S. 49:953B.

§541. Meaning of National Bank

For any and all programs and regulations that Louisiana Agricultural Finance Authority (LAFA) has implemented

or will implement, LAFA hereby deems the term "national bank" to include banks of foreign nations which are national in scope of operations in their domicile nation.

§542. Construction of Maximum Amounts of Loans

Wherever regulations adopted or to be adopted by Louisiana Agricultural Finance Authority (LAFA) establish a maximum dollar amount of a transaction or loan that LAFA may purchase or sell or contract to purchase or sell but do not expressly place a restriction on the number of transactions or loans that any one borrower may receive or be involved with, the maximum dollar amount shall apply only to each transaction or loan and shall not restrict the number of transactions or loans per borrower. Accordingly, all regulations that are intended to prohibit multiple transaction or loans to or with borrowers shall expressly limit the number of transactions or loans per borrower.

Bob Odom
Commissioner

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 October 25, 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 October 25, 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 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 7 years.

Emergency adoption is necessary in order for the rule to continue until it is published in the November 20, 1990 issue of the *Louisiana Register* as a rule.

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 October 25, 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 October 25, 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 No. 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 document which was printed in its entirety in the July, 1990 issue of the *Louisiana Register* may be seen in the Office of the State Register, the Office of the State Board of Elementary and Secondary Education, located in the Department of Education Building in Baton Rouge, Louisiana or in the Office of Vocational Education, also located in the education building.

Emergency adoption is necessary in order for the rule to continue until it is published in the November 20, 1990 issue of the *Louisiana Register* as a rule.

Em Tampke
Executive Director

DECLARATION OF EMERGENCY

Department of Employment and Training Plumbing Board

In accordance with the provisions of R.S. 49:953(B) of the Louisiana Administrative Procedure Act, the Plumbing Board of the Department of Employment and Training is exercising the emergency provisions of the Administrative Procedure Act, to adopt certain revised rules and regulations, effective January 1, 1991, affecting the performance of the plumbing work in the state of Louisiana.

The purpose of this declaration of emergency adopting these revised rules and regulations is to accommodate the Plumbing Board and all affected persons in connection with the formal adoption of these same rules and regulations. A notice of intent was published in the October 20, 1990, *Louisiana Register*, (Vol. 16, No. 10 at pp.884-885) relative to the intent of the Plumbing Board to adopt and restate its rules and regulations.

A public hearing is scheduled for November 29, 1990 in Baton Rouge, Louisiana at the office of the board. Certain amendments to the Louisiana Administrative Procedure Act enacted by Act 1085 of the 1990 Regular Session would not allow formal adoption of the rules to take place until January 20, 1991. Moreover, Act 1083 of the 1990 Regular Session amended R.S. 36:310 to terminate the effectiveness of all rules promulgated by the Department of Employment and Training on December 31, 1990.

The board has determined that, because of the imminent peril to the health and safety and welfare of the public, it is necessary for the board to adopt emergency rules effective January 1, 1991 through January 21, 1991 to continue the operation of the board and to assure the public complete protection from the hazards and perils of unsafe and unregulated plumbing.

A copy of the revised rules and regulations shall be available for review by the public at the Baton Rouge office of the Plumbing Board, 603 Europe Street, Baton Rouge, LA 70802.

The Fiscal and Economic Impact Statement is published in the *Louisiana Register*, (Vol. 16, No. 10, at pp.884-885).

The restatement of the regulation is summarized as follows:

Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS Part LV. Plumbers

Chapter 1. Provides definitions of operative terms, including master plumber, employing entity, repair and maintenance work, which are terms and concepts introduced by Acts 752 and 771.

Chapter 3. Reiterates current rules affecting journeyman plumbers and apprentices. Regulates activities of employing entities. Provides licensing procedures for master plumbers and inactive master plumber examinations utilizing standardized, nationally recognized test. Implements initial, renewal and enforcement fees relative to master plumber licensing. Imposes insurance requirements on persons performing work as master plumber. Continues fee structure for journeyman plumbers.

Chapter 5. Reiterates current rules pertaining to internal governance of board. Defines duties of executive director.

Chapter 7. Reiterates and clarifies duties of special enforcement officers. Restates current rules affecting examiners and examination custodians.

Chapter 8. Introduces regulations pertaining to pre-emption of examination and licensing of master plumbers by local governing authorities. Requires local governing authorities to notify local business interests applying for plumbing permits of new master plumber law and regulations.

Chapter 9. Expands adjudicatory functions of board relative to all enforcement authority. Restates notice and hearing procedures for license revocations and suspensions compatible with Administrative Procedure Act.

Don Traylor
Executive Director

DECLARATION OF EMERGENCY

Department of Public Safety and Corrections Office of State Fire Marshal

In accordance with the emergency provisions of R.S. 49:953(B) of the Louisiana Administrative Procedure Act and R.S. 40:1651 et seq. the Department of Public Safety and Corrections, Office of State Fire Marshal has determined that because of the imminent peril to the health, safety and welfare of the public it is necessary to adopt LAC 55:V:3001 et seq. which establishes minimum qualification and licensing requirements for businesses which install and service portable fire extinguishers or plan, certify, install or service fixed fire extinguish systems or fire detection and alarm systems. These emergency rules would prohibit unqualified and unlicensed persons from installing and servicing fire suppression and detection devices.

**Title 55
PUBLIC SAFETY**

Part V. Emergency Rules Fire Protection

Chapter 30. Fire Extinguisher and Fire Detections and Alarm Systems

§3001. Purpose

The purpose of these rules is to regulate the business of leasing, renting, selling, installing and servicing of portable fire extinguishers and the planning, certifying, installing or servicing of fixed fire extinguisher systems or fire detection and alarm systems in the interest of protecting and preserving lives and property pursuant to the authority of R.S. 40:1651 et seq.

§3003. Applicability of Rules

These rules shall apply to all firms and persons engaged in the business of portable fire extinguishers, fixed fire extinguishers, fire detection and alarm systems and/or hydrostatic testing and not to the general public.

§3005. Exceptions

These rules shall not apply to firms engaging in the business of planning, certifying, installing or servicing fire detection and alarm systems in one- or two-family dwellings.

§3007. Notices

Notice by the state fire marshal and required by any provision of R.S. 40:1651 et seq. or these rules must be given by personal service or mailed, postage prepaid, to the person's residence or business address as it appears on the records in the Office of State Fire Marshal.

§3009. Enforcement Date

A. Each firm engaged in the business of installing or servicing portable fire extinguishers or planning, certifying, installing, or servicing fixed fire extinguisher systems or fire detection and alarm systems on September 7, 1990 or becomes engaged in such activity prior to January 1, 1991, shall apply for a certificate of registration in the class and/or classes of certification desired in accordance with LAC 55:V:3015 on or before January 1, 1991.

B. Each employee, except apprentices, engaged in the business of installing or servicing portable fire extinguishers or planning, certifying, installing or servicing fixed fire extinguisher systems or fire detection and alarm systems on September 7, 1990 or becomes engaged in such activity prior to January 1, 1991 shall apply in accordance with LAC 55:V:3017 and 3025 for the proper license or licenses desired on or before January 1, 1991.

C. Each apprentice, as defined in LAC 55:V:3013 (A), engaged in the business of installing or servicing portable fire extinguishers or installing or servicing fixed fire extinguisher systems or fire detection and alarm systems on September 7, 1990 or become engaged in such activity prior to January 1, 1991 shall apply in accordance with LAC 55:V:3027 for the apprentice permit on or before January 1, 1991.

D. 1. All firms and persons described in A, B and C above which have not applied for a registration, license or permit on or before January 1, 1991, shall immediately cease such business activities. The Office of State Fire Marshal may take all steps necessary to enforce an order to cease and desist.

2. Each firm and person described in A, B and C above shall satisfactorily complete all registration, licensing and permit requirements before April 1, 1991.

3. All firms and persons described in A, B and C

above, which are not properly registered, licensed or permitted on April 1, 1991, shall immediately cease such activities. The Office of State Fire Marshal may take all steps necessary to enforce an order to cease and desist.

E. 1. Each new firm commencing to engage in the business of installing or servicing portable fire extinguishers or planning, certifying, installing, or servicing fixed fire extinguisher systems or fire detection and alarm systems between January 1, 1991, and April 1, 1991, shall apply to this office for proper registration, licensing and permitting prior to commencing such business activity.

2. All firms and persons described in Section E.1., above, shall satisfactorily complete all registration, licensing and permitting requirements before April 1, 1991.

3. All firms and persons described in Section E.1., above, which are not properly registered, licensed or permitted on April 1, 1991, shall immediately cease such activities. The Office of State Fire Marshal may take all steps necessary to enforce an order to cease and desist.

F. Each new firm commencing to engage in the business of installing or servicing portable fire extinguishers or planning, certifying, installing, or servicing fixed fire extinguisher systems or fire detection and alarm systems on or after April 1, 1991 shall be properly certified and its employees properly licensed and permitted prior to engaging in such activity.

§3011. National Institute for the Certification of Engineering Technologies

A. Due to the time constraints inherent in becoming certified by the National Institute for the Certification of Engineering Technologies (NICET), at Level III, in the appropriate discipline, the Office of State Fire Marshal adopts the following schedule of compliance.

1. Each certified firm or each firm seeking certification shall have at least one employee who is NICET Level II certified in the appropriate discipline on or before January 1, 1992.

2. Each certified firm or each firm seeking certification shall have at least one employee who is NICET Level III certified in the appropriate discipline on or before January 1, 1993.

B. A firm's failure to employ an employee properly certified in accordance with R.S. 40:1657(A) as described in the schedule contained in Subsection A of this Section may be subject to suspension or revocation of their certification pursuant to the authority of R.S. 40:1660.

C. Firms engaged only in the installation or servicing of portable fire extinguishers or engaged only in hydrostatic testing are exempt from this NICET requirement.

§3013. Definitions

The following words and terms, when used in these rules, shall have the following meanings, unless the context clearly indicates otherwise:

A. *Apprentice* - A person to whom a permit has been issued by the state fire marshal to perform various acts of service or installation while under the direct supervision of and accompanied by a person working for the same firm and holding a valid license to perform such acts.

B. *Branch office* - A location other than firm's main office, from which the acts authorized by the certificate of registration are performed.

C. *Certificate* - The certificate of registration issued by the state fire marshal to a person, firm, corporation, or asso-

ciation authorizing same to engage in such business activities as defined in LAC 55:V:3015.

D. *Certify* - To attest to the proper charging, or filling, or inspecting, or installing, or maintaining, or recharging, or refilling, or repairing, or servicing, or testing of portable fire extinguishers, fixed fire extinguishing systems and fire detection or alarm systems.

E. *Class "A" Certificate* - authorizes a firm to engage in the business of installing or servicing portable fire extinguisher and hydrostatic testing not required by the U.S. Department of Transportation (U.S. DOT). Please note: Hydrostatic testing required by the U.S. DOT requires a Class E Certification defined in "I" below.

F. *Class "B" Certificate* - authorizes a firm to engage in the business of certifying, installing or servicing pre-engineered fixed fire extinguisher systems.

G. *Class "C" Certificate* - authorizes a firm to engage in the planning, installation, servicing, supervising and certifying of engineered fixed fire extinguisher systems.

H. *Class "D" Certificate* - authorizes a firm to engage in the planning, installation, servicing, supervising and certifying of fire detection and alarms systems.

I. *Class "E" Certificate* - authorizes a firm to engage in hydrostatic testing of fire extinguisher manufactured in accordance with the specification and procedure of the United States Department of Transportation.

J. *Department of Transportation (DOT) cylinder* - All fire extinguisher cylinders manufactured and tested in compliance with specifications and requirements of the United States Department of Transportation. Please note: DOT regulations place 21-year age restriction on drivers who transport certain DOT regulated cylinders.

K. *Employee*

1. For the purposes of the licensing requirements contained in R.S. 40:1653 (C)(1) employees shall not include secretaries, driver's accounting personnel, or persons who sell portable fire extinguishers or single station smoke/fire detectors.

2. For the purposes of licensing requirements, the firm owner or owners shall be considered "employees" if he or she is or will be physically installing or servicing portable fire extinguishers or planning, certifying, installing or servicing fixed fire extinguisher systems or in planning, certifying, installing or servicing fire detection and alarm systems or doing hydrostatic testing.

L. *Hydrostatic testing* - Pressure testing cylinders by approved hydrostatic methods and is further classified in the NFPA codes.

M. *Engineered Systems* - Special systems individually designed or altered in accordance with nationally recognized fire protection system design standards and manufacturer's guidelines.

N. *Inspection* - The act of checking portable fire extinguishers, fixed fire extinguishing systems and fire detection alarm systems against the applicable engineered specifications, manufacturer's manuals and adopted standards.

O. *Installation* - The initial placement of a portable fire extinguisher, fixed fire extinguishing systems and fire detection and alarm systems or an extension, or alteration after initial placement.

P. *License* - The license issued by the state fire marshal to an employee of a certified firm authorizing the employee to engage in the business activities as defined in LAC

55:V:3017 and/or 3025.

Q. *Nationally recognized testing laboratory* - A nationally recognized testing company concerned with product and service evaluation, which, after conducting successful examinations, inspections, tests and reexaminations, reflects approval by various labeling, listing and classification actions.

R. *NFPA* - The National Fire Protection Association, Inc., a nationally recognized standards-making organization.

S. *Office* - Office of State Fire Marshal.

T. *Person* - A natural person, including any owner, manager, officer, or employee of any firm.

U. *Pre-Engineered Systems* - Packaged systems which consist of system components designed to be installed according to pretested limitations as approved or listed by a testing laboratory. Pre-engineered systems may incorporate special nozzles, flow rates, methods of application, nozzle placement and pressurization levels, which may differ from those detailed elsewhere in NFPA. Pre-engineered systems shall be installed to protect hazards within the limitations that have been established by the testing laboratories where listed.

V. *Portable Fire Extinguisher* - A portable device containing an extinguishing agent that can be expelled under pressure for the purpose of suppressing or extinguishing a fire and shall include semi-portable fire extinguishers.

W. *Recharge* - The replacement of either the extinguishing agent, expellant or both.

X. *Semi-Portable* - Any portable fire extinguisher mounted on skids or wheels.

Y. *Shop* - A facility of a certified firm where designing, certifying, pre-assembling, servicing, repairing or hydrostatic testing is performed and where parts and equipment are maintained.

§3015. **Certificates of Registration**

A. **Required**

1. Each firm and each branch office engaged in the business of installing or servicing portable fire extinguishers or planning, certifying, installing or servicing fixed fire extinguishing systems or fire detection and alarm systems shall have a certificate or certificates of registration issued by the state fire marshal.

2. Each firm shall have at least one licensed technician to perform the act or acts authorized by its certificate.

3. Certificate holders shall be responsible for the acts of their agents and employees for purposes of these rules, including the initiation of administrative action by the state fire marshal.

B. **Types of certificates.** Each certificate shall be identified by Class, which will indicate the authorized act or acts which may be performed by a firm, as defined in LAC 55:V:3013 E.-I.

C. **Posting.** Each certificate shall be posted conspicuously on the firm or branch office premises.

D. **Change of ownership.** The change of a firm's ownership invalidates the current certificate. To assure continuance of the business, an application or a new certificate shall be submitted to the state fire marshal within five days after such change in ownership.

E. **Change of Corporate officers.** Any change of corporate officers must be reported in writing to the state fire marshal within 14 days of the change, and does not require a revised certificate.

F. **Duplicate certificates.** A duplicate certificate must

be obtained from the state fire marshal to replace a lost or destroyed certificate. The certificate holder must submit written notification of the loss or destruction within 10 days, accompanied by the required fee specified in LAC 55:V:3031.

G. Revised certificates. The change of a firm's name, location, or mailing address requires a revised certificate. Certificates requiring change must be surrendered to the state fire marshal within 10 days after the change requiring the revision. The certificate holder must submit written notification of the change with the surrendered certificate, accompanied by the required fee specified in LAC 55:V:3031.

H. Restrictive use. A certificate does not authorize any person engaged in the business to enforce these rules or to enter any building without the owner's permission.

I. Non-transferable. A certificate is not transferable from one firm to another.

J. Minimum Age. A certificate shall not be issued to any person who is under 18 years of age.

K. Validity. A certificate of registration is valid for one year from date of issue, and must be renewed annually unless the state fire marshal adopts a system under which certificates expire on various dates during the year. Should a staggered renewal system be adopted, the renewal fees shall be prorated on a monthly basis so that each registrant pays only that portion of the fee that is allocable to the number of months during which the certificate is valid.

§3017. License

A. Required. Each employee of a certified firm, other than an apprentice, who installs and services portable fire extinguishers, fixed fire extinguishing systems, fire detection and alarm systems and/or engages in hydrostatic testing shall have a license issued by the state fire marshal.

B. Types of licenses. Each license shall be identified by type, which indicates the authorized act or acts which may be performed by the licensee and are defined as follows:

(1) Class "A" Technician's License authorizes the person to install and service portable fire extinguishers.

(2) Class "B" Installer's License authorizes the person to install pre-engineered fixed extinguishing systems.

(3) Class "B" Technician's License authorizes the person to plan, install, service, supervise and certify pre-engineered fixed fire extinguishing systems.

(4) Class "C" Installer's License authorizes the person to install engineered fixed fire extinguishing systems.

(5) Class "C" Technician's License authorizes the person to plan, install, service, supervise and certify engineered fixed fire extinguishing systems.

(6) Class "D" Installer's License authorizes the person to install fire detection and alarm systems.

(7) Class "D" Technician's License authorizes a person to plan, install, supervise and certify fire detection and alarm systems.

(8) Class "E" Hydrostatic Tester's License authorizes the person to perform hydrostatic testing.

C. Posting. It is not necessary to post an employee license on a wall, but it must be kept on the employee's person at all times whenever the licensed employee is working in the business. (See D. below).

D. Pocket License. The pocket license is for immediate identification purposes only so long as such license remains valid and while the holder is employed by the firm reflected on the license and shall be maintained in his/her immediate possession at all times.

E. Duplicate License. A duplicate license must be obtained from the state fire marshal to replace a lost or destroyed license. The license holder and his employer must submit written notification within 10 days of the loss or destruction of the license, accompanied by the required fee as specified in LAC 55:V:3031.

F. Revised Licenses. The change of a licensee's employer, home address or mailing address requires a revised license. Licenses requiring changes must be surrendered to the state fire marshal within 10 days after the change requiring the revision. The license holder and his employer must submit written notification of the necessary change with the surrendered license, accompanied by the required fee as specified in LAC 55:V:3031.

G. Restrictions

1. A license does not authorize anyone engaged in the business to enforce these rules or to enter any building without the owner's permission.

2. Licensees shall not permit the use of their licenses by other persons.

3. A licensee shall not perform any act of business unless employed by a certified firm.

4. A licensee shall not perform any license acts unless employed by a firm certified to perform those acts. i.e., an employee licensed as a Class A and B Technician, who works for a firm with a Class A certificate only, cannot perform Class B work for that firm.

H. Non-transferable. A license is not transferable from one person to another.

I. License Reciprocity. The state fire marshal may waive any license requirement for an applicant with a valid license from another state having license requirements substantially equivalent to those of this state.

J. Minimum Age. A license will not be issued to any person who is under 18 years of age. (Please note, however, that U.S. DOT regulations place 21-year age restrictions on drivers who transport certain DOT regulated cylinders.)

K. Validity. A license is valid for one year from date of issue, and must be renewed annually unless the state fire marshal adopts a system under which licenses expire on various dates during the year. Should a staggered renewal system be adopted, the renewal fees shall be prorated on a monthly basis so that each registrant pays only that portion of the fee that is allocable to the number of months during which the license is valid.

§3019. Apprentice Permit

A. Required. Each employee engaged in the business of installing or servicing portable fire extinguishers or installing, or servicing fixed fire extinguisher systems or fire detection and alarm systems as an apprentice shall have an apprentice permit issued by the state fire marshal.

B. Validity. A permit shall be valid for a period of one year from the date of issuance and is non-renewable.

C. Supervision. An apprentice may perform the various acts of servicing or installing portable fire extinguishers, fixed fire extinguishing systems and fire alarm and detection systems only while under the direct supervision of and accompanied by an employee holding a valid license to perform such acts. The apprentice and the supervising licensee must be employees of the same firm.

D. Identification. A permit holder shall, upon demand, show and allow the examination of such permit.

E. Posting. It is not necessary to post the apprentice

permit on a wall, but it must be kept on the apprentice's person at all times whenever the apprentice is working in the business. (See F. below)

F. Pocket Permit. The pocket permit is for immediate identification purposes only so long as such permit remains valid and while the holder is employed by the firm reflected on the permit and shall be maintained in his or her immediate possession at all times.

G. Duplicate Permit. A duplicate permit must be obtained from the state fire marshal to replace a lost or destroyed permit. The permit holder and his employer must submit written notification within 10 days of the loss or destruction of the permit, accompanied by the required fee as specified in LAC 55:V:3031.

H. Revised Permits. The change of a permittee's employer, home address or mailing address requires a revised permit. Permits requiring changes must be surrendered to the state fire marshal within 10 days after the change requiring the revision. The permit holder and his employer must submit written notification of the necessary change with the surrendered permit, accompanied by the required fee as specified in LAC 55:V:3031.

I. Non-transferable. A permit is not transferable from one person to another.

§3021. Alteration of Certificates, Licenses or Permits

Alteration of certificates of registration, licenses or permits renders them invalid and is the basis for administrative actions in accordance with R.S. 40:1651 et seq. and these rules.

§3023. Applications for Certificates of Registration

A. Applications for certificates of registration for firms and branch offices shall be in writing on the forms provided by the state fire marshal and accompanied by the required fee as specified in LAC 55:V:3031.A.

B. The application for certificates of registration shall:

(1) be executed by the sole proprietor, by each partner of a partnership, or by the authorized officer of a corporation or association;

(2) identify the type of certificate or certificates requested;

(3) identify the principal place of business; R.S. 40:1653;

(4) identify the location of each branch office; R.S. 40:1653 (A);

(5) identify the firm's Louisiana Sales Tax number and Federal Tax Number;

(6) be accompanied by:

(a) at least one application with fee from an employee seeking to obtain a technician's license in each class of certification;

(b) copy of the license issued by the State Licensing Board of Contractors in the classification of fire protection or hydrostatic testing;

(c) a current certificate of insurance issued to the Office of State Fire Marshal as required by R.S. 40:1654.

(7) be accompanied by a copy of DOT letter registering applicant's facility which awards a registration number to the facility if the firm desires a Class "E" (Hydrostatic) Certificate of Registration. A copy of the firm's identifying mark (symbol) must accompany the original application.

C. The application shall also include written authorization by the applicant permitting the state fire marshal or his representative to enter, examine, and inspect any premise,

building, room, or establishment used by the applicant while engaged in the business to determine compliance with the provisions of R.S. 40:1651 et seq. and these rules.

D. When the applicant has completed the requirements contained above, a pre-certification inspection may be conducted at the facility of the applicant to determine that the equipment requirements contained in LAC 55:V:3057 have been met. The office may inspect vehicles, equipment, buildings, devices, premises or any area to be used in performing the activities allowed by the certificate of registration. After issuance of a certificate of registration, such facilities may be inspected annually thereafter or as frequently as deemed necessary to ensure that the equipment requirement continues to be met.

§3025. Application for Licenses

A. Original and renewal applications for a license from an employee of a registered firm shall be on forms provided by the state fire marshal and accompanied by the required fee as specified in LAC 55:V:3031.

B. Applications for installer's and technician's licenses shall be accompanied by a written statement from the employer certifying the applicant's competency to install, service, and/or certify those systems for which the applicant desires to become licensed.

C. Applicants for installer's and technician's licenses will not be accepted unless accompanied by a form that pre-registers the applicant for any applicable tests and the proper fees as listed in LAC 55:V:3031 (B) for the competency examination required by LAC 55:V:3033.

§3027. Application for Apprentice Permit

Apprentice permits. Each person employed as an apprentice by a registered firm shall apply for a permit on a form provided by the state fire marshal and accompanied by the required fee as specified in LAC 55:V:3031.

Due to the supervisory requirements of R.S. 40:1653 (D), no competency examination is required for an apprentice permit.

§3029. Fees - General Information

A. Every fee required in accordance with the provisions of R.S. 40:1651 et seq. and these rules, shall be paid by check or money order made payable to the "The Office of State Fire Marshal."

B. Fees shall be paid at or mailed to the Office of the State Fire Marshal at 5150 Florida Boulevard, Baton Rouge, LA 70806.

C. Late fees are required by R.S. 40:1651 et seq. on all certificates of registrations or license holders who fail to submit renewal applications on or prior to their expiration date.

D. A renewal application accompanied by the required renewal fee and deposited with the United States Postal Service is deemed to be timely filed, regardless of actual date of delivery, when its envelope bears a legible postmark date which is on or before the expiration date of the certificate or license being renewed.

E. Holders of certificates and licenses which have been expired for less than two years cannot be issued new certificates or licenses.

F. Certificates or licenses which have been expired for two years or more cannot be renewed, and the holders must reapply for a new license.

§3031. Fees - Specific Information

A. Certificates of Registration Fees:

1. Original (Initial) Application Fees: Except for Class E Certificate of Registration, which is \$250, the first Class of Certification selected is \$450, while each additional Class of Certification is \$100 per additional class. Note: regardless how many classes you originally desire, Class E Certification is always \$250.

- a. Original Certification Fee (R.S. 40:1653(A)) . . . \$450
- b. Each additional certification fee \$100 each
- c. Original Hydrostatic Testing Certification Fee (R.S. 40:1653(E)) \$250

2. Renewal Fees

a. Timely. The first class of certification selected in a renewal is \$300, while each additional class of certification selected in a renewal is \$100 per additional class. The timely renewal fee for hydrostatic testing is always \$150.

- 1. First Timely Renewal Certification Fee \$300
- 2. Each additional timely renewal certification fee \$100 each
- 3. Hydrostatic Testing Certification Timely renewal fee \$150

b. Late. Expired one day to 90 days

- 1. First Late Renewal Certification Fee \$525
- 2. Each additional Late Renewal Certification Fee \$150 each

3. Hydrostatic Testing Certification Late renewal fee \$275

c. Late. Expired 91 days, but less than two years after expiration.

- 1. First Late renewal certification fee \$975
- 2. Each additional Late Renewal Certification Fee \$250 each
- 3. Hydrostatic Testing Late Renewal Certification fee \$525

d. Late. Expired more than two years. There is no renewal. Certificate or license holder must reapply for a new license.

- (3) Change in Ownership. (R.S. 40:1653(B)) . . . \$450
- (4) Changes or alterations. (R.S. 40:1653(B)) . . . \$ 20
- (5) Duplicate Certificates of Registration. (R.S. 40:1653(B)) \$ 20

B. Branch Office Fees

1. Original (Initial) Application Fees. Regardless of how many classes of certification of registration selected by the applicant the original (initial) fee for a branch office is always \$100, except for late renewals. This includes branch offices of firms certified in hydrostatic testing.

2. Renewal Fees

a. Timely. Regardless how many classes of certification of registration the reapplying firm has, the timely renewal fee for a branch office certificate of registration is always \$100.

b. Late. Expired one day to 90 days. Regardless how many classes of certification of registration the reapplying firm has, the late renewal fee for a branch office certificate of registration is always \$150.

c. Late. Expired 91 days, but less than two years after expiration. Regardless how many classes of certification of registration the reapplying firm has, the late renewal for a branch office in this case is always \$250.

d. Late. Expired more than two years. There is no renewal. Certificate holder must reapply for a new certificate of registration.

- 3. Change in Ownership. (R.S. 40:1653(B)) . . . \$100

- 4. Changes or alterations. (R.S. 40:1653(B)) . . . \$ 20
- 5. Duplicates. (R.S. 40:1653(B)) \$ 20

C. License Fees

1. Original (Initial) license application fees: The first Class of License selected is \$50, while each additional license is \$10 each.

- a. Original (Initial) License Fee (R.S. 40:1653 (C)(2)) \$ 50
- b. Each additional license fee \$ 10 each

2. Renewal Fees

a. Timely. The first class of license selected in a renewal is \$50, while each additional class of license renewed is \$10.

- 1. First timely renewal license fee \$ 50
- 2. Each additional timely renewal license fee . . . \$ 10 each

b. Late. Expired one day to 90 days.

- 1. First late renewal license fee \$ 75
- 2. Each additional late renewal license fee \$ 15 each

c. Late. Expired 91 days, but less than two years.

- 1. First late renewal license fee \$100
- 2. Each additional late renewal fee \$ 20 each

d. Late. Expired more than two years. There is no renewal. License holder must reapply for a new license.

3. Changes or Alteration Fees.

- (R.S. 40:1653(B)) \$ 20
- 4. Duplicate License Fees. (R.S. 40:1653(B)) . . . \$ 20
- 5. Initial Competency Examination Fee. (Non-Refundable) (R.S. 40:1653(C)(2)), per exam \$ 30
- 6. Re-examinations Fee. (Non-Refundable) (R.S. 40:1653(C)(2)), per re-exam. \$ 20

D. Apprentice Permit Fees

- 1. Original (Initial) permit fees (R.S. 40:1653(D)) \$ 30
- 2. Changes or alterations. (R.S. 40:1653(B)) . . . \$ 20
- 3. Duplicate permits. (R.S. 40:1653(B)) \$ 20

§3033. Examinations

A. Applicants for licenses are required to take an examination and obtain at least a grade of 70 percent in each appropriate section of the examination. Examinations may be supplemented by practical tests or demonstrations deemed necessary to determine the applicant's knowledge and ability. The content, frequency and location of the examination shall be set by the state fire marshal.

B. the installer's license examination will include the following:

- 1. a section on these rules and R.S. 40:1651 et seq.;
- 2. a section on the installing and servicing those types of systems or devices for which the applicant desires to be licensed.

C. The technician's license examination will include the following:

- 1. a section on these rules and R.S. 40:1651 et seq.;
- 2. a section on the planning, certifying, installing and servicing of those types of systems for which the applicant desires to be licensed.

D. The standards used in examinations will be those adopted by the Office of State Fire Marshal.

E. Applicants who fail any section may file a reexamination application accompanied by the required fee and re-take the failed section(s).

F. A person whose license has been expired for two

years or longer must take and pass another examination prior to the issuance of a new license. No examination is required for a licensee whose license is renewed within two years of expiration.

G. A person who desires to take a competency test must first pre-register for that test with the state fire marshal's office on a pre-registration form provided by the office. The appropriate testing fees must accompany the pre-registration.

H. Results. Examination scores shall be mailed to the applicant's address as listed on the pre-registration form within 30 days after completing the test.

§3035. Installation, Inspection and Service

A. Portables

1. Portables shall be installed, inspected, serviced and maintained in compliance with NFPA 10 of 1988.

2. A service tag shall be securely attached by the licensee to the portable upon completion of any work.

3. When conditions described in Section 5 - 1.3 of NFPA 10 are found, a red tag shall be securely attached to the cylinder by the licensee and the owner shall be notified. Such action is not required if the portable is removed from service and destroyed by or at the owner's direction.

B. Record Tag. Each six-year maintenance shall be recorded on a record tag consisting of a decal which shall be affixed (by a heatless process) on the exterior of the extinguisher shell. The decal shall either be metallic or of a durable material which does not corrode and which remains affixed to the extinguisher for the required period. The decal shall also not fade, wash away, or otherwise become illegible. The record tag shall contain the following information: Year and month that the six-year maintenance was performed and the name of the firm and its certificate number, and the initials of the person performing the maintenance and his license number. This Subsection supersedes Section 4-4.3.1 in NFPA 10, 1988 edition.

C. 1. In addition to any other tag required by this rule, beginning April 1, 1991, an internal record tag shall be provided each time an extinguisher is opened up for any type of maintenance or for any purpose. The following types of extinguishers are exempt from this requirement: carbon dioxide extinguishers; halogenated vaporizing liquid fire extinguishers; external cartridge operated extinguishers; and extinguishers containing water.

2. The approved standard internal maintenance tag shall be at least $\frac{1}{2}$ " x 3" on durable material either white or yellow in color with a pressure sensitive adhesive backing conforming to the standards of U.L. No. 969.

D. Internal maintenance tags shall bear the following information:

1. license number of the person who performed the maintenance;

2. day, month and year that the maintenance was performed.

E. A new internal maintenance tag shall be provided for an extinguisher each time internal maintenance is performed for any purpose.

F. Internal maintenance tags shall be affixed in the following manner:

1. Any tag previously attached shall be removed prior to affixing a new tag.

2. The area to which the tag is to be adhered shall be cleaned to remove all residue of any kind, including old ad-

hesive from a previously attached tag.

3. The tag shall be placed within one inch of the top of the siphon tube below the valve assembly.

4. The adhesive side of the tag shall be tightly adhered against the tube, in accordance with the manufacturer's recommended procedures.

5. The tag shall be pressed and adhered solidly around the tube and the information must remain accessible and legible at all times. Under no circumstances shall the required information be written directly on the siphon tube.

§3037. Fixed Fire Extinguisher Systems, Alarm and Detection

A. Fixed systems including pre-engineered and engineered shall be installed, inspected, serviced, and maintained in compliance with the manufacturer's installation manuals, specifications, and the applicable NFPA standards adopted in LAC 55:V:3053.

B. Fixed systems shall be designed, installed and serviced by certified companies having licensed personnel working within their certification and licensing discipline. In cases where disciplines cross over, i.e., AFFF foam systems and sprinkler systems, the following reasoning will prevail.

1. Automatic detection and control systems will be designed, installed, and serviced by firms certified to install fire detection and alarm systems.

2. Water supply and distribution piping systems servicing foam-water systems will be designed, installed, and serviced by firms certified in sprinkler systems. Foam systems providing foam solution to fire monitors, portable nozzles, or fire trucks are excluded from this ruling.

3. Alarm devices such as flow switches, pressure switches, low air pressure switches that are an integral part of the piping system will be installed by certified sprinkler contractors. Interface to the supervisory control system is to be designed, serviced, and installed by contractors certified in fire detection and alarm systems.

C. A service tag shall be securely attached by the licensee to the system upon completion of the work. A red tag shall be attached to any system, new or old, which in the course of installation or service must be left unattended in any condition other than fully automatic operation of the system in all required appurtenant devices.

D. When an impairment or hazard extension (modification) is found, subsequent to installation, a red tag shall be attached and recommendations shall be filed with the owner, the local authority having jurisdiction, and the state fire marshal. A service tag shall not be installed on the system until the matter has been corrected and the system found to be in full operating condition. When an operational system is found that has met the appropriate adopted standards when installed, but does not presently meet the standards, a letter stating the shortcomings shall be sent to the owner with informational copies to both the local authority having jurisdiction and the state fire marshal.

§3039. Hydrostatic Tests

All hydrostatic testing shall be conducted in compliance with U.S. Department of Transportation hydrostatic testing requirements, or, where applicable, in compliance with NFPA 10 of 1988. The owner shall be informed of a needed test or replacement.

§3041. Service Tags

A. A service tag shall be completed and attached to a portable fire extinguisher, a fixed fire extinguisher or a fire

detection and alarm system after it has been serviced or installed indicating all work that has been done. The service tag shall be attached to the system in such a way as not to hamper its actuation and operation, and must be completed as specified in Subsection C below.

B. A new service tag shall be completed and attached each time an inspection or service is performed.

C. Service tags shall be formatted in accordance with the sample tag in Subsection G of this Section, and shall contain all of the information listed below:

1. "Do not remove by order of the State Fire Marshal" (all capital letters, at least 10 point boldface type);
2. firm's name and address;
3. firm's certificate of registration number;
4. licensee's name and number;
5. licensee's signature;
6. month and year (to be punched);
7. type of work (to be punched);
8. list service performed;
9. owner's name and address;
10. serial number of portable extinguisher, fixed system cylinder, or system control panel.

D. Tags shall be 5 1/4 inches in height and 2 5/8 inches in width, and shall NOT be red in color.

E. Firms shall print their own tags, and forward one to the state fire marshal for incorporation in the firm's file.

F. Service tags remain the property of the certified firm and may be removed only by authorized employees of certified firms or employees of the state fire marshal's office.

G. Sample service tag. After April 1, 1991 every service tag shall conform to the following format:

SERVICE TAG
FRONT

DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL											
Name And Address of Firm											
(Firm Cert. of Reg.#)											
(Licensee's Name)											
(Licensee's #)											
(Signature)											
INSPECTION <input type="checkbox"/>											
RECHARGED <input type="checkbox"/>											
SERVICED <input type="checkbox"/>											
INSTALLATION <input type="checkbox"/>											
JAN.	FEB.	MAR.	APR.	MAY	JUN.	JUL.	AUG.	SEP.	OCT.	NOV.	DEC.
			1993			1994			1995		
			1992			1991					

Extinguisher Type, Size, Location and Serial #:

Owner's Name and Address:

Type of Service Performed:

H. If impairments are found, the owner or his representative and the authority having jurisdiction shall be notified and a red tag completed and attached. In the event the owner will not authorize correction necessary to pass inspection, the state fire marshal shall also be notified by a certified firm. A service tag shall not be attached until the impairments have been corrected.

§3043. Red Tags

A. Red tags shall be the same size as service tags which is defined in LAC 55:V:3041(D).

B. Red tags shall be attached to all portables and systems that are impaired due to failure to meet minimum standards.

C. Red tags shall bear the following information in the format of the sample tag shown in Subsection F of this Section:

1. "Do not remove by order of the State Fire Marshal" (all capital letters, at least 10 point boldface type);
2. firm's name and address;
3. firm's certificate of registration number;
4. licensee's name and number;
5. licensee's signature;
6. day, month and year (to be punched);
7. impairments;
8. serial number of all portables and systems; and
9. owner's name and address.

D. Firms shall print their own tags, and forward one to the state fire marshal for incorporation in the certified firm's file.

E. Red tags remain the property of the certified firm

and may be removed only by authorized employees of certified firms or employees of the state fire marshal's office.

F. Sample red tag:

FRONT

DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL	
Name And Address of Firm	DEC. 1995
_____ (Firm Cert. of Reg.#)	NOV. 1995
_____ (Licensee's Name)	OCT. 1994
_____ (Licensee's Number)	SEP. 1994
_____ (Licensee's Signature)	AUG. 1993
	JUL. 1993
	JUN. 1992
	MAY 1992
	APR. 1991
	MAY 1991
	JUN. 1991
	JUL. 1991
	AUG. 1991
	SEP. 1991
	OCT. 1991
	NOV. 1991
	DEC. 1991

BACK

EXTINGUISHER TYPE, SIZE, AND LOCATION

OWNER'S NAME AND ADDRESS:

TYPE OF IMPAIRMENT:

SERIAL # OF EQUIPMENT:

§3045. Prohibited Portables and Cylinders

The following portable fire extinguishers and cylinders are prohibited from use:

1. carbon tetrachloride portables;
2. portables without labels of an approved testing laboratory;
3. portables or fixed system cylinders without proper identifying labels or name plates;
4. any portable or cylinder prohibited by the adopted NFPA standards listed in LAC 55:V:3053;
5. systems without listing (UL).

§3047. Enforcement

A. The state fire marshal is authorized and directed to enforce the provisions of R.S. 40:1651 et seq. and these rules. The state fire marshal shall make, or cause to be made, inspections from time to time, and as circumstances dictate to determine that portable fire extinguisher, fixed fire extinguisher and fire detection and alarm firms and their employees are engaging in business practices in accordance with the requirements of R.S. 40:1651 et seq. and LAC 55:V:Chapter 30.

B. Such inspections shall be made by the state fire marshal or his representative. Where any inspection discloses a violation of the law or these rules, the firm or person responsible for correcting the violation as well as the building owner or occupant shall be notified within 30 days after completion of the inspection report. In all cases where a violation is not corrected within the time frame prescribed by this office, the state fire marshal shall take all steps necessary to enforce correction of the violation and may initiate appropriate administrative action.

§3049. Administrative Actions

The state fire marshal may refuse the issuance or renewal of, suspend, or revoke a certificate of registration, license or permit, if, after notice and hearing, he finds that a registered firm, licensee or permit holder, or an applicant for registration, license or permit, failed to comply with the provisions of these rules and/or R.S. 40:1651 et seq. Furthermore, those engaging in false, misleading or deceptive acts or practices shall be subject to the same administrative action listed in the afore written sentence.

§3051. Severability

If any provision of these rules or the application thereof to any person or circumstance is held invalid for any reason, the invalidity shall not affect the other provisions or any other application of these rules which can be given effect without the invalid provisions or application. To this end, all provisions of these rules are declared to be severable.

§3053. Adopted Standards

The office adopts by reference in their entirety the following copyrighted standards published by the available from the National Fire Protection Association, Inc. (NFPA), Batterymarch Park, Quincy, Massachusetts, 02269. A copy of the standards shall be kept available for public inspection in the Office of the State Fire Marshal.

1. NFPA 10 - 1988, Portable Fire Extinguishers
2. NFPA 11 - 1988, Low Expansion Foam and Combined Agent Systems
3. NFPA 11A - Medium and High Expansion Foam Systems
4. NFPA 12 - 1989, Carbon Dioxide Extinguishing Systems
5. NFPA 12A - 1989, Halon 1301 Fire Extinguishing Systems

6. NFPA 12B - 1985, Halon 1211 Fire Extinguishing Systems
7. NFPA 17 - 1990, Dry Chemical Extinguishing Systems
8. NFPA 17A - 1990, Wet Chemical Extinguishing Systems
9. NFPA 70 - 1990, National Electric Code
10. NFPA 69 - 1986, Explosion Prevention System
11. NFPA 71 - 1990, Installation, Maintenance, and Use of Signaling Systems for Central Station Service
12. NFPA 72A - 1987, Installation, Maintenance, and Use of Local Protective Signaling Systems
13. NFPA 72B - 1986, Installation, Maintenance, and Use of Auxiliary Protective Signaling Systems
14. NFPA 72C - 1986, Installation, Maintenance, and Use of Remote Station Protective Signaling Systems
15. NFPA 72D - 1986, Installation, Maintenance, and Use of Proprietary Protective Signaling System
16. NFPA 72E - 1987, Automatic Fire Detectors
17. NFPA 72F - 1985, Installation, Maintenance, and Use of Emergency Voice/Alarm Communication Systems
18. NFPA 72G - 1989, Installation, Maintenance, and Use of Notification Appliances for Protective Signaling Systems
19. NFPA 72H - 1988, Testing Procedures for Local, Auxiliary Remote Station and Proprietary Protective Signaling Systems
20. NFPA 75 - Compressed Gas
21. NFPA 96 - 1984, Installation of Equipment for the Removal of Smoke and Grease-Laden Vapor from Commercial Cooking Equipment
22. United States Department of Transportation -

§3055. National Recognized Testing Laboratory

A. The criteria for recognition by the Office of State Fire Marshal as a "Nationally Recognized Testing Laboratory" shall be as follows:

The applicant laboratory's portable fire extinguisher testing standards shall meet or exceed the best listed national standards:

1. Fire Test Standards: ANSI/UL 154, CAN4-S503-M83
2. Performance Standards:
 - a. CO₂ Types: ANSI/UL 154, CAN4-S503-M83
 - b. Dry Chemical Types: ANSI/UL 299, ULC-S504
 - c. Halon Types: ANSI/UL 1093, ULC-S512
 - d. 2½ Gallon Stored Pressure Water Types: ANSI/UL 626
 - e. Factory Follow-up on Third Party Certified Portable Fire Extinguishers: ANSI/UL 1803
 - f. Foam Types: ANSI/UL 8

The applicant laboratory shall maintain a follow-up inspection program to confirm that the manufacturer is providing the controls, inspections, and tests necessary to assure that all current manufactured extinguishers will meet the laboratory's testing standards. This follow-up inspection shall occur no less than once each six months for the first two years and once each year thereafter.

1. The application by a testing laboratory for recognition by the state fire marshal as a "nationally recognized testing laboratory" shall not be on any particular form but shall include all of the information and material requested in Paragraph 2, below.

2. a. the address and telephone number of the main facility and all branch offices;

- b. a current organizational chart showing the relationship between administration, operation, and quality control;
 - c. resumés of the education and experience of key personnel;
 - d. a floor plan of the main facility and all branch offices indicating location of the equipment used for testing portable fire extinguishers;
 - e. a list of all equipment used to test portable fire extinguishers, identified by manufacturer, model number and serial number; detailed plans and specifications shall be submitted on any testing equipment fabricated by the applicant;
 - f. procedures for selecting, receiving, storage, handling, and shipping of test specimens;
 - g. test standards and procedures most frequently used;
 - h. method and frequency of test equipment calibration;
 - i. procedure for safekeeping of records and files;
 - j. copies of all data sheets and test report forms;
 - k. facsimiles of all contracts executed between the testing laboratory and portable extinguisher clients;
 - l. procedure for periodic updating of the report;
 - m. method of distributing test reports and certifications, including an indication of who may obtain copies of the final reports and how the reports may be obtained;
 - n. a copy of the laboratory's partnership agreement, if a partnership, or of the articles of incorporation, if a corporation, and a copy of any bylaws;
 - o. a list of all the portable fire extinguishers presently listed by the testing laboratory showing the manufacturer and the model number;
 - p. copies of the test reports on all listed portable extinguishers which must be in sufficient detail to provide for complete verification and evaluation of the operations and objectives, and must include the signature of personnel performing the test and must also include the name of the supervisory engineer;
 - q. whether the applicant testing laboratory has been recognized as a "nationally recognized testing laboratory" by any other state or by an organized, voluntary recognized organization such as the National Voluntary Laboratory Association Program and whether recognition by any other state or organization has been denied;
 - r. how long the applicant testing laboratory has tested portable extinguishers;
 - s. a notarized statement of independence which shall state that, with reference to the laboratory's testing of portable extinguishers:
 - i. there are no managerial affiliations with any producer, supplier, or vendor;
 - ii. there are no securities investments in any portable extinguisher product line;
 - iii. the employment security of personnel is free from influence by any producer, supplier or vendor of portable extinguishers;
 - iv. there are no stock options in any portable extinguisher product line;
 - v. the laboratory is not owned, operated, or controlled by any producer, supplier, or vendor of portable extinguishers.
3. Upon receipt of a complete application, the state fire marshal shall either accept or deny the application. If the

application is accepted, the state fire marshal shall notify the laboratory and enter the laboratory on its list of acceptable testing laboratories. If the application is denied, the state fire marshal shall notify the applicant in writing, stating the reasons for denial and informing the applicant of its rights.

4. a. Testing laboratories recognized as "nationally recognized" may be subject to random, unannounced inspections to verify the adequacy of their facilities.

b. Testing laboratories accepted as "nationally recognized" are required to notify the state fire marshal within 30 days of any of the following:

i. Change in the company name or the company address;

ii. Changes in any major test equipment;

iii. Establishment of a new branch office or facility at which portable fire extinguishers are to be tested;

iv. Changes in principal officers, key supervisory personnel, or key testing personnel in the company.

B. The office approves Underwriters Laboratories, Inc., Factory Mutual Research Corporation and the United States Testing Company, Inc. as nationally recognized testing laboratories for the purposes of these rules.

§3057. Equipment and Facilities

A. Each certified business location shall be required to possess the equipment listed below in accordance with the license required. Exceptions to the required equipment may be made upon written request of the applicant and for good cause shown.

B. Minimum equipment and Facilities Requirements

The following equipment may be required depending upon the Firm's Class of Certification:

1. adequate hydrostatic test equipment for high pressure testing and calibrated cylinder;

2. adequate equipment for test dating high pressure cylinders (over 900 PSI). die stamps must be minimum of 1/4 inch;

3. clock with sweep second hand on or close to hydrostatic test apparatus;

4. CO₂ receiver - cascade system CO₂, for proper filling of CO₂ extinguishers;

5. conductivity tester;

6. approved drying method for high and low pressure cylinders;

7. proper wrenches with non-serrated jaws or valve puller, hydraulic or electric;

8. adequate inspection light;

9. low pressure test apparatus;

10. low pressure hydrostatic test labels as required by rule Chapter 4A-21;

11. scales graduated in 1/4 ounce for weighing CO₂ cartridges. Must be certified accurate annually;

12. accurate weighing scales for extinguisher inspection and filling. Must be certified accurate annually;

13. adequate vise, six inch minimum (chain or bench);

14. facilities for proper storage of dry chemicals;

15. facilities for leak testing of pressurized extinguishers;

16. nitrogen with regulator and indicator. Regulator not to exceed 1500 PSI - minimum 500 PSI. The indicating gauge for the regulator shall have a second gauge of the same type and range for the purpose of monitoring accuracy;

17. adapters, fittings and sufficient tools and equipment for properly servicing and/or recharging all extinguish-

ers and pre-engineered systems being serviced and recharged;

18. adequate safety cage (in shop) for hydrostatic testing of low pressure cylinders;

19. one-half pound graduated scales minimum 150 pounds for weighing chemical recharging. Must be certified accurate annually;

20. cable crimping tool (where required);

21. cocking lever (where required);

22. pipe, vise, dies, reamer, etc.;

23. adequate stock and supply of fuse links, proper elbows and nozzles for system which is being installed;

24. adequate supply of dry chemicals in proper storage;

25. at the investigator's request, dealer should produce UL listed installation and service manuals for any system being serviced or installed by the license holder;

26. maintenance and recharge manuals for extinguishers being serviced;

27. closed recovery system for reusing dry chemical;

28. NFPA 10, 34, 96, 231, 231D, 302, 408, CGA, C-6, C-6.1, for class "A" only CGA C-1 CFR 49;

29. NFPA 12, 12A, 12B, 34, 17, 17A;

30. closed recovery system for removal of Halon.

C. The office may require additional equipment at a later date should it be deemed necessary.

§3059. Plan Review

Plans for designing or installing fixed fire extinguisher systems or fire detection and alarm systems must be done in accordance with R.S. 40:1574 Parts A and B. This procedure is not required for plans that will go in sites, such as offshore drilling platforms, that are outside the three-mile limit of the state's jurisdiction.

V.J. Bella
State Fire Marshal

DECLARATION OF EMERGENCY

Department of Transportation and Development Flood Control and Water Management Division

In accordance with the requirements of the Administrative Procedure Act, R.S. 49:953 B, "Interim Rules and Regulations" for the Port Construction and Development Priority Program is being adopted as an emergency rule to allow us to accept applications for funding under the Port Construction and Development Priority Program through the Transportation Trust Fund for port improvement projects.

PORT CONSTRUCTION AND DEVELOPMENT PRIORITY PROGRAM INTERIM RULES AND REGULATIONS FOR SUBMISSION OF PROPOSALS FOR FUNDING IN FY 91-92

The Louisiana Department of Transportation and Development will evaluate requests for port project funding under the Port Construction and Development Priority Program for FY 1991-92. The evaluations shall be comprehensive and the department has developed a special methodology for this purpose. Funding of the construction program is subject to final approval by the state legislature, as stipulated in Act 452

of the 1989 Regular Session of the Legislature.
PREREQUISITES FOR SUBMISSION

The following prerequisites for submission should be carefully reviewed in order to determine whether your project can be considered for funding this year:

1. In order to be eligible for funding consideration, an application prepared by the port authority in accordance with the instructions contained in Exhibit "A" must be received by the Department of Transportation and Development by 4 p.m. on November 1, 1990. This application must be supplemented by filing a completed document prepared in accordance with these rules and regulations by 4 p.m. on December 3, 1990.

2. A project is that activity as defined herein that derives benefits. It may be composed of components that, all together, require up to three consecutive years to implement. The amount of funds needed each year shall be shown on the application. The funds needed shall be divided into state funds, port authority funds, and other funds, if applicable.

3. Each port must submit verifiable evidence that local cost-sharing funds equal to 25 percent of the cost of the project are in hand or are readily available. Funds obtained from federal sources may also be used. No state funds can be used as local cost-sharing funds.

4. Land acquisition shall be eligible for funding only when it is an integral component of a larger project and critical to the development of the project. An application must be developed which presents costs and benefits for the total project.

5. Port improvements funded through the Port Construction and Development Priority Program shall be built, installed, and/or implemented only on port-owned lands or public lands.

6. The responsibility to provide complete, accurate, and documented data on each project, and defined herein, rests solely with the port submitting the proposal for funding.

7. If a port submits more than one project for funding, the port must prioritize these projects. Due to time constraints and the total number of projects submitted, the evaluation process may be restricted to only the top two priority projects per port.

8. Any cost overrun on any project for any reason will be the sole responsibility of the local port that submitted the project for funding.

9. Funding from the Port Priority Program shall be limited to the construction, improvement, capital facility rehabilitation, and expansion of publicly owned port facilities including intermodal facilities and maritime-related industrial park infrastructure developments, such as wharves, dock cargo capital equipment, utilities, railroads, roads, and buildings which can be shown to be integral components of any port project submitted for funding.

10. Funding from the Port Priority Program will not be integrated with or used for the state sponsorship (state matching basis for federal appropriation) for new construction and/or maintenance dredging on Corps of Engineers sponsored navigable waterways.

11. Funding from the Port Priority Program will be shared on a proportional 2:1 ratio between deep draft and shallow draft ports. Any balance in either fund will be rolled over to the other category.

12. All projects must be developed sufficiently to allow award of construction contract within one year of funding.

GENERAL APPROACH

In order to make a proper allocation of funds among the port project requests, it is necessary to have a clear understanding, for each project, of its expected net benefits to the state. The term "net benefits" means the difference between total costs and benefits associated with the proposed project (the "with project" condition) vs. those which would occur if the project were not undertaken (the "without project" condition).

For example, if the port project goes forward, there is usually a higher level of facility costs, mostly for construction. This is offset by the benefits including a reduced level of other costs (vessel operating costs, cargo handling costs, maintenance costs, etc.); there may also be increased economic activity, improved (or worsened) environmental consequences, etc.

All of these benefits are relative, i.e., they are based on the spread between what would happen with the new project vs. what would happen without the new project. In other words, to determine the benefits of any proposed project, it is necessary to evaluate the cargo flow projection, transportation cost savings, impact on other Louisiana ports, etc., without the project as well as with the project. Only then can the costs and gains under both scenarios be compared. The difference is the net benefit to be derived from the project.

In order for the Port Construction and Development Priority Program to be able to adequately assess benefits we are asking the applicants to meet the requirements listed herein.

APPLICATION FORMAT

The following items must be addressed and documented in order to make the necessary evaluations. Please be certain that the information you are presently providing addresses the following.

I. Instructions for Format of Title Page

The title page of the application shall be as follows:

a. Parish - In the upper right hand corner of the page, indicate the name of the parish in which the port is located.

B. Project Name - Directly below the parish, enter the project name. The name will be used in all future references to the project.

C. Application Title - The title "application to the Louisiana Port Construction and Development Priority Program" should be centered in the upper one-third of the page.

d. Name of Port Authority - Below the title, provide the name of the sponsoring port authority, address, telephone and fax numbers, and contact person.

E. Legislative Delegation - In the lower one-third of the page, provide the names and district numbers of the senators and representatives within whose districts the proposed project appears.

F. Preparer - If different from the contact person, provide the name and telephone number of the person who prepared this application.

G. Date - Centered at the bottom of the page, state the month and year in which the application was submitted.

II. Project Description

A. The nature and goals of the project to include a concise description of the project.

B. Anticipated construction period (beginning and the end) by project phases, if applicable (refer to prerequisite No. 2).

C. Indicate status (preliminary or final) of construction

plans and provide a copy of the plans.

D. Engineering report (preliminary or final) with itemized unit cost of project and recurring maintenance costs.

E. Layout of existing and proposed facilities.

F. Port master plan and project conformance with the master plan, if available.

III. Forecast of Demand and Demonstration of Immediate Need

A. Total cargo and revenue cargo handled last five years by type (bulk, break-bulk, neo-bulk, containers) and volumes.

B. Forecasts of the cargo which would use the project, including type and volume for at least 10 years in the future with presentation of market analysis and justification of market share.

C. Major origins/destinations of forecasted cargoes.

D. Letters of commitment from users (if available and not confidential).

E. List of prospective industrial tenants (if available and not confidential).

F. Provide a copy of your port's financial statements for the last five years.

G. Any additional factors supporting justification of project.

IV. Benefits to the State

A. Describe the with and without project condition and identify the cost and benefit impacts in moving from the without to the with project conditions.

B. The impact of the project on other ports in the state, (e.g., diversion of cargoes or industrial activities, etc., from other state's ports).

C. By what route the goods would move if the project isn't built (via another facility at the port, via another port in Louisiana, via a port outside Louisiana, via a non-water transport means)?

D. The difference in shipping costs of the goods with the project as compared with shipping costs without the project.

E. Future facility operating costs with/without the project (e.g., labor, utilities).

F. Port revenue with and without project.

G. What new industrial development would result from the project; without the project, where would this development otherwise occur?

H. How many permanent new jobs would be created and/or existing jobs retained in the port as a result of the project, how many industrial jobs, how much total payroll for both; without the project, where would these jobs otherwise be created?

I. Other benefits resulting from the project.

J. Tabulate the project's costs and benefits.

V. Other information

A. Sources of funding, including local share; an estimate of expenditures made to date for the projects which represent continuation of previously initiated improvements.

B. List necessary permits, indicate status of permit acquisition, and indicate project compliance with these requirements.

C. Is your 25 percent local share available? Each application must include a resolution similar to the draft resolution. (Exhibit "B")

D. If multi-year program is necessary, summarize your anticipated investment schedule for full completion of the

proposed project and prioritize your projects.

VI. Attachments

A. Resolution

B. Construction plans

C. Engineering report

D. Layout of facility

E. Other attachments, as needed

Note that, for a valid analysis, the "project" to be analyzed must be properly defined. The analysis must cover the whole project, not just a part (e.g., a construction of a bulkhead to support a subsequent yard development must be analyzed in terms of the costs and benefits of the total development; an analysis of the bulkhead alone, in this case, would be meaningless.) Similarly, each distinct project must be analyzed separately; it is not valid to aggregate distinct projects (e.g., an elevator and a general cargo dock) into a single analysis.

With respect to rehabilitation projects, presumably the benefit relates to the fact that if the facilities are allowed to continue deteriorating the operating costs will increase, capacity will diminish, and, eventually, the facilities will go out of service and cause some disruption. The applicant should document this disruption and its net cost and lost employment (the avoidance of which is the benefit). If the applicant wishes to assert that the full value of the services lost to the port should be credited as a benefit to the proposed project, it should also document that the business would otherwise leave the state; if it would move elsewhere in the state, then the benefit would be the higher costs necessary at the other state location.

In order for your project to be considered for funding, submit the data requested as follows:

TO: Louisiana Department of Transportation and Development, Ports Construction and Development Priority Program, Room 401, Box 94245, Baton Rouge, LA 70804-9245.

BY: 4 p.m. on November 1, 1990.

WHAT: An original and three copies of each application and attachments.

If you need assistance in clarifying the information that is requested, you may contact Dot McConnell at (504) 379-1473.

EXHIBIT A

PORT CONSTRUCTION AND DEVELOPMENT PRIORITY PROGRAM

Instructions for the November 1, 1990 Application Submittal
The following information must be submitted to DOTD by 4 p.m. November 1, 1990:

1. a title page prepared in accordance with the instruction that appear on page 4 of the "Interim Rules and Regulations";

2. a brief discussion to describe the proposed project, project area, anticipated benefits and demonstration of immediate need;

3. preliminary information relating to the project design and cost estimate.

The information submitted at this time can be very preliminary. The purpose of this submittal is to comply with the provisions of Act 452. For funding consideration in FY 91-92, you must supplement this application by filing a complete document prepared in accordance with the Port Construction and Development Priority Program "Interim Rules and Regulations" by 4 p.m. December 3, 1990.

EXHIBIT B

RESOLUTION

A Resolution authorizing the (port authority) to prepare and submit an application to the Louisiana Ports Construction and Development Priority Program for assistance in the implementation of a ports improvements project; providing for the necessary documentation of the need for the ports improvement; and providing for other matters in connection therewith.

WHEREAS, (port authority) has a need for ports improvements; and

WHEREAS, (port authority) desires to apply for state matching funds pursuant to Chapter 47 of Title 34 of the Louisiana Revised Statutes of 1950, as amended, to implement a project to improve its port operation and the (port authority) is fully aware of its obligations under said Statute and the requirements of the interim guidelines; and

WHEREAS, (port authority) is a political body duly organized and existing under the laws of the state of Louisiana and is eligible to apply for funds under said Statute,

NOW, THEREFORE, BE IT RESOLVED by the (port authority) as follows:

Section 1. That at the appropriate time and upon approval of funding assistance and prior to commencement of work on the project (port authority) agrees to execute an Agreement and a Statement of Sponsorship pursuant to the Statute.

Section 2. That (authorized representative) (title) is hereby designated Authorized Representative for (port authority) to effect the preparation of an application to the Louisiana Ports Construction and Development Priority Program for funding assistance of a port improvement project.

Section 3. That said authorized representative's responsibilities shall pertain to technical matters only and shall not include any official act on behalf of the (port authority).

This _____ day of _____, 19_____.

Secretary Presiding Officer
(Port Authority)

I. EVALUATION ANALYSIS

In determining a score to prioritize the request for funds, the following factors will be considered:

- Technical feasibility
Financial feasibility
Economic impacts
Environmental and other impacts
Management of port

A. Technical Feasibility

Indicators of technical feasibility are as follows:

- completeness of project design;
•appropriate consideration of alternatives;
•compatibility of project to port's master plan;
•level of detail of preliminary plans must be adequate to allow award of a construction contract within a year but still allow input from the department;

- item of work as shown in the cost estimate are at a level of detail that may be readily verified.

B. Financial Feasibility

The primary factor in determining financial feasibility is the benefit cost ratio. Other elements are as follows:

- how verifiable are projects of revenue and expenses;
•supporting documentation;
•risk factors.

C. Economic Impacts

The economic impacts are to analyzed by the following:

- the number of permanent jobs created or saved by the port improvement after construction;
•the annual payroll to accommodate these new permanent jobs (may be included in the benefits).

D. Environmental and Other Impacts

The parameters used to evaluate the environmental and other impacts are as follows:

- no adverse impact on significant historical, archaeological, geological features, or environmentally sensitive areas;
•no wetland loss;
•letters of support from legislative delegation;
•no letters of objection.

E. Management of Port

The primary factor in appraising the management of the port is the average return on investment for the last five years.

II. DISTRIBUTION OF FUNDS

The distribution of program funds shall be based on a one-tier system. There shall be a division between deep draft ports and shallow draft ports.

A. Deep Draft Ports

Two-thirds of the Louisiana Ports Construction and Development Priority Program funds shall be allocated to deep draft ports. However, no more than 30 percent of the total amounts of funds available to finance a project in the deep draft port funding group shall be allocated to any single project in a given fiscal year. No port may receive more than 50 percent of the total funds available for allocation to the deep draft port funding group in a given fiscal year.

B. Shallow Draft Ports

Shallow draft ports shall be allocated one-third of the program funds. No more than 30 percent of the total amount of funds available to finance a project in the shallow draft port funding group shall be allocated to any single project in a given fiscal year. No port may receive more than 50 percent of the total funds available for allocation to the shallow draft funding group in a given fiscal year.

C. Redistribution Procedure

If there are insufficient approved applications in a funding group to utilize the program funds in that funding group, then the remaining funds shall be redistributed on a pro rata basis to the other funding groups within its tier. If excess funds remain, they will be redistributed to the other tier. For example, any excess funds in a shallow draft port funding district shall be redistributed to the deep draft ports funding group.

Neil Wagoner
Secretary

DECLARATION OF EMERGENCY

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

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:953(B), notice is hereby given that the Board of Trustees of the State Employees Group Benefits Program adopted an amended fee schedule, effective November 1, 1990.

This emergency adoption is necessary in order to adjust the amounts payable for those fee schedule codes that were identified as incorrect. Failure to adjust these codes to adequately reimburse medical providers could result in services being denied to members of the State Employees Group Benefits Program.

A copy of the Amended Fee Schedule can be viewed at the office of State Employees Group Benefits Program, 5825 Florida Blvd., Baton Rouge, LA.

Tommy D. Teague
Acting Executive Director

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 crocodilian 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 twelve 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 fifty 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 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 a alligator parts dealer license;

(j) \$5 for a 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 game 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 floating 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 1 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 alligators 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 number 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. Non resident alligator hunters may only take three alligator 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 non game 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 non game 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.

6. No person other than a licensed alligator farmer or licensed non game 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.

pervision 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 an 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

1. 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 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 department, 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, Department of Health and Hospitals regulations and 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 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 identify 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 requirements 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 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 of 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 provision of R.S. 49:953(B) of the Administrative Procedure Act, and under the authority of R.S. 56:115, the secretary of this department and the Wildlife and Fisheries Commission finds that an imminent peril to the public welfare exists and accordingly adopts the following rule:

The Experimental Canada Goose Season Hunting Zone Boundary shall be redescribed as follows:

Easterly from the Texas line along Hwy. 12 to Ragley; then easterly along U.S. 190 from Ragley to its junction with I-49 near Opelousas; then south along I-49 to its junction with Hwy. 167 near Lafayette; then south along Hwy. 167 from Lafayette to its junction with Hwy. 82 at Abbeville; then south and west along Hwy. 82 to the Intracoastal Waterway at Forked Island; then westerly along the Intracoastal Waterway from Forked Island to the juncture of the Intracoastal Waterway and the Calcasieu Ship Channel; then south along the west side of the Calcasieu Ship Channel to Hwy. 82 at Cameron, then westerly along Hwy. 82 to the Texas state line. All lands lying within these boundaries shall be open for the Experimental Canada Goose Season EXCEPT all open water of Lake Arthur and the Mermentau River from the Hwy. 14 bridge southward.

This declaration of emergency is necessary because the Louisiana Wildlife and Fisheries Commission has determined that resident flocks of non-migratory Canada Geese may be adversely impacted if the existing zone is not redescribed. This restriction in hunting area will reduce the potential loss of resident, non-migratory Canada Geese which are considered to be domesticated but valuable to the local economy.

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), the Administrative Procedure Act, R.S. 49:967

which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and R.S. 56:317 which provides that the secretary of the department may declare a closed season when it is in the best interest of the state; the secretary of the Department of Wildlife and Fisheries hereby finds that an imminent peril to the public welfare exists and accordingly adopts the following emergency rule.

Effective 12:01 a.m. October 27, 1990 the commercial fishery for King Mackerel in Louisiana waters will close and remain closed until 12:01 a.m. July 1, 1991.

The secretary was notified by the Gulf of Mexico Fishery Management Council and the National Marine Fisheries Service on October 17, 1990 that the commercial King Mackerel quota for the western Gulf of Mexico had been reached and the season closure is necessary to prevent overfishing.

A. Kell McInnis III
Acting Secretary

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S.49:953(B), the Administrative Procedure Act, R.S.49:967 which allows the Wildlife and Fisheries Commission to use emergency procedures to set annual seasons, and R.S. 56:433 which establishes the Wildlife and Fisheries Commission's and the department's responsibility for oyster management; the secretary of the Department of Wildlife and Fisheries, pursuant to resolution passed by the Wildlife and Fisheries Commission on August 3, 1990 at Rockefeller Refuge hereby declares an emergency and adopts the following rule:

The oyster season for the taking of seed oysters on the Public Oyster Seed Grounds east of the Mississippi River will close effective 1/2 hour after sunset on Monday, November 12, 1990. This area will remain open for the harvest of oysters 3" and larger for sacking purposes until further notice.

The oyster season for both bedding and sacking in the area of Vermilion Bay and West Cote Blanche Bay west of a line from Marone Point to Lake Point on Marsh Island and including Southwest Pass at Marsh Island will close 1/2 hour after sunset Monday, November 12, 1990.

A. Kell McInnis III
Acting Secretary

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

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

and R.S. 56:497, the Wildlife and Fisheries Commission adopts the following rule relative to shrimp seasons:

RULE

The fall inshore shrimp season in that portion of Louisiana's inshore waters as defined in R.S. 56:495 from South Pass of the Mississippi River to the Mississippi state line and the shrimp season in Louisiana's offshore territorial waters from the USC&GS Station Gap in Terrebonne Parish at latitude 29° 02' 18" N. longitude 90° 49' 56" W. east to the Mississippi state line will close at 12:01 a.m. December 31, 1990; except that in the area of Louisiana's offshore territorial waters from Bayou Fontanelle (Empire Ship Channel) west to Caminada Pass seaward of three miles from the beach, the season will remain open.

The fall inshore shrimp season in that portion of Louisiana's inshore waters as defined in R.S. 56:495 from South Pass of the Mississippi River to the western shore of Vermilion Bay and Southwest Pass at Marsh Island and the shrimp season in that portion of Louisiana's offshore territorial waters from the USC&GS Station Gap in Terrebonne Parish at latitude 29° 02' 18" N. longitude 90° 49' 56" W. west to the western shore of Southwest Pass at Marsh Island will close at 12:01 a.m. December 1, 1990.

The fall inshore shrimp season in that portion of Louisiana's inshore waters as defined in R.S. 56:495 from the western shore of Vermilion Bay and Southwest Pass at Marsh Island to the Texas state line and the shrimp season in that portion of Louisiana's offshore territorial waters from the western shore of Southwest Pass at Marsh Island to the Texas state line will close at 12:01 a.m. December 21, 1990.

A special directed seabob season is established to begin in that portion of Louisiana's offshore territorial waters from the USC&GS Station Gap in Terrebonne Parish at latitude 29° 02' 18" N. longitude 90° 49' 56" W. east to the Mississippi state line at 12:01 a.m. December 31, 1990 and run through 12:01 a.m. January 31, 1991 and in that portion of Louisiana's offshore waters from the USC&GS Station Gap in Terrebonne Parish at latitude 29° 02' 18" N. longitude 90° 49' 56" W. west to the western shore of Southwest Pass at Marsh Island at 12:01 a.m. December 1, 1990 and run through 12:01 a.m. January 31, 1991 and in that portion of Louisiana's offshore territorial waters from the western shore of Southwest Pass at Marsh Island to the Texas state line at 12:01 a.m. December 21, 1990 and run through 12:01 a.m. January 31 1991. During the special directed seabob season it shall be illegal to take or possess more than 15 percent white shrimp in any cargo lot of seabobs or possess more than 15 percent white shrimp while fishing in Louisiana waters.

Warren I. Pol
Chairman

Rules

RULE

Board of Elementary and Secondary Education

Amendments to Bulletin 741

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

Amendments to Bulletin 741 - *Louisiana School Administrators' Handbook*

Numerous amendments to Bulletin 741 - See August, 1990 issue of the *Louisiana Register* for complete text of amendments.

HISTORICAL NOTE: LR 16: (November 1990)

Em Tampke
Executive Director

RULE

Board of Elementary and Secondary Education

Revisions to Bulletin 1134

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

Revisions to Bulletin 1134 - *Standards and Guidelines for Library Media Programs in Louisiana*

Revisions to Bulletin 1134, with the exclusion of the proposed standard that 20 percent of the total allocation for textbooks be spent solely on library books and supplies, and with the addition of the amendments on pages 12 and 14 offered by the School Library Association. (See August, 1990 issue of the *Louisiana Register* for complete text of standards).

HISTORICAL NOTE: LR 16: (November 1990)

Em Tampke
Executive Director

RULE

Board of Elementary and Secondary Education

Financial Management and Accounting Handbook for School Food Service Programs

(Editor's Note: This rule was inadvertently omitted from the October 20, 1990 *Louisiana Register*.)

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published July 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 1196 School Food Services Program

The Financial Management and Accounting Handbook for School Food Service Programs replaces the Financial Management and Full-Cost Accounting Handbook, published June, 1977.

Em Tampke
Executive Director

RULE

Board of Elementary and Secondary Education

Amendment to Bulletin 1213

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published August 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 1213 - *Minimum Standards for School Buses in Louisiana*

Add an option for using low profile tires on 35-passenger handicapped buses (special education) (225/70 R 19.5).

HISTORICAL NOTE: LR 16: (November 1990)

Em Tampke
Executive Director

RULE

Board of Elementary and Secondary Education

Amendment to Bulletin 1794

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to Notice of Intent published August 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 1794
In the 1990-91 adoption and all other adoptions there-

after, all titles approved through the state textbook adoption process will carry a definite contract not to exceed seven years.

HISTORICAL NOTE: LR 16: (November 1990)

Em Tampke
Executive Director

RULE

Board of Elementary and Secondary Education

Amendment to Bulletin 1794
Textbook Adoption Policy and Procedures

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

Bulletin 1794

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 exceed, 10 percent of the textbook allotment for non-adopted supplementary materials.

Em Tampke
Executive Director

RULE

Board of Elementary and Secondary Education

Amendments to Bulletin 1822

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

Amendments to Bulletin 1822 - *Competency Based Postsecondary Curriculum Outlines*

Amendments to Bulletin 1822 which included changes in titles and course lengths in various vocational-technical programs as listed below:

TITLE	LENGTH
Air Conditioning and Refrigeration	
Residential Heating, A/C and Ref.	1350 Hrs., 12 Mos.
Commercial Refrigeration	1350 Hrs., 12 Mos.
Air Conditioning and Refrigeration	2700 Hrs., 24 Mos.

TITLE	LENGTH
No Change	No Change
No Change	No Change
Drafting and Design Technology Book 1: Basic Drafting Technology	(Instructor Guide Only)
No Change	No Change
No Change	No Change
No Change	No Change
No Change	No Change
No Change	No Change
No Change	No Change
No Change	No Change
No Change	No Change

HISTORICAL NOTE: LR 16: (November 1990)

Em Tampke
Executive Director

RULE

Board of Elementary and Secondary Education

Bulletin 1868-BESE Personnel Manual

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

§922. Personnel Policies

A. Bulletin 1868

1. Bulletin 1868, "Personnel Manual of the State Board of Elementary and Secondary Education" is adopted by the board. Policies in this bulletin apply to personnel under the jurisdiction of the state board in the Board Special Schools; in the entities comprising Special School District No. 1, exclusive of the central office staff; and in entities in the vocational-technical system, exclusive of the assistant superintendent for Vocational Education and related state department staff.

2. These policies apply to unclassified personnel in instances where there are no provisions in federal or state statutes, or resolutions, or gubernatorial executive orders, Division of Administration policies for state agencies, or other controlling rules and regulations affecting unclassified personnel.

3. Classified personnel employed in the schools/agencies/entities under the jurisdiction of the state board are governed by the rules and regulations of the State Civil Service Commission and Bulletin 1868 as applicable.

4. Policies of Bulletin 1868 cover the personnel management areas of: responsibilities and authority; employment; training; discipline; compensation; performance evaluation; reduction in force; employee benefits; grievances; and health, safety, and environmental work factors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(a)(10); 17:6(B); R.S. 17:7(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 16:297 (April 1990); LR 16: (November 1990).

Em Tampke
Executive Director

RULE

Board of Elementary and Secondary Education

Bulletin 1877, *Implementation Guide for LTIP and LaTEP*

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published August 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 §917. Personnel Evaluation Standards and Regulations

B. Bulletin 1877, *Implementation Guide for LTIP and LaTEP*, is adopted, as revised (exclusive of pages 8, 10, 12, 15, 16, 17, 21-28 and 40).

The LTIP/LaTEP Policy and Implementation Guide (which includes the due process component 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.

AUTHORITY NOTE: R.S. 17:3881-3887

HISTORICAL NOTE: LR 16: (November 1990)

Em Tampke
Executive Director

RULE

Board of Elementary and Secondary Education

School Management Software - OSIRIS

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published August 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 §920. School Software Standard

A. OSIRIS to be the statewide standard for school management software.

A standard school management software package will result in: (1) significant cost savings to schools and school districts at no cost to the state for software purchase, maintenance and training; (2) consistent and successful information management capabilities; and (3) improved capacity to transfer data among school sites, school districts, and the state.

AUTHORITY NOTE: R.S. 17.6

HISTORICAL NOTE: LR 16: (November 1990)

Em Tampke
Executive Director

RULE

Board of Elementary and Secondary Education

System for Teaching and Learning Assessment and Review (STAR)

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published August 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 §917. Personnel Evaluation Standards and Regulations

C. STAR - System for Teaching and Learning Assessment and Review

This document, which is an assessment instrument for the Teaching Internship Program (TIP) and Teacher Evaluation Program (TEP) 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.

AUTHORITY NOTE: R.S. 17:3881-3887

HISTORICAL NOTE: LR 16: (November 1990)

Em Tampke
Executive Director

RULE

**Department of Education
Office of Student Financial Assistance
Louisiana Student Financial Assistance Commission
1987 Policy and Procedure Manual and
Loan Program Memoranda (LPM's)**

In accordance with R.S. 49:950 et seq., notice is hereby given that the Louisiana Student Financial Assistance Commission (LASFAC), advertises its intent to repeal its 1984 Policy and Procedure Manual and adopt the 1987 Policy and Procedure Manual and all Loan Program Memoranda (LPM's), issued to date.

Effective January 20, 1990, the manual and its LPM's replace the LASFAC Manual of 1984. The 1987 Manual incorporates provisions of Higher Education Amendments of 1986 (Public Law 99-498) and the United States Department of Education's November 10, 1986, GSL and PLUS Regulations (*Federal Register*, Vol. 51, No. 217, 40886-40947).

The 1987 Policy and Procedure Manual must be adopted to bring LASFAC's policies and procedures into compliance with federal regulations.

LASFAC supplies copies of the 1987 Policy and Procedure Manual and LPM's to schools and lenders participating in the commission's federal guaranteed student loan programs. The manuals are maintained in accordance with federal regulations by the issuance of LPM's.

Jack L. Guinn
Executive Director

RULE

**Department of Environmental Quality
Office of Air Quality and Radiation Protection
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.2101, 2108, 2115, 2121, 2125, 2129, 2143, and 2145.

These rules are being amended to add recordkeeping and testing requirements. Substantive changes have been incorporated into this rule because of comments made by EPA in June, 1990. This amendment will also bring Chapter 21 into conformity with federal regulations.

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

**Chapter 21. Control of Emission of Organic Compounds
Subchapter A - General
§2101. Compliance Schedules**

All facilities affected by the regulations in this Chapter shall be in compliance as soon as practicable but in no event later than one year after becoming an affected facility, except for facilities affected by a different compliance schedule specified in an individual section of this Chapter.

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), amended LR 16: (November 1990).

§2108. Marine Vapor Recovery

A. Applicability

An affected facility is any marine loading operation serving ships and/or barges loading crude oil, gasoline or volatile organic compounds (VOCs) with an uncontrolled emission of 100 tons per year or greater of volatile organic compounds having a true vapor pressure of 1.5 psia or greater at the loading temperature of the liquid.

B. Definitions

Terms used in this Section are defined in LAC 33:III.111 of these regulations with the exception of those terms specifically defined below as follows:

Barge means a tank barge which is a tank vessel not equipped with means of self-propulsion especially constructed or converted to carry liquid bulk cargo in tanks.

Crude Oil means a natural hydrocarbon mixture, that is, petroleum in its unrefined state.

Gasoline means any petroleum distillate or petroleum distillate/alcohol blend having a Reid vapor pressure of 27.6 kilopascals or greater which is used as a fuel for internal combustion engines.

Ship means a tankship which is a tank vessel self-propelled by power especially constructed or converted to carry liquid bulk cargo in tanks.

C. On or after the date specified in LAC 33:III.2108.D.

* * *

4. Alternate procedures to those described in LAC 33:III.2108.C.1, C.2 and C.3 may be used provided:

* * *

D. 1. For loadings of gasoline and other VOCs, except crude oil, each affected facility shall be in compliance with the provisions of this Section as expeditiously as practicable but no later than December 31, 1991. After December 31, 1991, an affected facility shall only be permitted to exceed the emissions to the atmosphere set forth in §2108.C.3 caused by the loading into ships or barges of gasoline and other VOCs except crude oil if:

a. the barge or ship is not equipped with vapor collection equipment;

b. the last internal inspection of the ship or barge listed on its certificate of inspection was prior to July 23, 1990; and

c. the loading which results in the excess emissions occurs before May 1, 1994.

2. For crude oil loadings, each affected facility shall be in compliance with the provisions of this Section as expeditiously as practicable but no later than May 1, 1992. After May 1, 1992, an affected facility shall only be permitted to exceed the emissions to the atmosphere set forth in §2108.C.3 caused by the loading into ships or barges of crude oil if:

a. the barge or ship is not equipped with vapor collection equipment;

b. the last internal inspection of the ship or barge listed on its certificate of inspection was prior to July 23, 1990; and

c. the loading which results in the excess emissions

occurs before May 1, 1994.

3. Any request for an extension of the compliance dates will be considered on a case-by-case basis in response to a written request to the administrative authority and in accordance with LAC 33:III.2119.

E. Test Methods and Procedure

1. For the purpose of determining compliance with the mass emission limitations of LAC 33:III.2108.C.3 the following reference methods shall be used:

* * *

4. The test procedure for determining compliance with LAC 33:III.2108.C.3 shall be that specified below:

* * *

5. The owner or operator may adjust the emission results to exclude the methane and ethane content in the exhaust vent by the chromatographic method shown in Method 25.

F. Reporting and Recordkeeping

1. The results of any testing done in accordance with LAC 33:III.2108.E. shall be reported to the administrative authority within 45 days of the test.

* * *

d. Records on control equipment operating parameters such as monitoring for breakthrough on carbon adsorption devices, pump amperes and temperatures in refrigeration systems.

e. If any loadings are conducted which result in emissions exceeding those listed in §2108.C.3 a record of the name, owner, type and quantity of liquid loaded, the date of loading and the vessel's last internal examination dates listed on its certificate of inspection shall be maintained for three years.

G. Operation and Maintenance

* * *

H. Safety/Emergency

* * *

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 14:705 (October, 1988), as amended LR 16: (November 1990).

§2115. Waste Gas Disposal

* * *

A. Operations Which Commenced Construction Prior To January 20, 1985. Nonhalogenated hydrocarbons shall be burned at 1300°F (704°C) for 0.3 second or greater in a direct-flame afterburner or an equally effective device which achieves a removal efficiency of 95 percent or greater, as determined in accordance with LAC 33:III.2115.J.1, or if emissions are reduced to 50 ppm by volume, whichever is less stringent.

B. Operations Which Commenced Construction on or after January 20, 1985. Nonhalogenated hydrocarbons shall be burned at 1600°F (870°C) for 0.5 second or greater in a direct-flame afterburner or thermal incinerator. Other devices will be accepted provided 98 percent or greater VOC destruction or removal efficiency can be demonstrated, as determined in accordance with LAC 33:III.2115.J.1., or if emissions are reduced to 20 ppm by volume, whichever is less stringent.

C. All waste gas disposal streams containing VOC at the following sources in existing polypropylene plants using

liquid phase processes shall be controlled as specified in LAC 33:III.2115.B above:

* * *

D. All waste gas disposal streams containing VOC at the following sources in existing high-density polyethylene plants using liquid phase slurry processes shall be controlled as specified in LAC 33:III.2115.B above:

* * *

F. The halogenated hydrocarbons shall be combusted or controlled by other methods specified in G below which achieve a removal efficiency of 95 percent or greater, as determined in accordance with LAC 33:III.2115.J.1. If combusted, the halogenated products of combustion shall be reduced to an emission level acceptable to the administrative authority.

G. Other methods of control (such as, but not limited to, carbon adsorption, refrigeration, catalytic and/or thermal reaction, secondary steam stripping, recycling or vapor recovery system) may be substituted for burning provided the substitute is acceptable to the administrative authority* and it achieves the same removal efficiency as required by this Section and determined in accordance with LAC 33:III.2115.J.1 or it achieves a degree of control not practically or safely achieved by other means.

H. Except for waste gas disposal streams subject to LAC 33:III.2115.C, D and E, the administrative authority* may waive the requirements of LAC 33:III.2115 where it can be demonstrated that the waste gas stream is not a part of a facility with total emissions greater than or equal to 100 TPY, or either

1. it will not support combustion without auxiliary fuel; or

2. its disposal cannot be practically or safely accomplished by the means described herein or other equivalent means without causing undue economic hardship; or

3. it is a vent gas stream from a low-density polyethylene plant and no more than 1.1 pounds of ethylene per 1,000 pounds (1.1 kg/1000 kg) of product are emitted from all the vent gas streams associated with the formation, handling and storage of solidified product; or

4. it is a vent gas stream having a combined weight of volatile organic compounds equal to or less than 100 pounds (45.4 kg) in any continuous 24-hour period; or

5. it is a vent gas stream with a concentration of volatile organic compounds less than 0.44 psia true partial pressure (30,000 ppm) except for the parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Pointe Coupee, St. James and West Baton Rouge in which the concentration of volatile organic compounds in the vent gas stream must be less than 0.044 psia true partial pressure (3,000 ppm).

For waste gas disposal streams subject to LAC 33:III.2115.C, D and E the administrative authority* may waive the requirements of LAC 33:III.2115 where it can be demonstrated that the waste gas disposal stream has a concentration of volatile organic compounds no greater than 408 ppm by volume.

I. Test Methods - Compliance with Subsections A, B, E, F, and G of this Section shall be determined by applying the following test methods, as appropriate:

1. Test Methods 1 - 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 determining

gaseous organic compound emissions by gas chromatography;

3. Test Method 25 (LAC 33:III.6085) for determining total gaseous nonmethane organic emissions as carbon;

4. Test Method 25A or 25B (LAC 33:III.6086 or 6087) for determining total gaseous organic concentration using flame ionization or nondispersive infrared analysis; and

5. Modified test methods approved or specified by the administrative authority*.

J. Compliance

All facilities affected by LAC 33:III.2115 shall be in compliance as soon as practicable but in no event later than two years after becoming an affected facility, except for the parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Pointe Coupee, St. James and West Baton Rouge where facilities shall be in compliance no later than one year after becoming an affected facility.

1. Compliance with §2115 shall be demonstrated at the owner/operator's expense as requested by the administrative authority. Such demonstration shall consist of control device destruction efficiency or recovery efficiency testing. Such compliance testing is in addition to the continuous monitoring required under LAC 33:III.2115.J.2.

2. The owner/operator of any facility subject to LAC 33:III.2115 shall install and maintain monitors to accurately measure and record operational parameters of all required control devices as necessary to ensure the proper functioning of those devices in accordance with the design specifications, including but not limited to:

a. the exhaust gas temperature of direct flame incinerators and/or the gas temperature immediately upstream and downstream of any catalyst bed;

b. the breakthrough of volatile organic compounds in a carbon adsorption unit;

c. the total amount of volatile organic compounds recovered by carbon adsorption or other waste gas stream recovery systems during a calendar month;

d. the dates for any maintenance of the required control devices and the estimated quantity and duration of volatile organic compound emissions during such activities; and

e. any other parameters affecting or related to waste gas streams as considered necessary by the administrative authority.

K. Recordkeeping - The owner or operator of any facility subject to LAC 33:III.2115 shall maintain the following information on the premises for at least two years and shall make such information available to representatives of the Department of Environmental Quality and the Environmental Protection Agency upon request:

1. a record for each vent of the results of any testing conducted at the facility in accordance with the provisions specified in Subsections I and J of this Section;

2. the date for any maintenance and repair of required control devices and the estimated quantity and duration of volatile organic compound emissions during such activities;

3. records for each vent required to satisfy the provisions of LAC 33:III.2115.J.2. to demonstrate the proper functioning of applicable control equipment to design specifications.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear

Energy, Air Quality Division, LR 16: (November 1990).

§2121. Fugitive Emission Control

* * *

B. Fugitive Emission Control Requirements

1. No component shall be allowed to leak organic compounds exceeding 10,000 parts per million by volume (ppmv), as defined in LAC 33:III.111, when tested by Method 21 "Determination of Volatile Organic Compound Leaks" in the division's *Source Test Manual*.

Any regulated component observed leaking by sight, sound, or smell must be repaired according to §2121.B.3, regardless of the leak's concentration. This includes flange and connection leaks found per §2121.C.3.b, pump and compressor seal leaks found during the weekly visual inspections, and any other regulated component found leaking.

2. No valve, except safety pressure relief valves, valves on sample lines, valves on drain lines and valves that can be removed and replaced without a shutdown, shall be located at the end of a pipe or line containing volatile organic compounds unless the end of such line is sealed with a second valve, a blind flange, a plug, or a cap. Such sealing devices may be removed only when the line is in use, for example, when a sample is being taken. When the line has been used and is subsequently resealed, the upstream valve shall be closed first, followed by the sealing device.

* * *

C. Monitoring Requirements. The monitoring of the affected components shall be performed by the following schedule using the method described in LAC 33:III.2121.B:

1. Petroleum Refineries, SOCOMI and Polymer Manufacturing Industry.

* * *

b. Monitor with a leak detection device four times per year (quarterly) the following items:

i. compressor seals;

ii. pipeline valves in gas service;

iii. pressure relief valves in gas service;

iv. valves in light liquid service at SOCOMI and Polymer Manufacturing Plants;

v. pumps in light liquid service at SOCOMI and Polymer Manufacturing Plants; and

vi. valves in gas service at SOCOMI and Polymer Manufacturing Plants.

c. Monitor pump seals visually 52 times a year (weekly).

2. Natural Gas Processing Plants.

* * *

b. Monitor with a leak detection device four times a year (quarterly).

i. pumps, pump and compressor seals

* * *

4. Exemptions. Monitoring is not required on the following:

a. Components subject to LAC 33:III.2121.C.1 (SOCMI and polymer manufacturing industry) which contact a process fluid that contains less than 10 percent VOC by volume or components subject to LAC 33:III.2121.C.2 (natural gas processing plants) which contact a process fluid that contains less than 1.0 percent VOC by weight.

b. Components in the SOCOMI and polymer manufacturing industry which contact only a process liquid containing a VOC having a true vapor pressure equal to or less than 0.0435 psia (0.3 kPa) at 68°F (20°C).

c. Pipeline flanges, inaccessible valves, valves that are unsafe to monitor, check valves (including similar devices not externally regulated). Inaccessible valves should be monitored on an annual basis at a minimum. Unsafe-to-monitor valves should be monitored when conditions would allow these valves to be monitored safely, e.g., during shutdown.

d. Pressure relief valves in liquid service at SOCM and polymer manufacturing industry, except after venting.

* * *

5. Alternate Monitoring Program. Any facility which already has in place a fugitive emission monitoring program which controls to a higher degree than required under this Section shall be exempted from the Section upon submittal of a description of the program to the administrative authority*.

* * *

G. Definitions. Terms used in this Section are defined in LAC 33:III.111 of these regulations with the exception of those terms specifically defined below as follows:

Heavy Liquid Service - Equipment that is not in gas/vapor service or is not in light liquid service.

Inaccessible Valve - A valve that cannot be monitored without elevating the monitoring personnel more than two meters above a support surface.

Light Liquid - A fluid with a vapor pressure greater than 0.3 kPa at 20°C.

Light Liquid Service - Equipment in liquid service contacting a fluid greater than 10 percent by weight light liquid.

Liquid Service - Equipment which processes, transfers or contains a VOC or mixture of VOC in the liquid phase.

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), amended LR 16: (November 1990).

* * *

Subchapter C - Vapor Degreasers

§2125. Vapor Degreasers

A. Open Top Vapor Degreasers

No person shall operate or maintain a system utilizing a volatile organic compound for the open top vapor cleaning of objects without a cover that can be opened and closed easily without disturbing the vapor zone.

2. No person shall operate or maintain a system using a volatile organic compound for the open top vapor cleaning of objects without complying with the following operating procedures:

* * *

i. Solvent shall not be sprayed above the vapor level.

j. Solvent leaks shall be repaired immediately or the degreaser shall be shut down.

k. Waste solvent shall not be disposed of or transferred to another party such that greater than 20 percent of the waste (by weight) will evaporate into the atmosphere.

l. Exhaust ventilation shall not exceed 65 cubic feet per minute (CFM) per square foot (ft²) (20 cubic meters per minute per square meter) of degreaser open area, unless necessary to meet OSHA requirements or unless a carbon adsorption system is installed as a major control device. Ventilation fans shall not be used near the degreaser opening.

m. Water shall not be visibly detectable in solvent exiting the water separator.

3. No person shall operate or maintain a system utilizing a volatile organic compound for the open top vapor cleaning of objects without the following safety switches.

a. The following control devices which will automatically shut off sump heat:

i. a condenser flow sensor and thermostat which will detect if the condenser coolant is not circulating or if the condenser coolant temperature exceeds the solvent manufacturer's recommendations;

ii. a solvent level sensor which will detect if the solvent level drops below acceptable design limits;

iii. a vapor level sensor which will detect if the vapor level rises above acceptable design limits.

b. A spray safety switch which will shut off the spray pump if the vapor level drops more than four inches (10 cm) to prevent spraying above the vapor level.

c. One of the following controls:

i. the degreaser shall have a freeboard that provides a ratio (the distance from the top of the vapor level to the top edge of the degreasing tank divided by the degreaser width) equal to or greater than 0.75, and, if the degreaser opening is greater than 10 ft² (1 m²), a powered cover;

ii. the degreaser shall have a properly-sized refrigerated chiller capable of achieving an 85 percent reduction in solvent emissions;

iii. the degreaser shall be of an enclosed design where the cover or door opens only when the dry part is actually entering or exiting the degreaser;

iv. the degreaser shall be equipped with a carbon adsorption system with ventilation equal to or greater than 50 cfm/ft² (15 m³/min per m²) of air/vapor area (when the cover is open) and exhausting less than 25 ppm of solvent by volume averaged over one complete adsorption cycle.

d. A permanent conspicuous label summarizing the operating procedures.

B. Conveyorized Degreasers. No person shall operate or maintain a system utilizing a volatile organic compound for the conveyorized cleaning of objects without complying with the following operation procedures:

1. Exhaust ventilation shall not exceed 65 cfm/ft² (20 m³/min per m²) of degreaser opening, unless necessary to meet OSHA requirements or unless a carbon adsorption system is installed as a major control device. Ventilation fans shall not be used near the degreaser opening.

* * *

7. Downtime covers shall be placed over entrances and exits of conveyorized degreasers immediately after the conveyor and exhaust are shut down and removed just before they are started up.

8. No person shall operate or maintain a system utilizing a volatile organic compound for the conveyorized cleaning of objects without the following controls.

a. One of the following major control devices is required:

i. the conveyorized degreaser shall have a properly-sized refrigerated chiller capable of achieving an 85 percent reduction in solvent emissions;

ii. the conveyorized degreaser shall be equipped with a carbon adsorption system with ventilation equal to or greater than 50 cfm/ft² (15 m³/min per m²) of air/vapor area (when downtime covers are open) and exhausting less than 25 ppm of solvent by volume averaged over one complete adsorption cycle.

b. A condenser flow switch and thermostat which will shut off sump heat if the condenser coolant is not circulating or if the condenser coolant discharge temperature exceeds the solvent manufacturer's recommendations.

c. A spray safety switch which will shut off the spray pump if the vapor level drops more than four inches (10 cm).

d. A drying tunnel or other means such as a rotating (tumbling) basket if space is available to prevent solvent liquid or vapor carry-out.

e. A vapor level control thermostat which will shut off the sump heat when the vapor level rises above the designed operating level.

f. Entrances and exits which silhouette work loads so that the average clearance (between parts and edge of the degreaser opening) is either less than four inches (10 cm) or less than 10 percent of the width of the opening.

g. Downtime covers which close off the entrance and exit during non-operating hours.

h. A permanent conspicuous label summarizing the operating procedures.

C. Cold Cleaning Facilities

1. No person shall operate or maintain a system utilizing a volatile organic compound for the cold cleaning of objects without a cover that can be opened or closed easily.

If the solvent volatility is greater than 2.3 kPa (0.6 psi) measured at 38°C (100°F) or if the solvent is heated to above 50°C (120°F) one of the following control devices must be installed:

a. freeboard that gives a freeboard ratio greater than or equal to 0.7; or

b. water cover (solvent must be insoluble in and heavier than water); or

c. other systems of equivalent control, such as a refrigerated chiller or carbon adsorption, approved by the administrative authority.

* * *

i. Exhaust ventilation shall not exceed 65 cfm/ft² (20 m³/min per m²) of degreaser open area, unless necessary to meet OSHA requirements or unless a carbon adsorption system is installed as a major control device. Ventilation fans shall not be used near the degreaser opening.

j. Water shall not be visibly detectable in a solvent exiting the water separator.

D. Exemptions. Except as required in the paragraph below, a vapor degreaser emitting 100 pounds (45 kilograms) or less of VOC in any consecutive 24-hour period (uncontrolled) is exempt from the provisions of this Section provided the total emissions from all the vapor degreasers at the facility combined are less than 100 tons/year of VOC, uncontrolled. If these two conditions are not met, the provisions of LAC 33:III.2125 must apply.

For East Baton Rouge and West Baton Rouge Parishes, the requirements of this Section apply to all solvent metal cleaners, except as follows:

1. Open top degreasers with an open area smaller than 10.8 ft² (1 m²) shall be exempt from the requirements of §2125.A.3.c.ii and §2125.A.3.c.iv.

2. ConveyORIZED degreasers with an air/vapor interface smaller than 21.6 ft² (2.0 m²) shall be exempt from the requirements of §2125.B.8.a.

E. Test Methods. Compliance with this Section shall be determined by applying the following test methods, as applicable:

1. ASTM Test Method D 323-82 for determining Reid Vapor Pressure.

2. Test Methods I through 4 (LAC 33:III.6001, 6003, 6009 and 6013) for determining flow rates.

3. Test Method 18 (LAC 33:III.6071) for determining gaseous organic compound emissions by gas chromatography.

4. Test Method 25 (LAC 33:III.6085) for determining total gaseous nonmethane organic emissions as carbon.

F. Recordkeeping Requirements. The owner or operator of any solvent metal cleaning operation shall maintain the following records at the facility for at least two years:

1. the amount and type of solvent purchased each month;

2. the amount and type of waste solvent disposed of each month;

3. a record of control equipment maintenance, such as replacement of the carbon in a carbon adsorption unit, when applicable; and

4. the results of all tests conducted at the facility in accordance with the requirements described in LAC 33:III.2125.E.

G. Sources affected by this Section shall achieve compliance as expeditiously as possible but in no event later than 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 LR 16: (November 1990).

Subchapter E - Perchloroethylene Dry Cleaning Systems §2129. Perchloroethylene Dry Cleaning Systems

A. Control Requirements

1. There shall be no liquid leakage of volatile organic compounds from any perchloroethylene dry cleaning system. Liquid leakage shall be determined by visual inspection at least weekly of the system components which include, but are not limited to, the following:

a. hose connections, unions, couplings and valves;

b. machine door gasket and seating;

c. filter head gasket and seating;

d. pumps;

e. base tanks and storage containers;

f. water separators;

g. filter sludge recovery;

h. distillation units;

i. diverter valves;

j. saturated lint from lint basket;

k. cartridge filters.

If leaks are detected they must be repaired within 15 working days.

2. Vaporized perchloroethylene shall be handled in equipment and transfer lines that have no vapor leakage.

a. All system components shall be visually inspected at least weekly for leaks.

b. Leaks will be tested using methods specified in LAC 33:III.2129.C.

c. If leaks are detected, they must be repaired within 15 working days.

* * *

C. Compliance. Compliance with §2129 shall be de-

terminated 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 of volatile organic compounds leaks;

4. Test Method 25 (LAC 33:III.6085) for determining total gaseous nonmethane organic emissions as carbon;

5. Additional performance test procedures, or equivalent test methods, approved by the administrative authority*.

D. Recordkeeping. The owner/operator of any perchloroethylene dry cleaning plant shall maintain records to verify compliance with or exemption from §2129. The records will be maintained for at least two years and will include, but not be limited to, the following:

1. a record of control equipment maintenance, such as replacement of the carbon in a carbon adsorption unit;

2. a record of the results of visual leak inspections conducted in accordance with LAC 33:III.2129.A;

3. testing, sampling and analysis data to document compliance with LAC 33:III.2129.A and C.

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), amended LR 16: (November 1990).

Subchapter H - Graphic Arts

§2143. Graphic Arts (Printing) by Rotogravure and Flexographic Processes

A. Control Requirements. No person shall operate or allow the operation of a packaging rotogravure, publication rotogravure, or flexographic printing facility unless volatile organic compound emissions are controlled by one of the following methods:

1. The volatile organic compound fraction of ink, as it is applied to the substrate, less water and exempt solvent, contains 25 volume percent or less of organic solvent and 75 volume percent or more of water. Also acceptable as an alternative limit is ink containing no more than 0.5 pounds of volatile organic compounds per pound of solids.
* * *

3. The ink as it is applied to the substrate, less water and exempt solvent, contains 60 percent by volume or more of nonvolatile material.
* * *

5. Line-by-line compliance with the emission limits or control requirements of this rule is required. Any cross-line averaging or bubbling must receive approval from the administrative authority*.

B. Exemptions. A rotogravure or flexographic printing facility which has a potential to emit on an uncontrolled basis at full production (8760 hours per year basis) a combined weight of volatile organic compounds less than 100 TPY calculated from historical records of actual consumption of ink is exempt from the provisions of LAC 33:III.2143.A. Once a facility exceeds this exemption threshold it is subject to the provisions of LAC 33:III.2143.A and remains so regardless of future variations in production.

C. Compliance. The owner/operator of any facility subject to LAC 33:III.2143 shall install and maintain monitors to accurately measure and record operational parameters of all required control devices as necessary to ensure the proper functioning of those devices in accordance with the design specification.

Compliance with this Section shall be determined by certification from the ink manufacturer concerning the solvent makeup of the ink or by applying the following test methods as appropriate:

1. Test Method 24 (LAC 33:III.6083) for determination of volatile matter content, water content, density volume solids and weight of solids;

2. Test Methods 1 through 4 (LAC 33:III.6001, 6003, 6009 and 6013) for determining flow rates;

3. Test Method 25 (LAC 33:III.6085) for determining total gaseous nonmethane organic emissions as carbon; and

4. Capture efficiency test by a method approved by the administrative authority*.

D. Recordkeeping. The owner or operator of any graphic arts facility shall maintain records at the facility to verify compliance with or exemption from LAC 33:III.2143. The records shall be maintained for at least two years and will include, but not be limited to, the following:

1. Records of any testing done in accordance with LAC 33:III.2143.C. records of operational parameters of control devices including:

a. the exhaust gas temperature of direct-flame incinerators and/or the gas temperature immediately upstream or downstream of any catalyst bed;

b. the total amount of volatile organic compounds recovered by carbon adsorption or other solvent recovery systems during a calendar month;

c. the dates for any malfunctions of a required control device and the estimated quantity and duration of volatile organic compound emissions during the upset period; and

d. continuous monitoring for breakthrough of a carbon adsorption bed.

3. Material data sheets which document the volatile organic compound content, composition, solids content, solvent density and other relevant information regarding each ink or coating used.

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), amended LR 16: (November 1990).

Subchapter I - Pharmaceutical Manufacturing Facilities

§2145. Pharmaceutical Manufacturing Facilities

A. Reactors, Distillation Operations, Crystallizers, Centrifuges, and Vacuum Dryers. The owner or operator of a synthesized pharmaceutical manufacturing facility subject to this regulation shall control the volatile organic compound emissions from all reactors, distillation operations, crystallizers, centrifuges and vacuum dryers that have the potential to emit prior to control 15 pounds per day (6.8 kg/day) or more of VOC. Surface condensers or equivalent controls shall be used, provided that:

1. If surface condensers are used, the condenser outlet gas temperature must not exceed:
* * *

c. 32°F (0°C) when condensing VOC of vapor pres-

sure greater than 1.5 psia (10.0 KPA),

* * *

E. Volatile Organic Compound Leaks. The owner or operator of a synthesized pharmaceutical manufacturing facility subject to this regulation shall repair all leaks from which a liquid containing VOC can be observed running or dripping. The repair shall be completed the first time the equipment is off line for a period of time long enough to complete the repair but in no event later than 15 days after observation.

F. Compliance. The owner/operator of any facility subject to LAC 33:III.2145 shall install and maintain monitors to accurately measure and record operational parameters of all required control devices as necessary to ensure the proper functioning of those devices in accordance with the design specifications.

Compliance with this Section shall be determined by applying the following test methods as applicable:

1. ASTM Test Method D328-82 for determining Reid Vapor Pressure.

2. Test Methods 1 - 4 (LAC 33:III.6001, 6003, 6009 and 6013) for determining flow rates.

3. Test Method 18 (LAC 33:III.6071) for determining gaseous organic compound emissions by gas chromatography.

4. Test Method 24 (LAC 33:III.6085) for determining total gaseous nonmethane organic emissions as carbon.

G. Recordkeeping. The owner or operator of a pharmaceutical manufacturing facility shall maintain the following records at the facility for at least two years:

1. the results of all tests conducted in accordance with LAC 33:III.2145.F;

2. records of surface condenser outlet gas temperatures;

3. records of operational parameters of other control devices;

4. the dates and reasons for any control device malfunction and estimate of resultant VOC emissions.

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), amended LR 16: (November 1990).

J. Terry Ryder
Assistant Secretary

RULE

Office of the Governor
Division of Administration
Commissioner's Office

Title 4

ADMINISTRATION

Part V. Policy and Procedure Memorandum

Chapter 15. General Travel Regulations — PPM No. 49

Subchapter A. Introduction

§1501. Authorization and Legal Basis

A. 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 November 20, 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.

B. 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."

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 6:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16: (November 1990).

§1503. General Specifications

A. Department Policies

1. 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.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16: (November 1990).

§1505. Claims for Reimbursement

A. 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.

B. 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.

C. 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.

D. 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.

E. 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.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16: (November 1990).

Subchapter B. Definitions

§1507. 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, undersecretary, 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 circumstances 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.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16: (November 1990).

Subchapter C. 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.

§1509. Air

A. 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.

B. 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.

C. 1. Chartering a privately-owned aircraft must be in accordance with the Procurement Code.

2. 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.

3. 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.

D. 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.

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

2. 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.

3. 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.

4. 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.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16: (November 1990).

§1511. Motor Vehicle

A. 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.

B. 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 pur-

chasing 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.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16: (November 1990).

§1513. 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. For each transaction over \$15, a receipt is required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16: (November 1990).

Subchapter D. Lodging and Meals

§1515. Reimbursements

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 expenses 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)

1. 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	\$10	\$16
	\$21	\$30

2. 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.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16: (November 1990).

Subchapter E. Other Expenses

§1517. 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. For each transaction over \$5, a receipt is required.

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).

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16: (November 1990).

§1519. 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 commissioner of administration;

d. receipts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16: (November 1990).

§1521. International Travel

A. 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.

B. 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.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16: (November 1990).

§1523. Waivers

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16: (November 1990).

Dennis Stine
Commissioner

RULE

**Department of Health and Hospitals
Office of Public Health**

In accordance with the notice of intent published in the August 20, 1990 issue of the *Louisiana Register*, the Department of Health and Hospitals, Office of Public Health announces the adoption of the following fee: In accordance with R.S. 40:5.6, a fee of \$75 is hereby established for the collection and analysis of bacteriological water samples from individual, privately owned water wells when requested to do so by and in agreement with the owner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:5.6 (Act 213 of 1990).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health in LR 16: (November 1990).

David L. Ramsey
Secretary

RULE

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

RULE

LAC 48:6707 is amended to read as follows:

A. All new construction, other than minor alterations, shall be done in accordance with the specific requirements of the state fire marshal and the Department of Health and Hospitals covering new construction in hospitals, including submission of preliminary plans and the submission of final working drawings and specifications to each of these agencies.

B. No new hospital shall hereafter be constructed, nor shall major alterations be made to existing hospitals, without the prior written approval of, and unless in accordance with plans and specifications approved in advance by the Department of Health and Hospitals. The review and approval of plans and specifications shall be made in accordance with the publication entitled "Guidelines for Construction and Equipment of Hospital and Medical Facilities 1987 Edition" published by the American Institute of Architects Press, Box 753, Waldorf, MD. 20601.

C. Before any new hospital is licensed or before any alteration or expansion of a licensed hospital can be approved, the applicant must furnish one complete set of plans and specifications to the Department of Health and Hospitals and one complete set of plans and specifications to the state fire marshal, together with fees and other information as may be required. Plans and specifications for new construction other than minor alterations shall be prepared by or under the direction of a licensed architect and/or a qualified licensed engineer.

D. In the event that submitted materials do not appear to satisfactorily comply with the "Guidelines for Construction and Equipment of Hospital and Medical Facilities - 1987 Edition", the Department of Health and Hospitals shall furnish a letter to the party submitting the plans which shall list the particular items in question and request further explanation and/or confirmation of necessary modifications.

E. Notice of satisfactory review from the Department of Health and Hospitals and the state fire marshal constitutes compliance with this Part if construction begins within 180 days of the date of such notice. This approval shall in no way permit and/or authorize any omission or deviation from the requirements of any restrictions, laws, regulations, ordinances, codes or rules of any responsible agency.

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 May 1, 1990 and published in the *Louisiana Register*, Vol. 16, No. 5, page 387 on May 20, 1990 relative to this provision, and the emergency rule was readopted effective August 30, 1990 and published in the *Louisiana Register*, Vol. 16, No. 9, page 752 on September 20, 1990. The rule was published as a notice of intent on August 20, 1990 (Vol. 16, No. 8, page 720).

RULE

Medically necessary physical therapy, occupational therapy, and speech therapy required for maintenance of optimum functional levels shall be reimbursed under the EPSDT Health Services Program when such services are rendered to Medicaid-eligible recipients under the age of 21. Prior authorization for these services shall be required and a determination of medical necessity shall be made by the Bureau of Health Services Financing prior to approval.

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 June 29, 1990 and published in the *Louisiana Register*, Vol. 16, No. 7, page 587 on July 20, 1990 relative to this provision. The rule was published as a notice of intent on August 20, 1990 (Vol. 16, No. 8, page 719).

RULE

Screening services 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

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 May 1, 1990 and published in the *Louisiana Register*, Vol. 16, No. 5, page 386 on May 20, 1990 relative to this provision, and the emergency rule was readopted effective August 30, 1990 and published in the *Louisiana Register*, Vol. 16, No. 9, page 755 on September 20, 1990. The rule was published as a notice of intent on August 20, 1990 (Vol. 16, No. 8, page 721).

RULE

Medically necessary durable medical equipment required for Medicaid-eligible recipients under the age of 21 shall be reimbursed when required to treat a medical condition. Prior authorization for these products shall continue to be required and a determination of medical necessity shall be made by the Bureau of Health Services Financing prior to approval. As durable medical equipment and related services are identified by the bureau, providers shall be given written notification. Rates for such equipment and related services shall continue to be set under the established methodology approved by the federal government. The bureau shall provide updated lists to provider and local offices.

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 July 20, 1990 and published in the *Louisiana Register*, Vol. 16, No. 8, page 672 on August 20, 1990 relative to this provision. The rule was published as a notice of intent on August 20, 1990 (Vol. 16, No. 8, page 722).

RULE

**Pharmacy Services
Drug Coverage Limits**

Reimbursement for multi-source prescription drugs shall be limited in accordance with state and federal law, rules and regulations pertaining thereto, with the following exception:

Reimbursement shall be provided for any drug prescribed by a physician that, in his professional judgment and within the lawful scope of his practice, he considers appropriate for the diagnosis and treatment of the patient with the following limitations:

The prescribed drug has been approved and designated as safe and effective by the Food and Drug Administration;

The prescribed drug is not classified as a DESI Drug (Drugs which have been identified by the FDA as lacking evidence of safety/effectiveness);

The prescribed drug is not a compounded prescription (mixtures of two or more ingredients);

The prescribed drug is not a narcotic prescribed only for narcotic addiction;

The prescription is not for medications which are included in the reimbursement to Title XIX facilities, including but not limited to:

1. hospitalized recipients;
2. recipients receiving benefits under Part A of Title XVIII in a Skilled Nursing Facility; or
3. resident/patients at Villa Feliciana or any state mental hospital.

The prescribed drug is a cosmetic drug, anorexic, cough and cold preparation, minor tranquilizer, or nonprescription drug that is recommended for coverage by the Medicaid Drug Committee and approved by the department for reimbursement;

The prescribed drug is included in the classification experimental drugs, which are generally labeled: "Caution - limited by Federal Law to investigational use," a specific exception has been granted by the federal government, and the prescription drug has been recommended for coverage by the Medicaid Drug Program Committee and approved by the department;

The prescribed drug is an Immunosuppressant drug prescribed and billed to Medicare within one year from the date of the transplant for a Title XIX recipient who has Medicare Part B coverage;

The prescribed drug is an Immunosuppressant drug covered by Medicare Part B which is prescribed for a Non-Transplant Patient with Medicare Part B coverage and identified in the Title XIX provider manual as subject to special billing procedures. Payment shall be made only when billing requirements are met. Requirements may include provision of a physician statement (or copy) verifying the diagnosis attached to each claim submitted.

Coverage Listing

A complete listing of covered drugs will be maintained in the Title XIX provider manual for utilization by providers. The bureau's fiscal intermediary will provide coverage information on any specific drug. Providers should contact the fiscal intermediary's provider relations unit when a specific coverage question arises.

Exclusions

The Title XIX provider manual shall include a listing of examples of prescribed medications and/or supplies which are not payable under pharmaceutical services of the Medical Assistance Program.

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 May 1,

1990 and published in the *Louisiana Register*, Vol. 16, No. 5, page 387 on May 20, 1990 relative to this provision, and the emergency rule was readopted effective August 30, 1990 and published in the *Louisiana Register*, Vol. 16, No. 9, page 754 on September 20, 1990. The rule was published as a notice of intent on August 20, 1990 (Vol. 16, No. 8, page 723).

RULE

The following limitations on services shall not apply to Medicaid-eligible recipients under the age of 21:

- Inpatient Hospitalization Stay Limits
- Outpatient Hospital Emergency Room Limits
- Physician Office Visit Limits
- Physician Hospital Visit Limits
- Home Health Annual Visit Limits
- Home Health Daily Limits on Nursing and Nurse Aide Services

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 May 1, 1990 and published in the *Louisiana Register*, Vol. 16, No. 5, page 388 on May 20, 1990 relative to this provision, and the emergency rule was readopted effective August 30, 1990 and published in the *Louisiana Register*, Vol. 16, No. 9, page 756 on September 20, 1990. The rule was published as a notice of intent on August 20, 1990 (Vol. 16, No. 8, page 724).

RULE

Vision and hearing services for Medicaid-eligible Early and Periodic Screening, Diagnosis, and Treatment recipients under the age of 21 shall be performed according to distinct periodicity schedules which meet reasonable standards of medical practice, as determined after consultation with recognized medical organizations involved in child health care.

David L. Ramsey
Secretary

RULE

**Department of Public Safety and Corrections
Office of State Police**

**Title 33
ENVIRONMENTAL QUALITY**

**Part V. Hazardous Waste and Hazardous Materials
Subpart 2. Department of Public Safety and Corrections -
Hazardous Materials**

**Chapter 101. Hazardous Materials Information Develop-
ment, Preparedness, and Response Act**

**§10101. Declaration of Authority, Background, Policy and
Purpose**

A. The following rules are hereby promulgated pursuant to the authority provided in R.S. 30:2361-2379 regarding the Hazardous Materials Information Development, Preparedness, and Response Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2361 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 12:327 (May 1986), amended LR 13:184 (March 1987), LR 13:758 (December 1987), LR 14:801 (November 1988), LR 16: (November 1990).

§10105. Definitions

A. The following terms as used in this Chapter shall have the following meanings:

6. *Hazardous material* means any substance deemed a hazardous material and included on the most recent list developed as a result of the Comprehensive Environmental Response Compensation Liability Act or certain substances included on the most recent United States Department of Transportation Hazardous Material List. Hazardous material also means any substance designated by the deputy secretary in these rules or, on recommendation by the commission, which meets criteria established for adding other materials to the list or any material deemed a physical or health hazard in the Occupational Safety and Health Act (OSHA) as found in 29 CFR Part 1910.1200 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2361 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 12:327 (May 1986), amended LR 13:184 (March 1987), LR 13:759 (December 1987), LR 14:801 (November 1988), LR 16: (November 1990).

§10107. Alternate Means of Compliance

A. - B. ...

C. Reporting Procedures (Alternate Means of Compliance)

1. - 2. ...

3. Pipelines (not within the fenceline of a facility)

a. One inventory form will be submitted for each parish. The form must list all pipelines operated by a facility in that parish, and must show the name of the material carried, the diameter, and the maximum operating pressure for each listed pipeline.

b. A map for each parish indicating the location of each pipeline and transmission and control station must be

provided by each company to the Emergency Response Commission and the Local Emergency Planning Committee. If the pipeline is shown on the most current Dewitt map, no map submission is required. Facilities are responsible for updating any changes in location of pipelines and/or product by submitting new map(s). If a facility has already submitted a map to the Emergency Response Commission and the Local Emergency Planning Committee, and there are no changes, the annual map submission is not necessary.

c. Natural gas distribution lines are exempt from this inventory reporting. Distribution lines are those pipes that carry the gas to individual buildings, residences, etc.

d. Crude oil and natural gas gathering lines are exempt from inventory reporting under these rules. Gathering lines are those pipelines eight inches or less in nominal diameter that transport petroleum and natural gas from a production facility to the main pipeline.

e. All releases, including those from natural gas distribution lines and crude oil and natural gas gathering lines must be reported immediately to the Local Emergency Planning Committee and the Emergency Response Commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2361 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 12:327 (May 1986), amended LR 13:184 (March 1987), LR 13:759 (December 1987), LR 14:802 (November 1988), LR 16: (November 1990).

§10109. Inventory Reporting

A. All substances listed on the list of "Extremely Hazardous Substances" as found in 40 CFR Part 355 Appendix A, now in effect or amended hereafter, must be reported for the prior calendar year beginning January 1 and ending December 31, on an inventory form by March 1, 1988, and annually thereafter, if the material is present on site on any single day in amounts of 500 pounds or more or the listed threshold quantity if lower than 500 pounds. The list of Extremely Hazardous Substances in effect at the time of this writing will be published as an addendum to these rules. The threshold (inventory) quantity (TQ) for each of these materials is indicated (in pounds) in the column to the right of the material marked "Threshold Inventory Quantity (TQ)." Where a material shows a threshold (inventory) quantity (TQ) listed as 10/500 or 100/500 etc., it is reportable as follows: The lower number is the reportable amount if the material is a solid existing in powdered form and has a particle size less than 100 microns; or is handled in solution or in molten form; or meets the criteria for a National Fire Protection Association (NFPA) rating of 2, 3, or 4 for reactivity. If the solid does not meet any of these criteria, it is subject to the higher inventory reporting threshold.

B. Any material for which a facility must prepare or maintain a Material Safety Data Sheet (MSDS) under the Occupational Safety and Health Administration (OSHA) Hazard Communication Standard (as listed in 29 CFR 1910.1200 et seq.) must be reported, for the prior calendar year beginning January 1 and ending December 31, on an inventory form annually beginning March 1, 1988, if the material is present at a facility in threshold (inventory) quantities (TQ) of 500 pounds or more on any single day.

C. The materials regulated by Part B above of these rules are also regulated under the inventory reporting provi-

sion of Section 312 of Title III of the Superfund Amendments and Reauthorization Act. Incorporated in the federal reporting provisions was an initial temporary threshold for reporting quantities of these materials such that for 1987, 1988 and 1989 inventory quantities which met or exceeded 10,000 pounds were reportable. In 1990, EPA published its final threshold regulations setting the final threshold (inventory) quantity for 1990 and beyond at 10,000 pounds. In this area, the Louisiana law and federal law differ. The state requires reporting of all regulated materials at the 500-pound level unless the threshold quantity for an extremely hazardous substance is lower.

D. Mixtures will be reported as follows: If a chemical is part of a mixture, you have the option of reporting either the weight of the entire mixture or only the portion of the mixture that is a particular hazardous chemical (e.g. if a hazardous solution weighs 100 pounds but is composed of only five percent of a particular hazardous chemical, you can indicate either 100 pounds of the mixture or five pounds of the chemical.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2361 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 12:327 (May 1986), amended LR 13:184 (March 1987), LR 13:760 (December 1987), LR 14:803 (November 1988), LR 16: (November 1990).

§10111. Release Reporting

A. A release of any of the following substances must be reported immediately if the release meets or exceeds the (release) reportable quantity (RQ) established for that substance by the appropriate federal agency and the release escapes beyond the site of the facility. Also the release of a material regulated by the Occupational Safety and Health Administration's Hazard Communication Standard as found in 29 CFR 1910.1200 et seq., must be reported if any quantity escapes beyond the site of a facility. (NOTE: RQ's are not established for the OSHA materials. Therefore, any quantity that escapes the site of a facility would be reportable unless the material is also regulated by any of the lists mentioned in Paragraphs 1, 2 and 3 below - in which case, the RQ would prevail.) Therefore, regulated materials are as follows:

1. any material and its RQ appearing on the most current list of Extremely Hazardous Substances as established by the Environmental Protection Agency (40 CFR Part 355, Appendix A);

2. any material and its RQ appearing on the most current list of CERCLA Hazardous Substances as established by the Environmental Protection Agency (40 CFR Part 302, Table 302.4);

3. any material and its RQ appearing on the most current list of Hazardous Substances and Reportable Quantities as established by the Department of Transportation, Research and Special Programs Administration (49 CFR Part 172, Appendix to 172.101);

4. any material which is regulated under the Occupational Safety and Health Administration's Hazard Communication Standard as found in 29 CFR 1910.1200 et seq., and does not appear on any of the lists found in Paragraphs 1, 2, or 3 above must be reported if the material escapes beyond the site of the facility.

5. however, facilities must report immediately any on-site incidents involving injury (requiring hospitalization) or

any death resulting from an accident involving any of the materials regulated under Paragraphs 1, 2, 3 or 4 above.

B. All releases as defined above must be reported immediately. They must be reported to:

1. Emergency Response Commission via Office of State Police, Transportation and Environmental Safety Section using the Hazardous Materials Hotline phone number 504/925-6595 (collect calls accepted 24 hours a day);

2. local emergency planning committee with jurisdiction over a facility;

3. depending on the nature of the material and medium into which the release occurs, other agencies such as the State Department of Environmental Quality (DEQ), National Response Center (NRC), Environmental Protection Agency (EPA), Coast Guard, etc., may need to be notified. Facilities and transporters are responsible for determining the appropriate parties to be contacted.

C. Facilities must also make follow-up written reports for all releases within five days after the release occurs. This report must be made to the Local Emergency Planning Committee with jurisdiction over a facility and to the Emergency Response Commission via the Department of Public Safety and Correction, Office of State Police, Transportation and Environmental Safety Section, Box 66614, Baton Rouge, LA 70896. The format for this report should be as outlined in Title III of the Superfund Amendments and Reauthorization Act (SARA).

D. As per the authority granted in R.S. 30:2376, the Office of State Police - Transportation and Environmental Safety Section will coordinate emergency response activities arising as a result of releases of material regulated by these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2361 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 12:327 (May 1986), amended LR 13:184 (March 1987), LR 13:761 (December 1987), LR 14:803 (November 1988), LR 16: (November 1990).

§10117. Failure to Report: Penalties

A. Failure to report any regulated material, as provided in these rules and under the authority of R.S. 30:2361-2379, may result in the levying of Civil Penalties up to \$25,000 for each regulated hazardous material not reported and/or for each non-reported release of a regulated hazardous material.

B. The burden of proof shall be on the owner or operator of a facility to show that the failure to report a hazardous material or release was inadvertent.

C. Small businesses, as defined by these rules, which have any omission from the inventory reporting forms will receive, on first offense, a warning rather than a Civil Penalty.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2361 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 12:327 (May 1986), amended LR 13:184 (March 1987), LR 13:762 (December 1987), repromulgated LR 14:804 (November 1988), amended LR 16: (November 1990).

§10119. Inventory Form

The "Tier Two - Emergency and Hazardous Chemical Inventory" form is the official inventory form for compliance with R.S. 30:2361-2379 - Louisiana's Right-to-Know law and

is the form selected by the Louisiana Emergency Response Commission for inventory reporting as required under Section 312 of SARA. When filling out the Tier Two inventory form, follow all applicable instructions printed on the form. The form has been slightly modified in Louisiana to accommodate certain materials regulated in this state that may not be regulated under federal law. See the supplemental instructions included with the Tier Two form for details. The inventory form can be obtained upon request to the Department of Public Safety and Corrections, Office of State Police, Transportation and Environmental Safety Section, Box 66614, Baton Rouge, LA 70896.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2361 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 12:327 (May 1986), amended LR 13:184 (March 1987), LR 13:762 (December 1987), LR 14:804 (November 1988), LR 16: (November 1990).

Kendall J. Fellon
Lieutenant

RULE

Department of Social Services Rehabilitation Services

The Department of Social Services, has adopted the following rule to amend the State Use Law.

Modifications required for the continuation and implementation of the State Use Law are as follows:

RULE

Effective November 1, 1990, the following modifications of the State Use Law are as follows:

1. The purpose of this program is to further the state of Louisiana/DSS policy of encouraging and assisting citizens with disabilities to achieve maximum personal independence by engaging in useful and productive activities, to furnish products and services to the state, and to reduce the need for institutionalization. This program will provide job opportunities for persons with severe disabilities thereby reducing their need for financial and other forms of assistance from government.

2. The program for the Purchase of Products and Services of Severely Disabled Persons is designed to facilitate R.S. 39:1595.4, Act 109 of 1984 which provides that: every governmental body shall give preference in its purchasing practices to goods manufactured and services performed by individuals with severe handicaps in state operated and state supported sheltered workshops, and Act 291 of 1986, R.S. 39:1594(l) which allows for competitive sealed bidding.

Exemption. Purchases of goods manufactured by or services performed by individuals with severe handicaps in state operated or state supported workshops as defined in R.S. 39:1595.4 shall be exempt from the provisions of this Section.

3. The Council on the Purchase of Products and Services of Severely Disabled Persons, established by the secretary of the Department of Social Services (DSS) shall be

responsible for the implementation, policies, supervision, and monitoring of the program.

4. All suitable products or services approved by the council in accordance with applicable specifications by or for any state agency shall be procured from such nonprofit workshops where such products or services are available within the period specified at the fair market price unless otherwise excluded.

May Nelson
Secretary

RULE

Department of Social Services Rehabilitation Services

The Department of Social Services, Rehabilitation Services, has adopted the rule to amend the Three-Year State Plan for the Vocational Rehabilitation Services Program and State Plan Supplement for the Supported Employment Services Program under the Rehabilitation Act of 1973, as amended.

Summary

Modifications required for the Fiscal Year 1989-91 Three-Year State Plan.

Effective November 1, 1990, the following required updates are:

(1) 8.4A — Methods to Expand and Improve Services to Individuals with the most Severe Handicaps.

(2) 9.7(b) (a) — Designated State Unit's Plans, Policies, and Methods Relating to Transition from School to Work.

(3) 1.7A — Description of Quality, Scope and Extent of Supported Employment Services.

(4) 1.8A — State's Goals and Plans Regarding Distribution of Funds Received under Title VI, Part C.

(5) 8.3A — Order of Selection, Goals for Service Delivery.

The Three-Year State Plan is available at the office of the State Register, 900 Riverside Mall, Room 512, Baton Rouge, LA and also at the Department of Social Services, Rehabilitation Services, 755 Riverside Mall, Room 228, Baton Rouge, LA.

May Nelson
Secretary

Notices of Intent

NOTICE OF INTENT

Department of Agriculture and Forestry Agricultural Finance Authority

The Louisiana Agricultural Finance Authority (LAFA), an agency of the Department of Agriculture and Forestry, does hereby give notice in accordance with law that it intends to promulgate regulations pursuant to its authority under L.R.S. 3:266(4). The proposed regulations will establish the terms and conditions by which LAFA may purchase or contract to purchase and sell or contract to sell agricultural loans by lending institutions with funds derived from the sale of Securitized Agricultural Revenue Bonds Series 1986A.

Statements of the fiscal and economic impact of the intended action are attached.

Inquiries regarding the proposed regulations should be addressed to Frank Millican, Box 44184, Capitol Station, Baton Rouge, LA 70804-4184. Interested persons may present their views on the proposed regulations by writing to Mr. Millican at the above address within 60 days of the date of publication in the *Louisiana Register*.

Copies of the proposed rules copies can be viewed at 5825 Florida Blvd., Room 1153 and also at the office of the State Register, 900 Riverside N., Room 512.

Bob Odom
Commissioner

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: LAFA Securitized Agricultural Revenue Bond Program

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no implementation cost involved in implementing this program.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This program involves the use of agricultural bonds already authorized and issued. \$150,000,000 of bonds were issued in September, 1986 with money available for use any time. Until now there has been no demand due to a change in the money markets and rules for the administration of the program were not necessary. There has become a demand for this money that can be used to the benefit of the economy of the state.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Program funds are available for loans up to \$5,000,000 each that can be used to finance agricultural

projects within the state. Changing market conditions have made the available interest rates attractive to certain agricultural participants for new projects and may in some instances allow more expensive money to be replaced by these available funds. This is expected to lower the cost of operation of the participants, therefore increase their competitiveness in the agricultural sector.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

These funds are available across the broad spectrum of agriculture and will have little net affect on the broad agriculture community, while at the same time being a significant advantage to the individual operation that is able to make use of them.

Richard Allen
Assistant Commissioner

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Forestry and Department of Revenue and Taxation Tax Commission

The Louisiana Forestry Commission and Tax Commission, as required by R.S. 3:4343, intends to adopt the following timber stumpage values based on current average stumpage market values to be used for severance tax computations for 1991.

1. Pine Sawtimber	\$184.29/MBF
2. All Hardwoods	\$ 92.72/MBF
3. Pine Pulpwood	\$ 18.86/Cd.
4. Hardwood Pulpwood	\$ 5.74/Cd.

Interested persons may submit written comments on these proposed stumpage values through December 15, 1990, to Paul D. Frey, State Forester, Office of Forestry, Department of Agriculture and Forestry, Box 1628, Baton Rouge, LA 70821.

Paul D. Frey, State Forester
Office of Forestry

Mary K. Zervigon, Chairman
Tax Commission

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Timber Stumpage Values 1991

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no additional implementation costs or savings to state or local units as a result of this rule change.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Estimated revenue for calendar year 1990 for timber severance taxes should approximate \$8.1 million. For cal-

endar year 1991, pine sawtimber will be assessed at \$184.29/MBF, pine pulpwood assessed at \$18.86/cord, hardwood sawtimber will be assessed at \$92.72/MBF and hardwood pulpwood assessed at \$5.74/cord. Assuming production levels during 1991 will increase roughly one percent expected tax revenue from timber severance should increase to approximately \$8.4 million. The state treasury receives 25 percent of this tax and the parish from which the timber is severed receives 75 percent.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Purchasers of timber will be affected. However, the exact dollar amount is indeterminable.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The requirement of this office to assess market values of severed forest products and timber, with the approval of the parish governing authority and the Louisiana Tax Commission, has been in effect for many years. The prevailing rate at which these values will be taxed has not changed. There should be negligible, if any, effect on competition and employment.

Richard Allen
Assistant Commissioner

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendment to Bulletin 741, Part B, Nonpublic Standards

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the proposed revision to Bulletin 741, Part B, Nonpublic Standards which relates to signatures on high school diplomas as stated below:

6.200.00 - High School Diplomas

Non-public high school equivalency diplomas shall be signed by the state superintendent of education, the board of elementary and secondary education president, the private high school principal, and the private school board president or whoever is delegated this authority for the private school.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m. January 8, 1991 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: Louisiana Handbook for School Administrators, Bulletin 741, Part B

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no implementation cost to state and local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no effect on revenue collections of state and local governments.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There are no costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition and employment.

Graig A. Luscombe
Deputy Superintendent

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendments to Standards 2.105.47 and 2.108.04 of Bulletin 741

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following amendments to standards 2.105.47 and 2.108.04 of Bulletin 741 to reflect the changes made in the scoring on the Enhanced ACT, effective October 20, 1990.

2.105.47-The student shall have scored at least a minimum composite score of 24 on the ACT or the appropriate concordant value on the enhanced ACT or a minimum of 24 or the appropriate concordant value on the Enhanced ACT in the area to be pursued at the college level.

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

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., January 8, 1991 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: Amendment to Bulletin 741**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The estimated cost of printing the new page with the rule change is \$100. There is no cost associated with the rule change per se.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collection of the state and local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

No additional costs and/or economic benefits are expected to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition and employment is expected.

Graig Luscombe
Deputy Superintendent

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendment to Bulletin 741 - Substance Abuse Program

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 amendments to Bulletin 741 relative to the substance abuse program:

Elementary Program of Studies/Minimum Time Requirement

Add a new standard No. 2.090.01 to page 66 of Bulletin 741 which states:

2.090.01 Elementary schools shall provide a minimum of eight contact hours of substance abuse prevention education each school year. Instruction shall be provided in accordance with the state substance abuse curriculum (Bulletin 1864, Volume I) or through substance abuse programs approved by the State Board of Elementary and Secondary Education.

Refer to R.S. 17:402-5 R.S. 40:981.3

All affected standard numbers will be adjusted accordingly.

Secondary Schools

Add a new standard No. 2.096.01 to page 74 of Bulletin 741 which states:

2.096.01 Secondary schools shall provide a minimum of eight contact hours of substance abuse prevention education each school year. Instruction shall be provided in accordance with the state substance abuse curriculum (Bulletin 1864, Volume I) or through substance abuse programs approved by the State Board of Elementary and Secondary Education.

Refer to R.S. 17:402-5 R.S. 40:981.3

All affected standard numbers will be adjusted accordingly.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., January 8, 1991 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: Substance Abuse Prevention
Education Curriculum Guide**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is estimated that approximately \$200 would be needed to reprint 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 is no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There should be no effect on costs or benefits to directly affected persons in 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

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendments to Bulletin 1822, *Competency Based Postsecondary Curriculum Outlines*

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved amendments to Bulletin 1822, *Competency Based Post-Secondary Curriculum Outlines* which included changes in titles and course lengths in various vocational-technical programs as listed below:

CURRENTLY APPROVED		RECOMMENDED REVISIONS	
TITLE	LENGTH	TITLE	LENGTH
Computer Electronics	2700 Hours, 24 Mos.	Computer Technology	2363 Hours, 21 Mos.
Consumer Electronics Technician	2700 Hours, 24 Mos.	No Change	No Change
Drafting and Design Technology	2700 Hours, 24 Mos.	Drafting and Design Technology	No Change
		Book 2: Drafting Disciplines	
		NOTE—Book 1: Basic Drafting (approved May, 1990)	
Instrumentation	2700 Hours, 24 Mos.	No Change	No Change
Surgical Technology	1575 Hours, 14 Mos.	No Change	1560 Hours, 13 Mos.
			744 Classroom Hrs.-7 Mos. [6-hr. days])
			816 Clinical Hrs.-6 Mos. [7.5-hr. days])

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., January 8, 1991 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: Instructor Guides and Amendments
to Bulletin 1822, Competency Based
Postsecondary Curriculum Outlines**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
In 1983, the Board of Elementary and Secondary Education adopted the implementation of uniform course titles and time requirements. These amendments to this bulletin are updates on title names, course lengths, and

content. The cost to implement this change would be approximately \$75. This would be for printing and postage to mail out the revisions.

- 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)
From the results of these changes we will produce better trained employees for business and industry.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

All technical education students will receive the same minimum curriculum from each technical institute attended. If a student transfers from one institute to another, there will be no lost time. The technical institutes will be producing better products as a result of up-to-date curricula.

Graig A. Luscombe
Deputy Superintendent

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

*Amendments to Bulletin 1877,
Implementation Guide for LTIP and LaTEP*

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 amendments to Bulletin 1877, *Implementation Guide for LTIP and LaTEP* which was adopted as an emergency rule and printed in the July, 1990 issue of the *Louisiana Register*. Pages 8, 10, 12, 15, 16, 17, 21-28 and 40 which either reflect or were affected by the amendments were adopted as an emergency rule, effective September 28 1990 and printed in full in the October, 1990 issue of the *Louisiana Register*. These pages are to replace the corresponding pages of the Bulletin which was adopted as an emergency rule on July 20, 1990.

These revisions were necessary in order to clarify some of the language in the LTIP/LaTEP guidelines and to further insure that the assessment system is reasonable, fair and equitable for all involved.

Interested persons may comment on the proposed

policy change and/or additions in writing, until 4:30 p.m., January 8, 1991 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: Revision to the LTIP/LaTEP Guidelines**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The estimated costs for FY 90-91 are for printing of the revision (\$980 at the state level and indeterminable at the local level).
The costs for FY 91-92 are for 11 additional assessors to evaluate a maximum of 800 teachers not attaining the required score on the first evaluation cycle. The estimated cost for this fiscal year would be \$519,508 utilizing State General Funds.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There is no cost and/or economic benefit to directly affected persons or nongovernment groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Because the teachers affected would have been remediated under the old rule, the rule change does not specifically affect competition and employment.

Graig A. Luscombe
Deputy Superintendent

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Education
Office of Student Financial Assistance
Louisiana Student Financial
Assistance Commission**

Agency Name Change

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Louisiana Student Financial Assistance Commission (LASFAC) announces the agency's name change.

Act 1054 of the 1990 Regular Session of the Legislature changed the name of both the commission and the Office of Education Services. The commission's new title is the "Louisiana Student Financial Assistance Commission." The daily operations of the commission are carried out by the "Office of Student Financial Assistance."

All references in the Loan Program Policy and Procedure Manual to the "Governor's Special Commission on Education Services" is hereby changed to read the "Louisiana Student Financial Assistance Commission" and the "Office of Student Financial Assistance," respectively.

The new titles should help parents and students identify the agency as a source of information concerning student financial assistance programs.

The address, telephone, and FAX phone numbers for the agency remain unchanged and are as follows: Box 91202, Baton Rouge, LA 70821-9202; (504) 922-1011; (504) 922-1089 (FAX); 1-800-626-0115 (LA WATS); and 1-800-433-9578 (Out of State WATS).

The authority to adopt and implement the agency name change is Act 1054 of the 1990 Regular Session of the Legislature.

Interested persons may comment in writing from 7:45 a.m. to 4:30 p.m. until December 1, 1990, at the following address: LSFAC, 8401 United Plaza Boulevard, State Retirement Systems Building, Room No. 250, Baton Rouge, LA 70809.

Jack L. Guinn
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Agency Name Change

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Estimated implementation costs include staff preparation time, and mailing of Program Memoranda (LPM's) and post cards nationwide.

The total implementation costs are \$2,340.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The new titles should help parents and students identify LASFAC, OSFA as a source of information concerning student financial assistance programs.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition and employment.

Jack L. Guinn
Executive Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Education
Office of Student Financial Assistance
Louisiana Student Financial Assistance Commission**

Stafford, PLUS, SLS, and Consolidation Loan Special Allowance Rates

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Louisiana Student Financial Assistance Commission (LASFAC) advertises its intent to amend and adopt the following policies and procedures regarding Stafford, PLUS, SLS, and Consolidation Loan Special Allowance Rates for the Quarters ending December 31, 1989, March 31, 1990, and June 30, 1990.

The United States Department of Education pays a lender interest benefits and special allowance on eligible loans on a quarterly basis. The calendar quarters end on March 31, June 30, September 30 and December 31.

The U. S. Treasury Department has determined the rates and the U. S. Department of Education has the authorized payment of these Special Allowance Rates.

Copies of Policy V may be seen in the offices of LASFAC, 8401 United Plaza Boulevard, State Retirement Systems Building, Room No. 250, or the office of the State Register located in the Capitol Annex.

Interested persons may comment on this proposed policy and procedure changes and/or additions in writing from 7:45 a.m. to 4:30 p.m. until December 30, 1990, at the following address: LASFAC, 8401 United Plaza Boulevard, State Retirement Systems Building, Room No. 250, Baton Rouge, LA 70809.

Jack L. Guinn
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Special Allowance Rates**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Estimated implementation cost includes costs to prepare, print and disseminate loan program memoranda (LPM's) statewide, and applicable staff time.

Total implementation costs are \$395.

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)

The economic benefits are to lenders participating in the agency's guaranteed student loan programs. The United States Department of Education (USDE) compensates participating lending institutions using a combination of interest subsidies and special allowance payments. The special allowance rate is updated each quarter by USDE. Special allowance payments allows lenders to offer all types of Part B student loans at prevailing interest rates or less.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition and employment.

Jack L. Guinn
Executive Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Education
Office of Student Financial Assistance
Louisiana Student Financial Assistance Commission**

Guarantee Fee Schedule

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Louisiana Student Financial Assistance Commission (LASFAC) advertises its intent to amend and adopt the following policies and procedures regarding the guarantee fee schedule.

LASFAC reduced its guarantee fees charged students attending graduate/professional and traditional two- and four-year colleges.

The reduced guarantee fees apply only to loans guaranteed on or after July 1, 1990, and have school periods that began on or after July 1, 1990. Both of the criteria must be met for the reduced fee to apply.

The new fees are as follows:

Graduate/Professional	3% or \$60
Four-Year Colleges	3% or \$60
Two-Year Colleges	3% or \$60
Vocational/Technical	3%
Proprietary	3%
PLUS Loans (all schools)	3%
SLS Loans (all schools)	3%

LASFAC has authorized implementation of the revised

guarantee fee schedule effective July 2, 1990.

Copies of policy and procedures may be seen in the offices of LASFAC, 8401 United Plaza Boulevard, State Retirement Systems Building, Room No. 250, or the Office of the State Register located in the Capitol Annex.

Interested persons may comment on this proposed policy and procedure changes and/or additions in writing from 7:45 a.m. to 4:30 p.m. until December 1, 1990, at the following address: LASFAC, 8401 United Plaza Boulevard, State Retirement Systems Building, Room No. 250, Baton Rouge, LA 70809.

Jack L. Guinn
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Guarantee Fee Schedule**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Estimated implementation costs include staff preparation and mailing the loan program memoranda (LPM's) statewide.

Total guarantee fee implementation costs are \$6,865.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be an initial loss of revenues by the reduced guarantee fees, however, that loss is expected to be counteracted by greater loan volume.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The students of Louisiana who use the state agency as their student loan guarantor will have the loan guarantee fee reduced, and thereby increase loan proceeds. They will pay a fee that is competitive with the fee charged by national guarantors.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The reduced fees will make the state's program competitive with that of national agencies.

The reduction in fees will not result in lost employment in Louisiana.

Jack L. Guinn
Executive Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Education
Office of Student Financial Assistance
Louisiana Student Financial Assistance Commission**

**PLUS/SLS Variable Interest Rate Calculation for the Period
July 1, 1990 to July 30, 1991**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Louisi-

ana Student Financial Assistance Commission (LSFAC) advertises its intent to amend and adopt the following policies and procedures regarding PLUS/SLS Variable Interest Rate Calculation for the period July 1, 1990 to July 30, 1991.

Effective July 1, 1990, the LSFAC announced a new interest rate of 11.49 percent for all PLUS/SLS loans.

The variable rate is subject to change every year over the life of the loan, therefore, it is impossible to predict whether a borrower will ultimately pay a loan earlier or later if the payments are kept constant.

USDE annually determines the interest rates and then gives us the authority to adopt and implement the PLUS/SLS variable interest rate change.

Copies of policy and procedures may be seen in the offices of OSFAC (Office of Student Financial Assistance Commission), 8401 United Plaza Boulevard, State Retirement Systems Building, Room No. 250, or the office of the State Register located in the Capitol Annex.

Interested persons may comment on this proposed policy and procedure changes and/or additions in writing from 7:45 a.m. to 4:30 p.m. until December 1, 1990, at the following address: OSFAC, 8401 United Plaza Boulevard, State Retirement Systems Building, Room No. 250, Baton Rouge, LA 70809.

Jack L. Guinn
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: PLUS/SLS Variable Interest Rate Change

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Estimated implementation costs include staff preparation time, printing, and mailing of program memorandums (LPM's) statewide.

Total implementation costs are \$225.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state and local governmental units.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Cost to Parent Loan for Undergraduate Students/Supplemental Loans for Students (PLUS/SLS) borrowers will increase or decrease based on changes in the annually variable interest on these loans.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition and employment.

Jack L. Guinn
Executive Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Education Office of Student Financial Assistance Louisiana Student Financial Assistance Commission

Updated Cure Procedure on Old Delinquencies

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Louisiana Student Financial Assistance Commission (LASFAC) advertises its intent to amend and adopt the following policies and procedures regarding updated cure procedures on old delinquencies.

Effective October 1, 1990, the LASFAC has approval from USDE to use the same cure policy and procedures on all delinquent loans regardless of the first day of delinquency. In addition, for a loan where the first day of delinquency is before March 10, 1987, violations of due diligence may be cured by obtaining a judgment against the borrower.

If a lender has begun a cure using the old procedures and determines that he will not be able to complete the cure by the October 1, 1990 deadline, contact the claims section (922-1011) for an extension of time on the amounts affected.

The LASFAC believes this change will benefit all program participants by making the cures uniform, and will eliminate the confusion in determining which cure must be performed to restore the guarantee.

The authority to adopt and implement the updated cure procedure is written approval from the United States Department of Education (USDE).

Copies of Policy IX and Procedures 28-48, and 51 may be seen in the offices of LASFAC, 8401 United Plaza Boulevard, State Retirement Systems Building, Room No. 250, or the Office of the State Register located in the Capitol Annex.

Interested persons may comment on this proposed policy and procedure changes and/or additions in writing from 7:45 a.m. to 4:30 p.m. until December 1, 1990, at the following address: LASFAC, 8401 United Plaza Boulevard, State Retirement Systems Building, Room No. 250, Baton Rouge, LA 70809.

Jack L. Guinn
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Updated Cure Procedures

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Estimated implementation cost includes costs to prepare, print, and disseminate loan program memoranda (LPM's) statewide, and staff-time.

The total implementation costs are \$395.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Lending institutions participating in the agency's guaranteed student loan programs would benefit from this

new rule because it would eliminate the multiple procedures for correcting (curing) failures of federally prescribed loan due diligence. All cures would be uniform; however, old delinquencies (before 3-10-87) may be cured by either the cure policy or by filing a judgment.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition and employment.

Jack L. Guinn
Executive Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Employment and Training
Office of Workers' Compensation**

In accordance with the provisions of R.S. 49:950, et seq., of the Louisiana Administrative Procedure Act, and under the authority of R.S. 23:1034.2 and 1291B and Act 1083 of the 1990 Regular Legislative Session, the Office of Workers' Compensation, through the Department of Employment and Training, hereby gives notice of its intent to adopt a rule to implement the hospital reimbursement schedule, billing instructions and maintenance procedures.

Comments should be forwarded to Stephen W. Cavanaugh, Director of the Department of Employment and Training, Office of Workers' Compensation, Box 94040, Baton Rouge, LA 70804-9040. Written comments will be accepted through the close of business on December 27, 1990.

Oral comments will be accepted at a public hearing on Friday, December 28, 1990, at 8:30 a.m. to 10 a.m. The hearing will be held at the Department of Employment and Training, 1001 North 23rd Street, Baton Rouge, LA, Fourth Floor Conference Room in the Administrative Building, Room Number 486.

A copy of this rule may be obtained by contacting Judy Albarado at 342-7559.

Stephen W. Cavanaugh
Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Hospital Reimbursement Schedule, Billing Instruction and Maintenance Procedures

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Implementation costs to produce the hospital reimbursement schedule, billing instructions and maintenance procedures were \$57,490 as prepared by Blue Cross-Blue Shield of Louisiana. This contract was approved by the Office of Contractual Review for a total cost of \$424,570 with each deliverable service having a dollar amount. The cost to the Office of Workers' Compensation to reproduce one copy of the hospital reimbursement schedule, billing instructions and maintenance procedures is \$8.75 with 1,000 copies being printed. The total

cost of the Office of Workers' Compensation Administration for implementation of these rules is \$66,240.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This will have no effect on revenue collection of state or local government units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The hospital reimbursement schedule, billing instructions and maintenance procedures will provide guidelines and procedures for appropriate reimbursement to the hospital for a proposed or already performed hospital services. These hospital services are provided to government and non government employees who are injured on the job. the precise economic benefit is not ascertainable. Employers through their insurance companies should realize a reduction in medical payments to hospitals while assuring an increase in the quality of care for the medical services as a result of an on-the-job injury. Hospitals could see a reduction in medical payments for workers' compensation cases, it is estimated to be approximately a 10 - 15 percent reduction in payments.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition or employment. The hospital reimbursement schedule, billing instructions and maintenance procedures are designed to provide guidance to hospitals when rendering services to injured employees. The impact is not directly felt on employment or competition.

Stephen W. Cavanaugh
Assistant Secretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Employment and Training
Office of Workers' Compensation**

In accordance with the provisions of the Administrative Procedure Act R.S. 49:950 et seq., and R.S. 23:1034.2, the Department of Employment and Training, Office of Workers' Compensation, is hereby giving notice of its intent to readopt rules and regulations in regard to hearing officers. The rules and regulations shall provide and govern the procedures between the new administrative hearing officers of Workers' Compensation and the individual practicing before the hearing officers.

Comments should be forwarded to Stephen Cavanaugh, Director, Office of Workers' Compensation, Box 94040, Baton Rouge, LA 70804-9040. Written comments will be accepted through the close of business at 4:15 p.m. on December 27, 1990.

A copy of this rule may be obtained by contacting Stephen W. Cavanaugh at the above address.

Stephen W. Cavanaugh
Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Workers' Compensation Rules**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

These provisions will result in cost savings to local courts and clerks of court who will no longer have to provide personnel, storage facilities, hearing facilities and personnel, or other resources for the hearing of approximately 4,000 workers' compensation cases. This cost savings will be offset, presumably equally, by the loss of filing revenues that would otherwise be collected by these courts. Also, local governmental units (police juries, school boards) who provide hearing sites will benefit by a use charge of approximately \$100 per hearing day. The cost to the state for this program in the 90-91 fiscal year is approximately \$905,275. During 1990-1991 fiscal year, the state will reap a further benefit when the hearing officers will be provided permanent offices in their respective districts without having to pay the aforementioned daily rental of office space. While the exact amount may not be ascertained at this moment, the lease of space on the monthly basis shall be less than the present arrangement.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

As stated in number I above, implementing this rule should result in reduction of filing fees (4,000 times on averages of \$100 per case) of approximately \$400,000, statewide annually to district courts and clerks of courts.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The only cost to non-government persons or institutions is the filing fee of \$30 per case for claimants.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

These provisions should have a beneficial effect on competition and employment, because of the provision for more standardized hearing procedures and lower "legal friction" costs as a result of the permission for non-lawyers to attend informal hearings. Also, the informal hearing procedures offer employees and employers a mandatory face to face arbitration procedure that does not presently exist. While the process will lessen and reduce the number of lawyers needed to adjudicate a claim, it opens new opportunities for none legal individuals to be employed and represent corporations (insurance companies, etc.) before the hearing officers.

Stephen W. Cavanaugh
Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Employment and Training
Office of Workers' Compensation**

In accordance with the provisions of R.S. 49:950, et seq., of the Louisiana Administrative Procedure Act, and un-

der the authority of R.S. 23:1291(10)(12) and (13) of Act 938 of the 1988 Regular Legislative Session, the Office of Workers' Compensation gives notice of its intent to adopt a rule to implement a utilization review process to resolve disputes over the necessity, advisability, and cost of proposed, or already performed, hospital care or services, medical or surgical treatment, or any non-medical treatment recognized by the laws of this state as legal and due under the Workers' Compensation Act, with the authority to audit specific medical records of a patient to determine whether an inappropriate reimbursement has been made.

Comments should be forwarded to Stephen W. Cavanaugh, Director, Office of Workers' Compensation, Box 94040, Baton Rouge, LA 70804-9040. Written comments will be accepted through the close of business on December 27, 1990.

Oral comments will be accepted at a public hearing on Friday, December 28, 1990, from 10 a.m. to 12 p.m. The hearing will be held at the Department of Employment and Training, 1001 North 23rd Street, Baton Rouge, LA, Fourth Floor Conference Room in the Administrative Building, Room Number 486.

A copy of this rule may be obtained by contacting Judy Albarado at 342-7559.

Stephen W. Cavanaugh
Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Utilization Review Procedures**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Implementation costs to produce the utilization review procedures are \$171,060 as prepared by Blue Cross-Blue Shield of Louisiana. This contract was approved by the Office of Contractual Review for a total cost of \$424,570 with each deliverable service having a dollar amount. The cost to the Office of Workers' Compensation to reproduce one copy of the utilization review procedure is \$8.75 with 1,000 copies being printed. The total cost of the Office of Workers' Compensation Administration for implementation of these rules is \$179,810.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This will have no effect on revenue collection of state or local government units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The Utilization Review Procedure will provide procedures and guidelines to resolve disputes over the necessity, advisability and cost of proposed or already performed medical and non medical treatment recognized by the laws of the state as legal. These procedures will also provide for audit of individual medical records of government and non government employees who are injured on the job. The precise economic benefit is not ascertainable.

It is estimated that there could be approximately a 20 percent reduction in total medical payments in worker's compensation cases. Employers through their insurance

companies will realize a reduction in medical payments while assuring an increase in the quality of care for the medical services as a result of an on-the-job injury.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition and employment. The Utilization Review Procedures are designed to provide guidance to health care providers when rendering services to injured employees. The impact is not directly felt on employment or competition.

Stephen W. Cavanaugh
Assistant Secretary

John R. Rombach
Legislative Fiscal Officer

Department of Environmental Quality, 804 31st Street,
Monroe, LA 71203.

Department of Environmental Quality, State Office
Building, 1525 Fairfield Avenue, Shreveport, LA 71101.

Department of Environmental Quality, 1150 Ryan
Street, Lake Charles, LA 70601

Department of Environmental Quality, 2945 North I-10
Service Road West, Metairie, LA 70002.

Department of Environmental Quality, 100 Eppler
Road, Lafayette, LA 70505.

J. Terry Ryder
Assistant Secretary

NOTICE OF INTENT

Department of Environmental Quality Office of Air Quality and Radiation Protection

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001, et seq., particularly Act 184 of 1989 and R.S. 30:2060, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality Regulations, LAC 33:III.Chapter 51.Subchapters A, C, E, F, J, M, and V, and LAC 33:III.6511 and 6523, (AQ12).

These regulations will add provisions for a comprehensive toxic air pollutant control program with rules which provide for emission reductions, require records, provide for orders and procedures, provide for fees, and provide for other related matters. Chapter 25 is being repealed and replaced in Chapter 51. These regulations also incorporate provisions found in federal regulations. See *Federal Registers* published September 30, 1986 (51 FR 34904, number 189); January 10, 1989 (54 FR 912, number 06); March 7, 1990 (55 FR 8341, number 45); and July 10, 1990 (55 FR 28346, number 132).

These proposed regulations are to become effective on February 23, 1991, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be held on December 27, 1990, at 1:30 p.m. in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North 4th Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed regulations. Such comments must be submitted to the attention of David Hughes no later than 4:30 p.m. Friday, December 28, 1990, at the Enforcement and Regulatory Compliance Division, 333 Laurel Street, Suite 620, Box 44066, Baton Rouge, LA, 70804. Commentors should reference this proposed regulation by the Log number AQ12. Copies of the proposed regulations are also available for inspection at the following locations from 8 a.m. until 4:30 p.m.

Department of Environmental Quality, Commerce Building, 6th Floor, 333 Laurel Street, Baton Rouge, LA 70801.

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Air Quality Division Chapter 51, General Provisions for Monitoring, Controlling and Reporting Toxic Air Emissions from Stationary Sources; Chapter 65, Fee System

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no increase in state costs for the first year as implementation costs are accounted for in currently budgeted funds (\$960,000). Increased costs of \$1.9 million are estimated for the second year, and \$1.7 million for the third year. These costs are to be borne by emission fees assessed to facilities emitting regulated toxic air pollutants. There are no anticipated increases or decreases in regulatory costs for local government units. However, a small number of the major urban government units may incur a cost of compliance for wastewater treatment operations estimated to range between \$3,000 to \$50,000 depending on magnitude of toxic air emissions. This represents anticipated monitoring and reporting types of expenditures. Smaller facilities will likely fall below de minimus emission levels and will not be subject to these regulations. These costs will ultimately be incurred as a result of the Federal Clean Air Act Amendments of 1990, but will be incurred approximately two years ahead of the federal regulatory schedule as a result of these proposed regulations.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no fee-generated revenues for the 1990-91 Fiscal Year. Fee-generated revenues for FY 1991-92 are estimated to be \$1.9 million, and for FY 1992-93 are estimated to be \$1.7 million. Local government revenue collections will not be impacted. Revenue estimates are based on the department's Baseline Emissions Inventory completed in June, 1990. Annual fees are based on an assessment of \$25 per ton of emission of regulated toxic pollutant plus a 10 percent surcharge on permit applications requiring review for toxic pollutants.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed rule will increase the operating costs of the regulated facilities. Increased costs will be associated

with testing, estimating, and reporting of toxic emissions; emissions controls; tracking and reporting toxic releases; and annual emission-based fees. Within three years after promulgation of these regulations, some affected facilities will be required to make expenditures for control equipment, installation, and maintenance. These costs will be variable depending on the age and level of current emissions control employed. Newer facilities with good levels of emissions control may require no further cost for installation of controls. Older facilities may incur higher costs to retrofit and install new control technology. The regulations allow for waiver of requirements in some cases and two years of deferred compliance in others to account for some uncertainty of cost on the regulated community. The proposed regulations are generally congruous with the recently-enacted Federal Clean Air Act Amendments of 1990 and costs incurred reflect requirements ultimately necessary to meet the federal statutes, except that the proposed regulations will result in clean air benefits on a schedule approximately two years ahead of the federal regulatory schedule. Studies conducted at the national level associated with the new Clean Air Act Amendments of 1990 suggest that economic benefits related to public health (increased productivity, reduced healthcare costs) and a cleaner, more attractive environment are greater than the costs of the clean air regulatory program. Additional benefits that may result from the proposed regulations include new waste minimization and resource recovery methodology integrated into production processes.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No significant long-term impact to the affected facilities with respect to competition or employment as a result of the proposed regulations is expected. These regulations are generally congruous with the new Federal Clean Air Act Amendments of 1990 that will be applied nationwide. There may be short-term impacts related to the approximately two-year difference between schedules contained in these regulations and those in the Federal Clean Air Act Amendments. There may be some impacts on those facilities releasing ammonia and hydrogen sulfide to the atmosphere that are not currently included in the federal air toxics regulatory program but, because of the magnitude of their emissions, are included in the state's proposed program. In Louisiana, ammonia (about 70 million pounds annually) represents over 50 percent of toxic air emissions reported under SARA Title III requirements. If these facilities meet protective air quality standards at their property lines there will be no requirements that would significantly impact employment or ability to compete. If they do not meet the property line standards, they may be granted a waiver from control requirements if they can demonstrate: (1) compliance with the standards would be economically infeasible; (2) residual emissions would not cause significant harm to the environment or public health; and (3) that the facility's emissions are controlled to a level which is the Maximum Achievable Control Technology.

Mike D. McDaniel, Ph.D.
Assistant Secretary

John R. Rombach
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: LAC 33:III.Chapter 51, Subchapter C -
Beryllium Sections 5111 and 5113**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no expected additional costs or savings to state and local government units because of the implementation of this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no expected effect on revenue to state and local government units because of the implementation of this rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There is no expected change in costs or economic benefits to the regulated beryllium related industries because of the implementation of this rule.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no expected effect on competition or employment from the implementation of this rule.

Mike D. McDaniel, Ph.D.
Assistant Secretary

John R. Rombach
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Chapter 51, Subchapter E - Mercury**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no expected additional cost or savings to state and local government units because of the implementation of this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no expected effect on revenue to state and local government units because of the implementation of this rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There is no expected change in costs or economic benefits to the regulated mercury industries because of the implementation of this rule.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no expected effect on competition or employment from the implementation of this rule.

Mike D. McDaniel, Ph.D.
Assistant Secretary

John R. Rombach
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Chapter 51, Subchapter F, Vinyl Chloride

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The estimated implementation cost to state or local government units is only the cost to review and promulgate the rule change.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on the revenue collections of state and local government units because the impact of the regulation is minor. The rule change does not impact fees, nor significantly impact company revenues or expenses.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There are eleven manufacturing facilities which produce, store, or consume vinyl chloride, polyvinyl chloride, or ethylene dichloride which may be impacted by this rule change. The additional estimated cost to be incurred by each of these facilities is \$20,000 per year per facility, or \$220,000 total per year for all facilities. The costs are related to additional documentation and storage requirements.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is anticipated to be no effect on competition and a minor effect on employment for document handling and storage.

Mike D. McDaniel, Ph.D.
Assistant Secretary

John R. Rombach
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: 5133 Benzene, 5137 Benzene, Transfer Operations and 5139 Benzene Waste Operations

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Estimated implementation costs to state or local government units are of no significant amount.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no expected impact on state or local government revenue.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed rules will not increase the costs of benzene transfer operations or of waste operations because the changes are required through existing federal regulations. Our promulgation of the regulation supports the delegation of responsibility and the "105 Grant."

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rules are not expected to cause significant, adverse effects on domestic competition, employ-

ment, investment productivity, innovation, or competition in foreign markets.

Mike D. McDaniel, Ph.D.
Assistant Secretary

John R. Rombach
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Chapter 51, Subchapter M, Asbestos

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

TOTAL ASBESTOS PROGRAM	Chapter 25 Added Cost	YEAR
\$345,000*	\$0	1990-91
\$345,000*	\$0	1991-92
\$345,000*	\$0	1992-93

*The budget has been accounted for in LAC 33:III. Chapter 27 and is part of the similar program for asbestos monitoring in schools and state-owned and operated buildings. This proposed rule change will cause no change to the existing budget.

Local government projects may incur an additional cost not expected to exceed \$1000 per year for submittal of AAC-2 forms to announce projects involving nonfriable asbestos-containing material.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is an estimated revenue of \$345,000 for accreditation of asbestos-associated laborers. These include workers, supervisors, inspectors, designers and management planners. The revenue is accounted for in the fiscal impact statement for LAC 33:III. Chapter 27. The issuance of this rule would not significantly change that revenue for the state. There is no expected impact on local government revenue.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed rule will increase the cost of performing asbestos abatement projects by the additional cost of less than \$1,000 per year per abatement contractor for submittal of AAC-2 forms to announce projects involving nonfriable asbestos-containing material. The additional notification of projects currently not being announced will allow the DEQ/AQD to investigate potentially hazardous situations and to ensure the nonfriable material does not become friable.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no significant effect on competition since the rule equally impacts all contractors. The contractors are expected to absorb this cost of \$5 per project, rather than pass the cost along to the industrial and commercial clients.

Mike D. McDaniel, Ph.D.
Assistant Secretary

John R. Rombach
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules**

**Rule Title: Chapter 51, Subchapter V - Fugitive
Emissions**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no expected additional costs or savings to state and local government units because of the implementation of this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no expected effect on revenue to state and local government units because of the implementation of this rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There is no expected change in costs or economic benefits to the regulated industries because of the implementation of this rule.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no expected effect on competition or employment from the implementation of this rule.

Mike D. McDaniel, Ph.D.
Assistant Secretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

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

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001, et seq. particularly R.S. 30:2054, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality Regulations, LAC 33:III.3131, (AQ16).

These regulations will incorporate federal regulations into the general provisions of the Air Quality Regulations and include general provisions for flares when used as control devices to limit emissions from facilities. The corresponding federal regulations are found in the *Federal Register* published January 21, 1986 (51 FR 2701, #13).

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

Chapter 31. Standards of Performance for New Stationary Sources

Subchapter A. General Provisions and Modifications

§3131. General Control Device Requirements

A. Introduction. This Section contains requirements for control devices used to comply with applicable Subchapters in Chapters 31 and 51. These requirements apply only to facilities covered by subchapters referencing this Section.

B. Flares

- 1. Flares shall be designed and operated as follows.
 - a. Flares shall be designed for and operated with no visible emissions as determined by the methods specified in Subsection B.4 of this Section, except for periods not to exceed a total of five minutes during any two consecutive hours.
 - b. Flares shall be operated with a flame present at all times, as determined by the methods specified in Subsection B.4 of this Section.
 - c. Flares shall be used only if the net heating value of the gas being combusted is 11.2 Megajoules/scm (300 Btu/scf) or greater for steam-assisted or air-assisted flares, or if the net heating value of the combusted gas is 7.45 Megajoules/scm (200 Btu/scf) or greater for nonassisted flares. The net heating value of the gas being combusted shall be determined by the methods specified in Subsection B.4 of this Section.
 - d. The following exit velocity limitations apply to steam-assisted and nonassisted flares.
 - i. Steam-assisted and nonassisted flares shall be designed for and operated with an exit velocity, as determined by the methods specified in Subsection B.4.d of this Section, of less than 18.3 m/sec (60 ft/sec), except as provided in Clauses B.1.d.ii and iii of this Section.
 - ii. Steam-assisted and nonassisted flares designed for and operated with an exit velocity, as determined by the methods specified in Subsection B.4.d of this Section, equal to or greater than 18.3 m/sec (60 ft/sec), but less than 122 m/sec (400 ft/sec), are allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1,000 Btu/scf).
 - iii. Steam-assisted and nonassisted flares designed for and operated with an exit velocity, as determined by the methods specified in Subsection B.4.d of this Section, less than the velocity, V_{max} , as determined by the method specified in Subsection B.4.e of this Section, and less than 122 m/sec (400 ft/sec) are allowed.
 - e. Air-assisted flares shall be designed and operated with an exit velocity less than the velocity, V_{max} , as determined by the method specified in Subsection B.4.f of this Section.
 - f. Flares used to comply with this Section shall be steam-assisted, air-assisted, or nonassisted.
- 2. Owners or operators of flares used to comply with the provision of this Section shall monitor these control devices to ensure that they are operated and maintained in conformance with their designs. Applicable Subchapters will contain provisions stating how owners or operators of flares shall monitor these control devices.
- 3. Flares used to comply with provisions of this Section shall be operated at all times when emissions may be vented to them.
- 4. The following requirements for compliance monitoring shall be met.
 - a. Reference Method 22 (LAC 33:III.6079) shall be used to determine the compliance of flares with the visible emission provisions of this Section. The observation period is two hours and shall be used according to Method 22.
 - b. The presence of a flare pilot flame shall be monitored using a thermocouple or any other equivalent device to detect the presence of a flame.

c The net heating value of the gas being combusted in a flare shall be calculated using the following equation:

$$H_T = K \sum_{i=1}^n C_i H_i$$

where:

H_T = Net heating value of the sample, MJ/scm, where the net enthalpy per mole of offgas is based on combustion at 25°C and 760 mm Hg, but the standard temperature for determining the volume corresponding to one mole is 20°C;

K = Constant, 1.740×10^{-7} (1/ppm) (g mole/scm) (MJ/kcal), where the standard temperature for (g mole/scm) is 20°C;

C_i = Concentration of sample component i in ppm on a wet basis, as measured for organics by Reference Method 18 (LAC 33:III.6071) and measured for hydrocarbon and carbon monoxide by ASTM D1946-77; and

H_i = Net heat of combustion of sample component i , kcal/g mole at 25°C and 760 mm Hg. The heats of combustion may be determined using ASTM D2382-76 if published values are not available or cannot be calculated.

d. The actual exit velocity of a flare shall be determined by dividing the volumetric flow rate in units of standard temperature and pressure, as prescribed by Reference Methods 2, 2A, 2C, or 2D (LAC 33:III.Chapter 60), as appropriate, and by the unobstructed (free) cross-sectional area of the flare tip.

e. The maximum permitted velocity, V_{max} , for flares in compliance with Clause B.1.d.iii of this Section shall be determined by the following equation:

$$\text{Log}_{10}(V_{max}) = (H_T + 28.8)/31.7$$

where: V_{max} = Maximum permitted velocity, sec;

28.8 = Constant;

31.7 = Constant; and

H_T = The net heating value as determined in Subparagraph B.4.c of this Section.

f. The maximum permitted velocity, V_{max} , for air-assisted flares shall be determined by the following equation:

$$V_{max} = 8.706 + 0.7084 (H_T)$$

where:

V_{max} = Maximum permitted velocity, m/sec;

8.706 = Constant;

0.7084 = Constant; and

H_T = The net heating value as determined in Subparagraph B.4.c of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2060.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:

These proposed regulations are to become effective on February 20, 1991, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be held on December 27, 1990, at 1:30 p.m. in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than Friday, December 28, 1990, at 4:30 p.m., to David Hughes, Enforcement and Reg-

ulatory Compliance Division, Box 44066, Baton Rouge, LA 70804. Commentors should reference this proposed regulation by the Log #AQ16.

Paul H. Templet, Ph.D.

Secretary

Fiscal and Economic Impact Statement

For Administrative Rules

Rule Title: General Control Device Requirements

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no expected change in costs, or savings, to state or local governmental units from the implementation of this proposed rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no expected change in revenue collections to state or local governmental units from the implementation of this proposed rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The proposed rule does not incur any economic costs or benefits to the directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no expected impact on competition or employment from the proposed rule.

Mike D. McDaniel
Assistant Secretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Office of the Governor Division of Administration Community Development Section

Louisiana Community Development Block Grant (LCDBG) Program FY 1991 Final Statement

I. Program Goals and Objectives

The LCDBG Program, as its primary objective, provides grants to units of general local government in nonentitlement areas for the development of viable communities by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income. Consistent with this objective, not less than 60 percent of the aggregate of fund expenditures shall be for activities that benefit low and moderate income persons.

Each activity funded must meet one of the following two national objectives:

A. Principal benefit (at least 60 percent) to low/moderate income persons.

B. Elimination or prevention of slums and blight. In order to justify that the proposed activity meets this objective, the following must be met. An area must be delineated by the grantee which:

1. meets the definition of slums and blight as defined in Act 590 of the 1970 Parish Redevelopment Act, Section Q-8 (See Appendix 1); and

2. contains a substantial number of deteriorating or dilapidated buildings or public improvements throughout the area delineated. The grantee must describe in the application the area boundaries and the conditions of the area at the time of its designation and how the proposed activity will eliminate the conditions which qualify the area as slum/blight. If an applicant plans to request funds for an activity claiming that the activity addresses the slums/blight objective, the state must be contacted for the specific requirements for this determination/qualification prior to application submittal.

To accomplish these national objectives, the state has established the following goals:

A. strengthen community economic development through the creation of jobs, stimulation of private investment, and community revitalization, principally for low and moderate income persons;

B. benefit low and moderate income persons;

C. eliminate or aid in the prevention of slums or blight;

or

D. provide for other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs.

II. General

A. Application Process. This statement sets forth the policies and procedures for the distribution of LCDBG funds. Grants will be awarded to eligible applicants for eligible activities based on a competitive selection process to the extent that funds are available.

The state shall establish deadlines for submitting applications and notify all eligible applicants through a direct mailing. The applications submitted for FY 1990 funds for housing and public facilities were rated and ranked and funded to the extent that monies were available. The ranking under the FY 1990 program will also be used to determine the grants selected for funding under the FY 1991 LCDBG Program. In other words, the top ranked applications, to the extent that monies are available, were funded under the FY 1990 program; the next highest ranked applications will be funded in FY 1991 to the extent that monies are available. Only one application for housing or public facilities could be submitted for FY 1990 funds; that same application will be considered for FY 1991 funds. No new applications for housing and public facilities will be accepted in FY 1991. Only new applications for economic development and demonstrated needs funds will be accepted for FY 1991.

B. Eligible Applicants. Eligible applicants are units of general local government, that is, municipalities and parishes, excluding the following areas: Alexandria, Baton Rouge, Bossier City, Terrebonne Parish Consolidated Government, Jefferson Parish (including Grand Isle, Gretna, Harahan, Jean Lafitte, and Westwego), Kenner, Lafayette,

Lake Charles, Monroe, New Orleans, Shreveport, Slidell and Thibodaux. Each eligible applicant may only submit an application(s) on its own behalf.

In general and in most instances, the applicant for a particular project will be determined by (will be synonymous with) the location of the potential beneficiaries of that project. There may be instances, however, in which the potential beneficiaries reside within the jurisdiction of more than one local governing body. In those circumstances, the following specific rules will apply:

1. If the proposed project will service beneficiaries that reside in two or more units of general local government and more than 51 percent of those beneficiaries are located within the jurisdiction of one of those units, the appropriate applicant would be the unit of government in which more than 51 percent of the beneficiaries reside.

Only the applicant, not the other units of government involved, for this type of project will have to meet the threshold criteria to be eligible for funding. The applicant will have to enter into a cooperation agreement with the other unit(s) of government involved.

2. If the proposed project will serve beneficiaries that reside in more than one unit of general local government and no more than 51 percent of the beneficiaries are located within the jurisdiction of one of those units, this state will consider this as a joint or multi-jurisdictional application. Such an application will require a meeting with this office prior to submitting the application. The purpose of that meeting will be to determine the appropriate applicant and to explain all of the steps that must be taken by all units of local government involved in the application. All local governing bodies involved in this application must be eligible according to the threshold criteria. The designated applicant (one unit of government) would apply for the grant and act as the representative for the other participating units. Although each jurisdiction would have to make the required certifications, the designated applicant would be responsible for ensuring that the approved activities would be carried out in accordance with all applicable state and federal requirements. To meet the citizen participation requirements for a multi-jurisdictional application, *each* unit of government involved would have to hold the public hearings and publish the notices required for an application. The application would also have to contain individual sets of assurances signed by each local governing body involved. The designated applicant would also have to enter into a legally binding cooperation agreement with each local governing body stating that all appropriate requirements of the Housing and Community Development Act of 1974, as amended, will be complied with; those specific requirements will be discussed during the pre-application meeting with this office. A copy of the cooperation agreement must be included in the application.

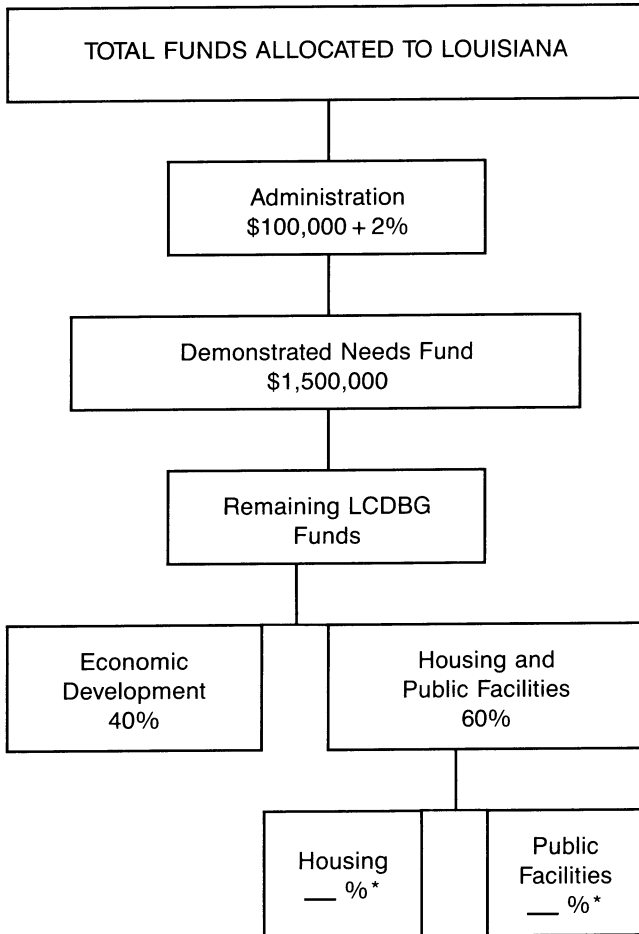
C. Eligible Activities. An activity may be assisted in whole or in part with LCDBG funds if the activity meets the provisions of Title 24 of the U. S. Code of Federal Regulations, Subpart C, as provided in Appendix 2. For application purposes, eligible activities are grouped into the program areas of housing, public facilities, economic development or demonstrated need.

D. Types of Grants. The state will only accept applications for single purpose grants. A single purpose grant provides funds for one need (water or sewer or housing, etc.) consisting of an activity which may be supported by auxiliary

activities. Single purpose economic development grants are for one project, consisting of one or more activities.

E. Distribution of Funds. Approximately \$23,000,000 (subject to federal allocation) in funds will be available for the FY 1991 LCDBG Program. Figure 1 shows how the total funds will be allocated among the various program categories.

FIGURE 1



*The percentage distribution between the housing and public facilities program categories will be based upon the number of applications received and amount requested in each category. Half of the funds will be distributed based on percentage of applications received in each category and half on the basis of amount of funds requested in each category. However, the dollar amount allocated for housing will be no more than 15 percent of the total funds available for housing and public facilities. Four subcategories (sewer systems, water systems addressing potable water, water systems primarily for fire protection, and other) will be established under public facilities. The dollar amount for each of these subcategories will be distributed based upon the percentage of applications submitted and amount of funds requested in each subcategory.

Of the total CDBG funds allocated to the state, up to \$100,000 plus two percent will be used by the state to administer the program.

In addition, \$1,500,000 will be set aside for the Demonstrated Needs Fund. Since the creation and retention of permanent jobs is so critical to the economy of the state of Louisiana, up to 40 percent of the remaining LCDBG funds will be allocated specifically for economic development type projects. Only economic development applications will compete for these funds. Economic development applications

and demonstrated needs applications will be accepted on a continual basis within the timeframe designated by the state. Public facilities and housing applications will be funded with the remaining LCDBG funds. This fund will be divided into two program categories as identified in Figure 1; the exact distribution of these funds will be based upon the number of applications received and amount of funds requested in each program category as established under the FY 1990 LCDBG Program. Half of the money will be allocated based on the number of applications received in each category and half based on the amount of funds requested in each category with a maximum of 15 percent of the funds allocated to housing. Within the maximum 15 percent allocated for housing, an award of up to \$500,000 will be made for an "innovative housing" program. The public facilities category will be allocated in the same manner, by number and dollar amount of applications for sewer, water (potable water and fire protection), and other type projects.

Six months following the date of the state's executed grant agreement with HUD, the status of the monies originally allocated (40 percent) for economic development will be evaluated. At that time, any monies in excess of half of the original allocation which have not yet been applied for under the economic development category will then be transferred to the current program year's public facilities category to fund the project(s) with the highest score that was not initially funded. Twelve months following the date of the state's executed grant agreement with HUD, all monies not yet applied for which remain in the original allocation for economic development will be transferred to the current program year's public facilities category to continue to fund the highest ranked project(s) not already funded. In this latter instance, if a determination is made that a particular application for economic development funds will not be funded, the funds reserved for that application will be immediately transferred to the current program year's public facilities category.

F. Size of Grants

1. Ceilings. The state has established a funding ceiling of \$550,000 for housing grants, \$500,000 for an innovative housing grant, \$600,000 for public facilities grants with the exception of sewer grants which have a funding ceiling of \$750,000, and \$350,000 for demonstrated needs grants. The state has established a funding ceiling of \$600,000 for economic development projects involving a loan for the creation of a new business, a funding ceiling of \$1,000,000 for economic development projects involving a grant to the local governing body for infrastructure improvements, and a funding ceiling of \$300,000 for the acquisition, construction or rehabilitation of buildings and improvements (including parking lots) by the local governing body when necessary for the creation/retention of jobs. No funding ceiling is imposed for economic development projects involving a loan for the expansion of an existing business. Projects involving infrastructure improvements and the acquisition, construction, or rehabilitation of buildings and improvements shall have a total combined funding ceiling of \$1,000,000.

Within the ceiling amounts the state allows applicants to request funds for administrative costs with the following limitations. Administrative funds for housing programs cannot exceed 12 percent of the estimated housing costs. Each local governing body will be allowed a maximum of \$35,000 in LCDBG funds for administrative costs on public facilities,

demonstrated needs, and economic development projects; within the \$35,000 maximum, the local governing body may utilize no more than \$30,000 for administrative consulting services. In all instances (including those where the local governing body requests less than the maximum allowed for administrative costs), the local governing body must retain sufficient LCDBG administrative funds to cover its costs of administering the LCDBG Program; such costs on the local governmental level include but are not limited to audit fees, advertising and publication fees, staff time, workshop expenses, et cetera. In addition to the general administrative funds on economic development programs involving a loan to a new business, the state will provide an additional two percent of the estimated economic development project costs or \$3,000 whichever is greater, up to a maximum of \$5,000. These additional funds are specifically dedicated for the grantee to contract with a Small Business Development Center. If, after a project has been funded, the scope of the project changes significantly, the state will make a determination as to the actual amount which will be allowed for administrative costs; this determination will be made on a case-by-case basis.

Engineering fees may also be requested within the ceiling amounts; the funds allowed by the state will not exceed those established by the American Society of Civil Engineers and/or Farmer's Home Administration. If, after a project has been funded, the scope of the project changes significantly, the state will make a determination as to the actual amount which will be allowed for engineering costs; this determination will be made on a case-by-case basis.

2. Individual Grant Amounts. Grants will be provided in amounts commensurate with the applicant's program. In determining appropriate grant amounts for each application, the state shall consider an applicant's program. In determining appropriate grant amounts for each application, the state shall consider an applicant's need, proposed activities, and ability to carry out the proposed program.

G. Restrictions on Applying for Grants

1. With the exception of parishes which have an unincorporated population of more than 25,000, each eligible applicant could apply for one housing or public facilities grant under the FY 1990 LCDBG Program; that application will also be considered for funding under the FY 1991 LCDBG Program. Those parishes which had an unincorporated population of more than 25,000 were allowed to submit a maximum of two single purpose applications for housing or public facilities with a combined maximum request of \$1.5 million; the individual amounts requested per application could not exceed the funding ceiling amount for that particular type of application as identified in Section II.F.1. Those parishes as identified by the U.S. Bureau of the Census, Current Population Reports, Series P-26, No. 86-S-Sc, *South-1986 Population and 1985 Per Capita Income Estimates for Counties and Incorporated Places* included: Acadia, Ascension, Bossier, Caddo, Calcasieu, Lafayette, Lafourche, Livingston, Ouachita, Plaquemines, Rapides, St. Bernard, St. Charles, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Vermilion, Vernon, and Washington.

Any eligible applicant may apply for an economic development project, demonstrated needs grant or innovative housing grant, even those applicants previously funded under the housing and public facilities components. The num-

ber of demonstrated needs grants which an eligible applicant may receive during each program year is limited to one.

2. Capacity and Performance: Threshold Considerations for Grant Approval. No grant will be made to an applicant that lacks the capacity to undertake the proposed program. In addition, applicants which have previously participated in the Community Development Block Grant Program must have performed adequately. Performance and capacity determinations for FY 1991 will be made as of the date the state receives its executed grant agreement from HUD. In determining whether an applicant has performed adequately, the state will examine the applicant's performance as follows.

In order to be eligible for a grant award in FY 1991, the following thresholds must have been met.

(a) Units of general local government will not be eligible to receive funding unless past CDBG programs awarded by HUD have been closed out.

(b) Units of general local government will not be eligible to receive funding unless past LCDBG programs (FY 1983, FY 1984, FY 1985, FY 1986, FY 1987, FY 1988, FY 1989 and FY 1990) awarded by the state have been conditionally closed-out with the following exceptions.

For recipients of economic development awards under the FY 1988, FY 1989, and FY 1990 LCDBG Programs and for recipients of demonstrated needs awards under the FY 1990 LCDBG Program, the state will, at its own discretion on a case-by-case basis, make a determination on the recipient's performance. If the state makes the determination that the recipient has performed adequately, the state may deem that recipient also eligible for FY 1991 funding.

Those parishes with an unincorporated population of more than 25,000 (identified in Section II. G. 1) that may have received a grant award under the FY 1990 LCDBG Program will also be eligible for an FY 1991 award if the state makes the determination that the recipient has thus far performed adequately.

(c) Audit and monitoring findings made by the state or HUD have been cleared.

(d) All required reports, documents, and/or requested data have been submitted within the timeframes established by the state.

(e) Any funds due to HUD or the state have been repaid or a satisfactory arrangement for repayment of the debt has been made and payments are current.

All applications were rated upon receipt. Any applications that were determined to be ineligible for FY 1990 funding will be re-evaluated for eligibility for FY 1991 funding.

The state is not responsible for notifying applicants as to their performance status.

The capacity and performance thresholds do not apply to applicants for economic development, demonstrated needs and innovative housing funds with the exception that no award will be made to a previous recipient who owes money to the state unless an arrangement for repayment of the debt has been made and payments are current.

H. Definitions. For the purpose of the LCDBG Program or as used in the regulations, the term:

1. *Unit of general local government* means any municipal or parish government of the state of Louisiana.

2. *Low/moderate income persons* are defined as those having an income equal to or less than the Section 8 lower

income limits as determined by the U. S. Department of Housing and Urban Development. (See Appendices 3 and 4.)

3. *Auxiliary activity* means a minor activity which directly supports a major activity in one program area (housing, public facilities). Note: The state will make the final determination of the validity (soundness) of such auxiliary activities in line with the program intent and funding levels and delete if deemed appropriate.

4. *Slums and blight* is defined as in Act 590 of the 1970 Parish Redevelopment Act, Section Q-8. (See Appendix 1.)

5. *Division* refers to the Division of Administration.

III. Method of Selecting Grantees

The state has established selection and rating systems which identify the criteria used in selecting grantees.

A. Data

1. *Low and Moderate Income.* The low/moderate income limits are defined as being equal to or less than the Section 8 income limits as established by HUD. In order to determine the benefit to low/moderate income persons for a public facility project, the applicant must have utilized either census data (if available) or conducted a local survey. A local survey must be conducted for housing activities and must involve 100 percent of the total houses within the target area. Local surveys which have been conducted within 12 months prior to the application submittal date will be accepted, provided the survey conforms to current program requirements.

(a) *Census Data.* If an applicant in a non-metropolitan area chooses to utilize census data rather than conducting a local survey, the higher of either 80 percent of the 1980 median income of the parish or 80 percent of the median income of the entire non-metropolitan area of the state will be utilized to determine the low/moderate income levels. The 1980 annual income limits for low/moderate income persons for each parish is shown in Appendix 4. The FY 1979 median income for non-metropolitan Louisiana was \$15,011; therefore, the non-metropolitan low/moderate income level would amount to \$12,009. The low and moderate income levels for applicants in Metropolitan Statistical Areas (MSAs) will be determined on the basis of the entire MSA.

If 1980 census data on income is available by enumeration district, then the division will calculate the applicant's low/moderate income percentages. The applicant must request this data prior to submittal of the application.

(b) *Local Survey.* If the applicant chooses to conduct a local survey, the survey sheet in the FY 1990 application package must be used. Local surveys must be conducted for all housing activities.

When conducting a local survey rather than using 1980 census data, an applicant in a non-metropolitan area will determine the low and moderate income level based on the higher of either 80 percent of the median income of the parish or 80 percent of the median income of the entire non-metropolitan area of the state. The annual income limits for low/moderate income persons for each parish are provided in Appendix 3. The FY 1990 median income for non-metropolitan Louisiana was \$24,600; therefore, the non-metropolitan state low/moderate income level would amount to \$19,700 and the low income limit would be \$12,300. The low and moderate income levels for applicants in Metropolitan Statistical Areas (MSAs) will be determined on the basis

of the entire MSA.

If the applicant chooses to determine low/moderate income based on family size, the following sliding scale must be used:

# OF PERSONS IN HOUSEHOLD	% OF PARISH/MSA* MEDIAN INCOME
1	50
2	64
3	72
4	80
5	85
6	90
7	95
8 or more	100

*MSA = Metropolitan Statistical Area

When a local survey, rather than census data, is used to determine the low/moderate benefit, a random sample which is representative of the population of the entire target area must be taken. There are several methodologies available to insure that the sample is random and representative. The methodology used must be stated in your application. If you have questions on the methodology to use, you should contact the division for assistance. The appropriate sample size varies with the total number of occupied households in the target area and is determined by using the following formula:

$$n = .9604 \times N \div (.0025N + .9579)$$

Where n = required number of households in sample

Where N = total number of occupied households in target area. If the situation arises where it must be determined as to whether or not the sample taken was indeed random, then standard statistical tests at the appropriate geographical level will be used.

B. Program Objectives

Each activity must address one of the two national objectives previously identified under Section 1. Program Goals and Objectives.

C. Rating Systems

All applications submitted for housing, public facilities, and economic development projects either were or will be rated according to the following criteria established for each program category.

Each housing and public facilities application was rated/ranked against all similar activities in the appropriate program category/subcategory.

1. Housing (Total of 100 points)

All units which will be rehabilitated or replaced must be occupied by low/moderate income persons. Proof of ownership for owner occupied substandard units targeted for housing assistance must be verified by the applicant through the local clerk of court's office or another method which has been approved by the state prior to the submittal of the application. Also, the number of housing target areas may not exceed two. In delineating the target areas, it must be kept in mind that the boundaries must be coincident with visually recognized boundaries such as streets, streams, canals, etc.; property lines cannot be used unless they are also coincident with visually recognized boundaries. All houses rehabilitated within the FEMA 100-year flood plan must comply with the community's adopted flood damage prevention ordinance, where applicable.

(a) Program Impact (Maximum Possible Points - 25)

This was determined by dividing the total number of owner occupied units to be rehabilitated and/or replaced plus vacant units to be demolished in the target area by the total number of owner occupied substandard units in need of rehab and/or replacement plus vacant units in need of demolition in the target area.

$$\frac{\text{\# of owner occupied units to be rehabilitated and replaced + \# of vacant units to be demolished inside the target area}}{\text{\# of owner occupied substandard units including those in need of demolition and replacement + vacant units in need of demolition inside the target area}} = \text{Raw Score}$$

The raw scores were ranked and the top ranked applicant(s) received 25 points. All other applicants received points based on how they scored relative to that high score:

$$\text{Program Impact Points} = \frac{\text{applicant's score}}{\text{highest score}} \times 25$$

No project will be funded that meets less than 75 percent of the identified need.

Rental units which are occupied by low/moderate income persons are eligible as long as the number of rental units to be treated does not exceed 10 percent of the total owner occupied units proposed for rehab; the rehab of rental units will not affect the impact score in any way. All units must be brought up to at least the Section 8 Existing Housing Quality Standards and HUD's Cost Effective Energy Conservation Standards.

(b) Needs Assessment (Maximum Possible Points-25)

This was determined by comparing the total number of owner occupied and vacant units to be treated in the target area to the overall needs of the target area.

$$\frac{\text{\# of owner occupied and vacant units to be treated in target area}}{\text{\# of units in need of treatment in target area}} = \text{Raw Score}$$

The raw scores were arrayed and the top ranked applicant(s) received 25 points.

$$\text{Needs Assessment Points} = \frac{\text{applicant's score}}{\text{highest score}} \times 25$$

(c) Project Feasibility (Maximum Possible Points-50)

This was rated based upon the project's cost effectiveness and overall needs of the area including housing as well as infrastructure.

2. Innovative Housing

The state will develop the criteria for evaluating applications for innovative housing and will notify all eligible applicants of such through a direct mailing. These applications will be accepted at a different and separate time from the regular housing applications.

3. Public Facilities (Total of 81 Points)

For the purpose of ranking public facilities projects, subcategories were established (sewer systems for collection and/or treatment, water systems addressing potable water, water systems primarily for fire protection and other).

Any public facilities project that is funded must com-

pletely remedy existing conditions that violate a state or federal standard established to protect public health and safety.

(a) Benefit to Low/Moderate Income Persons (Maximum Possible Points - 10)

Projects consisting of more than one activity which involve different numbers and percentages of beneficiaries for each activity must specifically identify the numbers and percentages for each activity.

Percent of Low/Moderate Income (Maximum Possible Points - 5)

The percentage of low/moderate income persons benefitting was calculated by dividing the number of low/moderate income persons benefitting (as defined by the state) by the total persons benefitting. Points for percentage of low/mod benefitting were assigned according to the following ranges:

- 85% or more - 5 points
- at least 70% but less than 85% - 4 points
- at least 60% but less than 70% - 3 points

Number of Low/Moderate Income (Maximum Possible Points - 5)

Points for the number of low/moderate income persons benefitting were assigned according to the following ranges:

- 500 or more - 5 points
- 200 to 499 - 4 points
- less than 200 - 3 points

(b) Cost Effectiveness (Maximum Possible Points - 20)

Cost estimates per person benefitting were carefully evaluated. The cost per person benefitting was calculated for all projects. All applicants for the same type project (sewer, potable water, water for fire protection, and other) were grouped and each of these groups was then grouped by whether the project was for a new system, improvements to an existing system, or both. Once all of these separate groups were established, they were separated into categories based on the number of persons benefitted. An average cost per person benefitting was then determined for each of these categories. Each applicant in a given category was scored relative to that average cost per person figure determined for that given category. An average cost project will receive 10 points, a project with a lower than average cost per person benefitting will receive more than 10 points (a maximum of 20), and a project with higher than average cost per person will receive fewer than 10 points. The following formula was used to determine the cost effectiveness points for each applicant in each grouping:

$$\text{CE Points} = \frac{\text{Average Cost per Person Benefitted} \times 10}{\text{Applicant Cost per Person Benefitted}}$$

If the calculation yielded more than 20, it was revised downward to the 20 point maximum. This allowed all applications for new sewer systems, sewer system repairs, new water systems, waste system repairs, etc. to be rated against similar type projects. It also allowed those projects benefitting many people and those benefitting few people to be rated against other projects helping a similar number of persons.

(c) Project Severity (Maximum Possible Points - 50)

This was rated based upon the severity of the problem and extent of the effect upon the health and welfare of the community. Priority was given to sewer and water systems addressing potable water and fire protection.

In assigning points for project severity, the following

general criteria were critiqued for the type of project proposed.

Water systems primarily for fire protection purposes - well capacity, reliability of supply, amount of water stored, extent of hydrant coverage or spacing, and water pressure and volume for fire fighting. A comprehensive approach must be taken for the target area as all factors relating to the remedy of fire protection problems will be assessed. If funds were requested for a fire truck, the service area of that truck was also evaluated for availability of water, size of lines, hydrant spacing, et cetera. For example, if a community applied for a fire truck which would serve an area having water lines of an inadequate size, a lower overall rating was assigned.

Water systems addressing potable water and sewer systems - the existence of conditions in violation of those provisions of the State Sanitary Code that most directly safeguard public health and the adequacy of the proposed improvements to eliminate such conditions. Compliance with the Environmental Quality Act was also taken into consideration for all projects involving sewerage treatment facilities. The assessment was based upon the problem as documented by DHH and DEQ records, the relative degree of risks to human health posed and the number of persons most directly affected.

Problems that were generally attributable to a lack of routine operation and maintenance resulted in a less favorable evaluation. The proposed actions to eliminate verified problems were evaluated in terms of the direct applicability of the solution; superfluous or inadequate solutions resulted in a lowering of the overall rating.

(d) Use of Local Funds (Maximum Possible Points-1)

Those applicants which injected local funds into project construction received one bonus point. This point was only assigned when the amount of local funds met or exceeded 10 percent of the total construction costs (including contingencies but excluding administrative and engineering services costs). The 10 percent calculation did not include any local funds which were used to pay for any engineering and/or administrative services but did include any local funds which will be used to pay off loans received from other state, federal, or private sources.

4. Economic Development

The economic development program category involves two types of projects: loans to a business/developer and grants to the local governing body. The specific requirements of each type are identified herein and must be adhered to according to type. Although most economic development awards will involve only one type, both types (loan and grant) may be involved in one award.

The economic development loan set aside is to be used to provide loans to businesses for job creation or retention projects. The LCDBG-ED funds go from the state to the local unit of government to the private developer. A three-way agreement (contract) is signed by these three participants, and other parts of the application are reviewed by them to ensure a complete understanding by the three parties of the planned development, the expected number of jobs to be created or retained, the sources and uses of all funds to be committed to the project, the payback arrangements for all funds borrowed, the security assigned to each loan granting institution or agency, the financial and other reporting requirements of the developer and the local unit of

government to the state, and all other obligations of the developer, the local governmental unit and the state.

An application for LCDBG-ED funds may be submitted at any time during the year.

The term *developer* shall mean the corporate entity as well as the individual investors, stockholders, and owners of the applicant business. As an example of the effect of this definition, an LCDBG-ED loan to Company A cannot be used to purchase equipment, land, etc. from Company B, when both Company A and Company B are substantially owned by one or more of the same individuals.

The state will recoup 100 percent of the payback of LCDBG-ED loans (program income to the state) unless the local governing body will utilize the payback for expansion of the originally funded development. These program income funds received by the state will be placed in an Economic Development Revolving Loan Fund which will be used to supplement funding for economic development projects. These funds will be subject to the federal regulations regarding use of program income. The interest rate charged on the LCDBG-ED loan depends on the financial and cash flow projections of the applicant business. This rate will be determined in the application review.

In some instances it may be necessary and appropriate for a local unit of government to receive a grant for infrastructure improvements or the acquisition, construction, or rehabilitation of a building needed by a specific developer before his proposed job creation project can be fully implemented. This economic development grant could be used by the local unit of government to provide sewer, water, and street/road access on public property to the industrial/business site. It cannot be used to acquire, construct, or rehabilitate a building or to create a general industrial park project with the hope that a business client will then be attracted. It must be tied to a specific developer creating a specific number of jobs for low to moderate income people. Although the grant will be tied to a specific developer, all/any other developments that occur within the life of the program as a result of the infrastructure improvements must also be considered to fall under LCDBG requirements. Therefore, when preparing the closeout documents, the job creation/retention and low/moderate income figures would be the total of all of the benefitting businesses in aggregate. It must be a "but for" situation, where the business cannot locate or expand at that site unless the particular infrastructure is provided. The developer must show why this location, which lacks proper infrastructure, must be used instead of another site which already has proper infrastructure. The developer must provide sufficient financial and other statements, projections, etc. to establish that the business is likely to be successful, and will create the appropriate number of jobs at the site in a specified timeframe. Certain assurances by the developer, related to the timing of his development on the site, will be required. Other agreements between the local governing body and the developer/property holder, relative to public rights of way, et cetera will be required as needed on an individual project basis.

The maximum amount available to the local governing body for an infrastructure or building acquisition, construction, or rehabilitation type project grant is \$10,000 per job created or retained, with a \$1,000,000 limit for infrastructure improvements on any single project (including a building and improvements) or a \$300,000 limit for the acquisition,

construction, or rehabilitation of a building and improvements, including parking lots.

The following five requirements must be met by all economic development applicants:

A. A firm financial commitment from the private sector will be required upon submission of the application.

For a loan, the private funds/public funds ratio must not be less than 1:1 for manufacturing firms with Standard Industrial Code classifications of 20-39. A private to public ratio for nonmanufacturing firms must have a ratio of 2.5:1.

For a grant to the local governing body for infrastructure improvements, the private funds/public funds ratio for a grant of less than \$500,000 must be 1:1 and for a grant of \$501,000 to \$1,000,000 must be 2:1. For a grant to the local governing body for the acquisition, construction, or rehabilitation of a building and improvements for economic development, the private funds/public funds ratio must be 1:1.

In addition, the state must be assured that non-manufacturing projects will have a net job creation impact on the community and not simply redistribute jobs around the community.

Private funds must be in the form of a developer's cash or loan proceeds. Revenues from the sale of bonds may also be counted if the developer is liable under the terms of the bond issue. Previously expended funds will not be counted as private funds for the purpose of this program, nor will private funds include any grants from federal, state or other governmental programs, nor any recaptured funds. The value of land, buildings, equipment, et cetera already owned by the developer and which will be used in the new or expanded operation, will not be considered as private match.

Personal endorsement from all principals of corporations, partnerships, or sole proprietorships shall be required on the LCDBG loan documents. The principals shall: 1) endorse the LCDBG loan to the corporation and 2) guarantee the payment and fulfillment of any obligation of the corporation. These endorsements will be made jointly to the local government and state of Louisiana.

Normally, a principal is defined as owning five percent or more of the business.

B. If cost per job created or retained exceeds \$15,000 for a loan to a developer or \$10,000 for a grant to the local governing body, applications will not be considered for funding.

C. A minimum of 10 jobs created or retained is required for LCDBG-ED assistance.

D. A minimum of 60 percent of the employment will be made available to people who at the time of their employment are living in households whose total income is below the low to moderate income limit for the parish where the development occurs (see Appendix 3).

E. The application must include documentation showing that the project is feasible from the management, marketing, financial and economic standpoints. Management feasibility has to do with the past experience of the developer in managing the type of project described in the application, or other similar managerial experience. Marketing feasibility deals with how well the market for the product has been documented at the application stage - the best case being that the developer has verifiable commitments substantiating the first year's sales projection. A typical market study includes a detailed analysis of competition, the ex-

pected geographical sales plan, and letters of intent to buy, specifying quantity and price. Economic feasibility relates to whether or not the developer has realistic projections of revenues and variable costs, such as labor and cost of materials, and whether they are consistent with industry value added comparisons. An assessment will be made of the industry sector performances for the type of industry/business described in the application. Financial feasibility has to do with the ability of the firm to meet all of its financial obligations in the short and long run, determined by a cash flow analysis on the financial history and projections of the business. In analyzing the financial feasibility of a project, the state may suggest alternatives in the timing of expenditures, the amount and proposed use of public and private funds, as well as other financial arrangements proposed in the application.

For an application to be funded, the state must be assured that: the project is credit worthy; there is sufficient developer equity; the LCDBG funds will be efficiently and effectively invested; the maximum amount of private and the minimum amount of public funds will be invested in the project; the project will make an adequate return in the form of public benefits commensurate with the money invested; the state and the local community will not assume a disproportionate amount of risk in the project; and, the state and the community will receive an adequate security interest proportionate to the LCDBG funds invested in the project.

Default: The local governing body shall be ultimately responsible for repayment of the contract funds which were provided by the state.

The state shall look to the local governing body for repayment of all funds disbursed under this contract and default by the developer shall not be considered as just cause for non-payment by the local governing body. In case of a default by the local governing body in the repayment of contract funds to the state, in accordance with the terms and conditions of the contract, the full sum remitted to the local governing body shall become due and payable to the state upon demand, without the need of putting the local governing body in default.

The state shall deem the local governing body in default, regardless of the fact that the default was precipitated by the developer, to the extent that the local governing body failed to perform its contractual obligations in good faith.

D. Demonstrated Needs Fund

A \$1.5 million reserve fund will be established to alleviate critical/urgent community needs.

An application cannot be submitted for consideration under this fund if the same application is currently under consideration for funding under any other LCDBG program category.

Subject to the availability of funds, projects that meet the following criteria will be funded:

1. General Eligibility

Proposed activities must be eligible under Section 105 (a) of the Housing and Community Development Act of 1974, as amended (see Appendix 2). These funds will only be awarded, however, to projects involving improvements to existing systems.

Each proposed activity must address one of the two national objectives.

2. Critical/Urgent Need - Project Severity

Each activity must address a critical/urgent need

which can be verified by an appropriate authority, (cognizant state or federal agency), other than the applicant as having developed within six months prior to submittal of the application.

The project evaluation request will be submitted to the appropriate cognizant agency by the applicant. In addition to the stipulation that the critical/urgent need must have developed within six months prior to submittal, the cognizant agency will rate the severity or urgency of the project on a scale of 1 to 10 based upon the same criteria established by the cognizant agency for determining program severity for public facilities projects. Only those projects receiving a rating of 8, 9, or 10 from the cognizant agency will be fundable.

3. Application Requirements

All items and forms necessary for a regular public facilities application will also be required for demonstrated needs. An application will not be considered unless all items, including the completed evaluation form from the cognizant agency, are included in the application package.

E. Submission Requirements

Applications shall be submitted to the division on forms provided by the division and shall consist of the following:

(1) Program narrative statement. This shall consist of:

i. identification of the national objective(s) that the activity will address.

ii. detailed description of each activity to be carried out with LCDBG assistance. The description of each activity must clearly identify the target area or areas by street names, highway names or numbers for each street serving as a boundary of the target area. The written description must clearly and exactly conform to the designated area or areas on the map(s). A detailed cost estimate is also required for each activity. If the proposed activity is dependent on other funds for completion, the source of funds and the status of the commitment must also be indicated. If the applicant is applying for a public facilities project, the description must specifically describe what means will be taken by the applicant to ensure that adequate revenues will be available to operate and maintain the proposed project; the description must identify the source of and estimated amount of funds that will be generated for this purpose.

iii. A statement describing the impact the activity will have on the problem area selected and on the needs of low and moderate income persons, including information necessary for considering the program impact.

iv. A statement on the percent of funds requested that will benefit low and moderate income persons. The statement should indicate the total number of persons to be served and the number of such persons that meet the definition of low and moderate income.

(2) Map. A map of the local jurisdiction which identifies by project area:

i. census tracts and/or enumeration districts by number;

ii. location of concentrations of minorities, showing number and percent by census tracts and/or enumeration districts;

iii. location of concentrations of low and moderate income persons, showing number and percent by census tracts and/or enumeration districts;

iv. boundaries of areas in which the activities will be concentrated;

v. specific locations of each activity.

(3) Program schedule. Each applicant shall submit, in a format prescribed by the state, a listing of dates for major milestones for each activity to be funded.

(4) Title VI compliance. All applicants shall submit, in a form prescribed by the state, evidence of compliance with Title VI of the Civil Rights Act of 1964. This enables the state to determine whether the benefits will be provided on a nondiscriminatory basis and will achieve the purposes of the program for all persons, regardless of race, color, or national origin.

(5) Certification of assurances. The certificate of assurances required by the state, relative to federal and state statutory requirements, shall be submitted by all applicants; this certificate includes, but is not limited to, Title VI, Title VIII, and affirmatively furthering fair housing. In addition, each recipient should target at least 15 percent of all grant monies for minority enterprises. All assurances must be strictly adhered to; otherwise, the grant award will be subject to penalty.

(6) Certification to minimize displacement. The applicant must certify that it will minimize displacement as a result of activities assisted with LCDBG funds. In addition to minimizing displacement, the applicant must certify that when displacement occurs reasonable benefits will be provided to persons involuntarily and permanently displaced as a result of the LCDBG assistance to acquire or substantially rehabilitate property. This provision applies to all displacement with respect to residential and nonresidential property not governed by the Uniform Relocation Act.

(7) Certification of residential antidisplacement and relocation assistance plan. The applicant must certify that it has developed and is following a residential antidisplacement and relocation assistance plan. The plan must include two components - a requirement to replace all low/moderate income dwelling units that are demolished or converted to a use other than low/moderate income housing as a direct result of the use of CDBG assistance and a relocation assistance component.

(8) Certification to promote fair housing opportunities. Applicants are required to certify that they will make every effort to further fair housing opportunities in their respective jurisdictions.

(9) Certification prohibiting special assessments. The applicant must submit a certification prohibiting the recovery of capital costs for public improvements financed, in whole or in part, with LCDBG funds through assessments against properties owned and occupied by low and moderate income persons. The prohibition applies also to any fees charged or assessed as a condition of obtaining access to the public improvements.

(10) Certification of citizen participation. Applicants shall provide adequate information to citizens about the Community Development Block Grant Program. Applicants shall provide citizens with an opportunity to participate in the planning and assessment of the application for Community Development Block Grant Program funds. At least one public hearing must be held prior to application preparation in order to obtain the citizens' views on community development and housing needs. A notice must be published informing the populace of the forthcoming public hearing; a

minimum of five calendar days is required for this notice. The notice must inform the citizens that accommodations will be provided for individuals with handicaps and non-English speaking persons. Citizens must be provided with the following information at the hearing:

- i. the amount of funds available for proposed community development and housing activities;
- ii. the range of activities that may be undertaken, including the estimated amount proposed to be used for activities that will benefit persons of low and moderate income;
- iii. the plans of the applicant for minimizing displacement of persons as a result of activities assisted with such funds and the benefits to be provided to persons actually displaced as a result of such activities;
- iv. if applicable, the applicant must provide citizens with information regarding the applicant's performance on prior LCDBG programs funded by the state.

A second notice must be published after the first public hearing has been held but before the application is submitted. The second notice must inform citizens of the proposed objectives, proposed activities, the location of the proposed activities and the amounts to be used for each activity. Citizens must be given the opportunity to submit comments on the proposed application. The notice must further provide the location at which and hours when the application is available for review. The notice must state the proposed submittal date of the application. In order to provide a forum for citizen participation relative to the proposed activities, a second hearing must be held to receive comments and discuss the proposed application. The details on this second hearing should be included in the second public notice. The notice must inform the citizens that accommodations will be made for individuals with handicaps and non-English speaking persons.

Applicants must submit a notarized proof of publication of each public notice.

Each applicant shall provide citizens with adequate opportunity to participate in the planning, implementation, and assessment of the CDBG program. The applicant shall provide adequate information to citizens, hold public hearings at the initial stage of the planning process to obtain views and proposals of citizens, and provide opportunity to comment on the applicant's community development performance. In order to achieve these goals each applicant shall prepare and follow a written citizen participation plan that incorporates procedures for complying with the following regulations (a-g). The plan must be made available to the public at the beginning of the planning stage, i.e., the first public hearing.

The written plan must:

- (a) provide for and encourage citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blighted areas and of areas in which funds are proposed to be used;
- (b) provide citizens with reasonable and timely access to local meetings, information, and records relating to the state's proposed method of distribution, as required by regulations of the secretary, and relating to the actual use of funds under Title I of the Housing and Community Development Act of 1974, as amended;
- (c) provide for technical assistance to groups representative of persons of low and moderate income that re-

quest such assistance in developing proposals with the level and type of assistance to be determined by the grantee;

(d) provide for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, including at least the development of needs, the review of proposed activities, and review of program performance, which hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodations for the handicapped and non-English speaking persons.

(e) provide for a timely written answer to written complaints and grievances, within 15 working days where practicable; and

(f) identify how the needs of non-English speaking and handicapped residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate.

(g) establish procedures and policies to ensure non-discrimination based on handicap in programs and activities receiving federal financial assistance as required by Section 504 of the Rehabilitation Act of 1973, as amended.

(11) Certification Regarding Lead-Based Paint. The applicant must certify that its notification, inspection, testing, and abatement procedures concerning lead-based paint are in compliance with Section 570.608 of the Housing and Community Development Act of 1974, as amended.

(12) Certification on Excessive Use of Force. This certification will require each unit of general local government to be distributed Title I funds to adopt and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individual engaged in non-violent Civil Rights demonstrations in accordance with Section 519 of Public Law 101-144 (the 1990 HUD Appropriations Act).

(13) Certification Regarding Government-Wide Restrictions on Lobbying. The applicant must certify that no federally appropriated funds have been paid for any lobbying purposes regardless of the level of government.

(14) The state may require additional certifications from applicants/recipients whenever so required by federal regulations.

(15) Local survey data. Those applicants who conduct a local survey to determine specific data required for the application must include one copy of all completed survey forms.

(16) Submission of additional data. Only that data received by the deadline established for applications will be considered in the selection process unless additional data is specifically requested by the state. Material received after the deadline will not be considered as part of the application, unless requested by the state.

F. Application Review Procedure.

(1) The application must be mailed or delivered prior to any deadline dates established by the division. The applicant must obtain a "certificate of mailing" from the post office, certifying the date mailed. The division may require the applicant to submit this certificate of mailing to document compliance with the deadline, if necessary.

(2) The application submission requirements must be complete.

(3) The funds requested must not exceed the ceiling

amounts established by the division.

(4) Review and Notification. Following the review of all applications, the division will promptly notify the applicant of the actions taken with regard to its application.

(5) Criteria for Conditional Approval. The division may make a conditional approval, in which case the grant will be approved, but the obligation and utilization of funds is restricted. The reason for the conditional approval and the actions necessary to remove the condition shall be specified. Failure to satisfy the condition may result in a termination of the grant. Conditional approval may be made:

- i. where local environmental reviews have not yet been completed;
- ii. where the requirements regarding the provision of flood or drainage facilities have not yet been satisfied;
- iii. to ensure the project can be completed within estimated costs.
- iv. to ensure that actual provision of other resources required to complete the proposed activities will be available within a reasonable period of time.

(6) Criteria for disapproval of an application. The division may disapprove an application for any of the following reasons.

- i. Based on a field review of the applicant's proposal or other information received, it is found that the information was incorrect; the division will exercise administrative discretion in this area.
- ii. The Division of Administration determines that the applicant's description of needs and objectives is plainly inconsistent with facts and data generally available. The data to be considered must be published and accessible to both the applicant and state such as census data, or recent local, area wide, or state comprehensive planning data;
- iii. Other resources necessary for the completion of the proposed activity are no longer available or will not be available within a reasonable period of time.
- iv. The activities cannot be completed within the estimated costs or resources available to the applicant;
- v. The proposed activity is not eligible for funding or one of the two national objectives is not being met.

G. Program Amendments for LCDBG Program

The division may consider amendments if they are necessitated by actions beyond the control of the applicant. Recipients shall request prior division approval for all program amendments involving new activities or alteration of existing activities that will change the scope, location, or objectives of the approved activities or beneficiaries.

1. New or altered activities are considered in accordance with the criteria for selection applicable at the time the original application was reviewed and the policy, current at that time, regarding amendments.

2. All amended activities must receive environmental clearance prior to construction.

3. The state will ascertain as to whether or not the proposed activity is an integral part of the originally approved project and is necessary to complete the project as originally approved. The state will also review the site location of the proposed activity in relation to the originally approved target area. As a general rule, activities which are not an integral part of the originally approved project and which are not located within the boundaries of the originally approved target area will not be approved.

IV. Administration

Rule for Policy Determination. In administering the program, while the division is cognizant of the intent of the program, certain unforeseeable circumstances may arise which may require the exercise of administrative discretion. The division reserves the right to exercise this discretion in either interpreting or establishing new policies.

V. Redistribution of Funds

Any monies awarded by the state that are later recaptured by or returned to the state will be reallocated in accordance with the division's policy, then in effect. The sources of these funds may include, but not be limited to, program income, questioned costs, disallowed expenses, recaptured funds from loans, unallocated monies, previously awarded funds not spent by grant recipients, et cetera.

With the following exceptions and the stipulations identified in Section II.E., the monies as defined above will be placed in the current program year's public facilities category and will be used to fund the project(s) with the highest score that was not initially funded. This policy will govern all such agencies as defined herein from the FY 1982, FY 1983, FY 1984, FY 1985, FY 1986, FY 1987, FY 1988, FY 1989, FY 1990 and FY 1991 LCDBG program years as well as subsequent funding cycles, until later amended. One exception to this rule is that funds recaptured from economic development grants/loans which were not spent by the grant recipients will initially be transferred to the current economic development program category. Those monies remaining in the economic development program category at the end of the FY 1991 program year will be transferred to the public facilities category for distribution as described in Section II. E. Another exception is that all funds recaptured by the state from the payback of economic development loans will be placed in an economic development revolving loan fund which will be used to supplement funding for economic development projects. These funds will be subject to the federal regulations regarding use of program income.

These regulations are to become effective January 20, 1991, and are to remain in force until they are amended or rescinded. Anyone having any comments should submit them in writing by December 27, 1990, to Susan Elkins, Policy and Program Manager, Community Development Section, Division of Administration, Box 94095, Baton Rouge, LA 70804-9095.

APPENDIX 1

Act 590 of the 1970 Parish Redevelopment Act Section Q-8

(8) *Slum area* means an area in which there is a predominance of buildings or improvements, whether residential or non-residential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open space, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or an area of open land which, because of its location and/or platting and planning development, for predominantly residential uses, or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals or welfare.

(i) *Blighted area* means an area which by reason of the presence of a substantial number of slum, deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors which substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use; but if the area consists of any disaster area referred to in Subsection C (5), it shall constitute a "blighted area."

APPENDIX 2

Eligible Activities

Sec. 105.(a) Activities assisted under this Title may include only—

(1) the acquisition of real property (including air rights, water rights, and other interests therein) which is (A) blighted, deteriorated, deteriorating, undeveloped, or inappropriately developed from the standpoint of sound community development and growth; (B) appropriate for rehabilitation or conservation activities; (C) appropriate for the preservation or restoration of historic sites, the beautification of urban land, the conservation of open spaces, natural resources, and scenic areas, the provision of recreational opportunities, or the guidance of urban development; (D) to be used for the provision of public works, facilities, and improvements eligible for assistance under this Title; or (E) to be used for other public purposes;

(2) the acquisition, construction, reconstruction, or installation (including design features and improvements with respect to such construction, reconstruction, or installation that promote energy efficiency) of public works, facilities (except for buildings for the general conduct of government), and site or other improvements;

(3) code enforcement in deteriorated or deteriorating areas in which such enforcement, together with public improvements and services to be provided, may be expected to arrest the decline of the area;

(4) clearance, demolition, removal, and rehabilitation (including rehabilitation which promotes energy efficiency) of buildings and improvements (including interim assistance, and financing public or private acquisition for rehabilitation, and rehabilitation of privately owned properties and including the renovation of closed school buildings);

(5) special projects directed to the removal of material and architectural barriers which restrict the mobility and accessibility of elderly and handicapped persons;

(6) payments to housing owners for losses of rental income incurred in holding for temporary periods housing units to be utilized for the relocation of individuals and families displaced by activities under this Title;

(7) disposition (through sale, lease, donation or otherwise) of any real property acquired pursuant to this Title or its retention for public purposes;

(8) provisions of public services, including but not lim-

ited to those concerned with employment, crime prevention, child care, health, drug abuse, education, energy conservation, welfare or recreation needs, if such services have not been provided by the unit of general local government (through funds raised by the such unit, or received by such unit from the state in which it is located) during any part of the twelve-month period immediately preceding the date of submission of the statement with respect to which funds are to be made available under this Title, and which are to be used for such services, unless the secretary finds that the discontinuation of such services was the result of events not within the control of the unit of general local government, except that not more than 15 percentum of the amount of any assistance to a unit of general local government under this Title may be used for activities under this Paragraph unless such unit of general local government used more than 15 percent of the assistance received under this Title for fiscal year 1982 or fiscal year 1983 for such activities (excluding any assistance received pursuant to Public Law 98-8), in which case such unit of general local government may use not more than the percentage or amount of such assistance used for such activities for such fiscal year, whichever method of calculations yields the higher amount;

(9) payment of the non-federal share required in connection with a federal grant-in-aid program undertaken as part of activities assisted under this Title;

(10) payment of the cost of completing a project funded under Title 1 of the Housing Act of 1949;

(11) relocation payments and assistance for displaced individuals, families, businesses, organizations, and farm operations, when determined by the grantee to be appropriate;

(12) activities necessary (A) to develop a comprehensive community development plan, and (B) to develop a policy-planning-management capacity so that the recipient of assistance under this Title may more rationally and effectively (i) determine its needs, (ii) set long-term goals and short-term objectives, (iii) devise programs and activities to meet these goals and objectives, (iv) evaluate the progress of such programs in accomplishing these goals and objectives, and (v) carry out management, coordination, and monitoring of activities necessary for effective planning implementation;

(13) payment of reasonable administrative costs and carrying charges related to the planning and execution of community development and housing activities, including the provisions of information and resources to residents of areas in which community development and housing activities are to be concentrated with respect to the planning and execution of such activities, and including the carrying out of activities as described in Section 701(e) of the Housing Act of 1954 on the date prior to the date of enactment of the Housing and Community Development Amendments of 1981;

(14) activities which are carried out by public or private nonprofit entities, including (A) acquisition of real property; (B) acquisition, construction, reconstruction, rehabilitation, or installation of (i) public facilities (except for buildings for the general conduct of government), site improvements, and utilities, and (ii) commercial or industrial buildings or structures and other commercial or industrial real property improvements; and (C) planning;

(15) assistance to neighborhood-based nonprofit organizations, local development corporations, or entities organized under Section 301(d) of the Small Business Investment Act of 1958 to carry out a neighborhood revitalization or com-

munity economic development or energy conservation project in furtherance of the objectives of Section 101(c), and assistance to neighborhood-based nonprofit organizations, or other private or public nonprofit organizations, for the purpose of assisting, as part of neighborhood revitalization or other community development, the development of shared housing opportunities (other than by construction of new facilities) in which elderly families (as defined in Section 3(b)(3) of the United States Housing Act of 1937) benefit as a result of living in a dwelling in which the facilities are shared with others in a manner that effectively and efficiently meets the housing needs of the residents and thereby reduces their cost of housing;

(16) activities necessary to the development of energy use strategies related to recipient's development goals, to assure that those goals are achieved with maximum energy efficiency, including items such as—

(A) an analysis of the manner in, and the extent to, which energy conservation objectives will be integrated into local government operations, purchasing and service delivery, capital improvements budgeting, waste management, district heating and cooling, land use planning and zoning, and traffic control, parking, and public transportation functions; and

(B) a statement of the actions the recipient will take to foster energy conservation and the use of renewable energy resources in the private sector, including the enactment and enforcement of local codes and ordinances to encourage or mandate energy conservation or use of renewable energy resources, financial and other assistance to be provided (principally for the benefit of low- and moderate-income persons) to make energy conserving improvements to residential structures, and any other proposed energy conservation activities.

(17) provisions of assistance to private, for-profit entities, when the assistance is necessary or appropriate to carry out an economic development project;

(18) the rehabilitation or development of housing assisted under Section 17 of the United States Housing Act of 1937; and

(19) (a) provision of assistance to facilitate substantial reconstruction of housing owned and occupied by low- and moderate-income persons (A) where the need for reconstruction was not determinable until after rehabilitation under this Section had already commenced, or (B) where the reconstruction is part of a neighborhood rehabilitation effort and the grantee (i) determines the housing is not suitable for rehabilitation, and (ii) demonstrates to the satisfaction of the secretary that the cost of substantial reconstruction is significantly less than the cost of new construction and less than the fair market value of the property after substantial reconstruction.

(b) upon the request of the recipient of assistance under this Title, the secretary may agree to perform administrative services on a reimbursable basis on behalf of such recipient in connection with loans or grants for the rehabilitation of properties as authorized under Subsection (a)(4).

(c)(1) In any case in which an assisted activity described in Paragraph (14) or (17) of Subsection (a) is identified as principally benefitting persons of low and moderate income, such activity shall—

(A) be carried out in a neighborhood consisting predominantly of persons of low and moderate income and pro-

vide services for such persons; or

(B) involve facilities designed for use predominately by persons of low and moderate income; or

(C) involve employment of persons, a majority of whom are persons of low and moderate income.

(2)(A) in any case in which an assisted activity described in Subsection (a) is designed to serve an area generally and is clearly designed to meet identified needs of persons of low and moderate income in such area, such activity shall be considered to principally benefit persons of low and moderate income if (i) not less than 51 percent of the residents of such area are persons of low and moderate income; (ii) in any metropolitan city or urban county, the area served by such activity is within the highest quartile of all areas within the jurisdiction of such city or county in terms of the degree of concentration of persons of low and moderate income; or (iii) the assistance for such activity is limited to paying assessments (including any charge made as a condition of obtaining access) levied against properties owned and occupied by persons of low and moderate income to recover the capital cost for a public improvement.

(B) the requirements of Subparagraph (A) do not prevent the use of assistance under this Title for the development, establishment, and operation for not to exceed 2 years after its establishment of a uniform emergency telephone number system if the secretary determines that—

(i) such system will contribute substantially to the safety of the residents of the area served by such system;

(ii) not less than 51 percent of the use of the system will be by persons of low and moderate income; and

(iii) other federal funds received by the grantee are not available for the development, establishment, and operation of such system due to the insufficiency of the amount of such funds, the restrictions on the use of such funds, or the prior commitment of such funds for other purposes by the grantee. The percentage of the cost of the development, establishment, and operation of such a system that may be paid from assistance under this Title and that is considered to benefit low- and moderate-income persons is the percentage of the population to be served that is made up of persons of low and moderate income.

(3) Any assisted activity under this Title that involves the acquisition or rehabilitation of property to provide housing shall be considered to benefit persons of low and moderate income only to the extent such housing will, upon completion, be occupied by such persons.

APPENDIX 3

1990 Median Family Income
By Parish and MSA

<u>Parish</u>	<u>1990 Median Family Income</u>	<u>Low/Mod Income* Limit</u>	<u>Low Income* Limit</u>
Acadia	\$ 22,300	\$ 19,700	\$ 12,300
Allen	24,700	19,750	12,300
Ascension	See MSA - Baton Rouge		
Assumption	28,000	22,400	13,600
Avoyelles	18,900	19,700	12,300
Beauregard	27,400	21,900	12,300
Bienville	24,000	19,700	12,300
Bossier	See MSA - Shreveport		
Caddo	See MSA - Shreveport		
Calcasieu	See MSA - Lake Charles		
Caldwell	21,500	19,700	12,300
Cameron	32,400	25,900	13,900
Catahoula	20,100	19,700	12,300
Claiborne	25,200	20,150	12,600
Concordia	24,000	19,700	12,300
Desoto	25,800	20,650	12,900
East Baton Rouge	See MSA - Baton Rouge		
East Carroll	17,700	19,700	12,300
East Feliciana	31,600	25,300	12,600
Evangeline	19,600	19,700	12,300
Franklin	20,300	19,700	12,300
Grant	21,700	19,700	12,300
Iberia	29,200	23,350	14,600
Iberville	33,800	27,050	12,600
Jackson	23,700	19,700	12,300
Jefferson	See MSA - New Orleans		
Jefferson Davis	27,800	22,250	12,300
Lafayette	See Msa - Lafayette		
Lafourche	See MSA - Houma-Thibodaux		
LaSalle	24,000	19,700	12,300
Lincoln	28,900	23,100	14,450
Livingston	See MSA - New Orleans		
Madison	18,100	19,700	12,300
Morehouse	22,000	19,700	12,300
Natchitoches	23,100	19,700	12,300
Ouachita	See MSA - Monroe		
Plaquemines	31,200	24,950	15,600
Pointe Coupee	29,100	23,300	12,600
Rapides	See MSA - Alexandria		
Red River	21,700	19,700	12,300
Richland	20,600	19,700	12,300

1990 Median Family Income
By Parish and MSA
(Continued)

<u>Parish</u>	<u>1990 Median Family Income</u>	<u>Low/Mod Income*</u> <u>Limit</u>	<u>Low Income*</u> <u>Limit</u>
Sabine	\$ 23,400	\$ 19,700	\$ 12,300
St. Bernard	See MSA - New Orleans		
St. Charles	See MSA - New Orleans		
St. Helena	22,200	19,700	12,300
St. James	34,000	27,200	15,600
St. John the Baptist	See MSA - New Orleans		
St. Landry	21,700	19,700	12,300
St. Martin	See MSA - Lafayette		
St. Mary	31,300	25,050	15,650
St. Tammany	See MSA - New Orleans		
Tangipahoa	25,100	20,100	12,550
Tensas	17,800	19,700	12,300
Terrebonne	See MSA Houma - Thibodaux		
Union	23,800	19,700	12,300
Vermilion	24,000	19,700	12,300
Vernon	19,400	19,700	12,300
Washington	23,800	19,700	12,300
Webster	23,800	19,700	12,300
West Baton Rouge	See MSA - Baton Rouge		
West Carroll	18,400	19,700	12,300
West Feliciana	27,900	22,300	12,600
Winn	19,600	19,700	12,300

*For those parishes which have a median family income less than the State nonmetropolitan median family income (\$24,600), the low/mod income and the low income limits were based on the State nonmetropolitan median family income.

MSA-Metropolitan
Statistical Areas

MSA Alexandria, LA ¹	28,400	22,700	14,200
MSA Baton Rouge, LA ²	33,400	26,700	16,700
MSA Houma-Thibodaux, LA ³	29,700	23,750	14,850
MSA Lafayette, LA ⁴	33,800	27,050	16,900
MSA Lake Charles, LA ⁵	34,300	27,450	17,150
MSA Monroe, LA ⁶	28,200	22,550	14,100
MSA New Orleans, LA ⁷	33,900	27,100	16,950
MSA Shreveport, LA ⁸	32,300	25,850	16,150

Footnotes:

¹Includes Rapides Parish only.

²Includes East Baton Rouge, West Baton Rouge, Livingston, and Ascension Parishes.

³Includes Terrebonne and Lafourche Parishes.

⁴Includes St. Martin and Lafayette Parishes.

⁵Includes Calcasieu Parish only.

⁶Includes Ouachita Parish only.

⁷Includes Jefferson, Orleans, St. Tammany, St. Bernard, St. John the Baptist, and St. Charles Parishes.

⁸Includes Caddo and Bossier Parishes.

Source: Income data provided by U. S. Department of Housing and Urban Development, January 2, 1990.

APPENDIX 4

1980 Median Family Income
By Parish and MSA

Parish	1980 Median Family Income	LOW/MOD INCOME LIMIT		LOW INCOME LIMIT	
		Families	Unrelated Individuals	Families	Unrelated Individuals
Acadia	\$ 15,792	\$12,634	\$ 8,844	\$ 7,896	\$ 5,527
Allen	15,685	12,548	8,784	7,842	5,489
Ascension	21,572	17,258	12,080	10,786	7,550
Assumption	17,334	13,867	9,707	8,667	6,067
Avoyelles	11,987	9,590	6,713	5,994	4,196
Beauregard	17,417	13,934	9,754	8,709	6,096
Bienville	13,850	11,080	7,756	6,925	4,848
Bossier	See MSA-Shreveport				
Caddo	See MSA-Shreveport				
Calcasieu	See MSA-Lake Charles				
Caldwell	12,624	10,099	7,069	6,312	4,418
Cameron	20,562	16,450	11,515	10,281	7,197
Catahoula	12,770	10,216	7,151	6,385	4,470
Claiborne	14,538	11,630	8,141	7,269	5,088
Concordia	15,208	12,166	8,516	7,604	5,323
DeSoto	14,887	11,910	8,337	7,444	5,211
E. Baton Rouge	See MSA-Baton Rouge				
East Carroll	10,388	8,310	5,817	5,194	3,636
East Feliciana	16,184	12,947	9,063	8,092	5,664
Evangeline	12,540	10,032	7,022	6,270	4,389
Franklin	11,937	9,550	6,685	5,969	4,178
Grant	See MSA-Alexandria				
Iberia	19,268	15,414	10,790	9,634	6,744
Iberville	17,340	13,872	9,710	8,670	6,069
Jackson	13,919	11,135	7,795	6,960	4,872
Jefferson	See MSA-New Orleans				
Jefferson Davis	17,657	14,126	9,888	8,829	6,180
Lafayette	See MSA-Lafayette				
Lafourche	19,947	15,958	11,170	9,974	6,982
LaSalle	15,250	12,200	8,540	7,625	5,338
Lincoln	16,660	13,328	9,330	8,330	5,831
Livingston	See MSA-Baton Rouge				
Madison	10,679	8,543	5,980	5,340	3,738
Morehouse	12,949	10,359	7,251	6,475	4,533
Natchitoches	13,343	10,674	7,472	6,672	4,670
Orleans	See MSA-New Orleans				
Ouachita	See MSA-Monroe				
Plaquemines	19,884	15,907	11,135	9,942	6,959
Pointe Coupee	14,913	11,930	8,351	7,457	5,220
Rapides	See MSA-Alexandria				
Red River	12,482	9,986	6,990	6,241	4,369
Richland	12,112	9,690	6,783	6,056	4,239
Sabine	13,519	10,815	7,571	6,760	4,732

1980 Median Family Income
By Parish and MSA
(Continued)

<u>Parish</u>	<u>1980 Median Family Income</u>	<u>LOW/MOD INCOME LIMIT</u>		<u>LOW INCOME LIMIT</u>	
		<u>Families</u>	<u>Unrelated Individuals</u>	<u>Families</u>	<u>Unrelated Individuals</u>
St. Bernard	See MSA - New Orleans				
St. Charles	\$23,223	\$18,578	\$13,005	\$11,612	\$8,128
St. Helena	11,370	9,096	6,367	5,685	3,980
St. James	21,044	16,835	11,785	10,522	7,365
St. John the Baptist	21,818	17,454	12,218	10,909	7,636
St. Landry	13,893	11,114	7,780	6,947	4,863
St. Martin	16,612	13,290	9,303	8,306	5,814
St. Mary	20,688	16,550	11,585	10,344	7,241
St. Tammany	See MSA - New Orleans				
Tangipahoa	14,315	11,452	8,016	7,158	5,011
Tensas	10,447	8,358	5,850	5,224	3,657
Terrebonne	20,918	16,734	11,714	10,459	7,321
Union	14,027	11,222	7,855	7,014	4,910
Vermilion	16,951	13,561	9,493	8,476	5,933
Vernon	12,951	10,361	7,253	6,476	4,533
Washington	13,641	10,913	7,639	6,821	4,775
Webster	See MSA - Shreveport				
West Baton Rouge	See MSA - Baton Rouge				
West Carroll	10,807	8,646	6,052	5,404	3,783
West Feliciana	14,289	11,431	8,002	7,145	5,002
Winn	12,445	9,956	6,969	6,223	4,356
 <u>MSA-Metropolitan Statistical Areas</u>					
Alexandria, LA ¹	\$15,741	\$12,593	\$8,815	\$7,871	\$5,510
Baton Rouge, LA ²	21,301	17,041	11,929	10,651	7,456
Lafayette, LA ³	21,472	17,178	12,024	10,736	7,515
Lake Charles, LA ⁴	21,316	17,053	11,937	10,658	7,461
Monroe, LA ⁵	17,140	13,712	9,598	8,570	5,999
New Orleans, LA ⁶	19,196	15,357	10,750	9,598	6,719
Shreveport, LA ⁷	18,158	14,526	10,168	9,079	6,355

Footnotes:

- ¹Includes Rapides and Grant Parishes.
- ²Includes East Baton Rouge, West Baton Rouge, Livingston, and Ascension Parishes.
- ³Includes Lafayette Parish only.
- ⁴Includes Calcasieu Parish only.
- ⁵Includes Ouachita Parish only.
- ⁶Includes Jefferson, Orleans, St. Bernard, and St. Tammany Parishes.
- ⁷Includes Bossier, Caddo, and Webster Parishes.

Source: 1980 Census and Formula provided by U. S. Department of Housing and Urban Development.

Dennis Stine
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: LCDBG Program - FY 1991 Final Statement

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Approximately \$560,000 in federal funds will be provided to administer the LCDBG Program; a state match of \$460,000 is required and will be allocated in the division's budget over a six-year period. As in the past, the state will maximize the use of in-kind services to match the federal funds.

To ensure that the local units of government do not have to expend local funds to administer these grants, administrative funds are provided in the grant to cover the cost of program implementation.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The state anticipates receiving approximately \$23,000,000 of which \$22,440,000 will be used to benefit local governing units in the areas of housing, public facilities, and economic development. The distribution of these funds by program category is the same as was provided under the FY 1990 LCDBG Program.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The LCDBG Program basically benefits persons of low/moderate income throughout the state.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

All construction projects are subject to state and federal bid laws. All professional contracts must be awarded in accordance with OMB Circular A-102.

Dennis Stine

Commissioner of Administration

John R. Rombach

Legislative Fiscal Officer

NOTICE OF INTENT

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

In accordance with the provision of R.S. 49:950 et seq. and with R.S. 37:918, K, the State Board of Nursing hereby gives notice that the board, at its March 21-22, 1990 meeting, intends to adopt an amendment to the administrative rules on meetings of the board, specifically LAC 46:XLVII.3307.B to change the board's annual meeting to the September meeting of the board.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLVII. Nurses

Subpart 2. Registered Nurses

Chapter 33. General Rules

Subchapter A. Board of Nursing

§3307. Meetings of the Board

A. . . .

B. A minimum of four regular meetings shall be held each year. The annual meeting shall be held at the September meeting.

C. . . .

Public notification made herein indicates no final approval.

Written comments may be addressed to Barbara L. Morvant, MN, RN, Executive Director, State Board of Nursing, 907 Pere Marquette Building, 150 Baronne Street, New Orleans, LA 70112 until 4:30 p.m. on February 28, 1991.

Barbara L. Morvant
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: LAC 46:XLVII.3307.B Meetings of the Board

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no cost or savings to the State Board of Nursing.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections to the state or the Board of Nursing.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There will be no costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and/or employment.

Barbara L. Morvant, MN, RN
Executive Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Office of Public Health**

Disability Prevention Program

Notice is hereby given that the Department of Health and Hospitals, Office of Public Health Disability Prevention Program proposes to adopt the following rule as mandated by R.S. 40:1299.151-1299.154.

Title 48

PUBLIC HEALTH

Part V. Preventive Health Services

Subpart XVIII. Disability Prevention Program

Chapter 60. Severe Head Injuries

§6001. Mandatory reporting requirement

A. The purpose of this rule is to provide for the mandatory reporting of severe head injuries to the central registry for such injuries, located within the Disability Prevention Program of the Office of Public Health. The central registry will provide for the analysis and dissemination of collected data in an effort to develop appropriate prevention, care and support strategies for persons with severe head injuries.

B. Each licensed hospital or licensed physician in the course of his or her medical practice is required to report any case of severe head injury to the Office of Public Health.

C. The criteria for required reporting of a case of "severe head injury" are as follows:

1. Acute, traumatic injury to the central nervous system within the portion of the skull enclosing the brain, excluding brain damage due to birth trauma, or to asphyxia or intoxications in the absence of trauma; and

2. At least one of the following clinical results:
a. death in the emergency room or during hospitalization;

b. coma for a duration of at least 6 hours during the first week after injury (not including unconsciousness due to anesthesia);

c. moderate disability (independent, but restricted in work and/or social activity) or more severe disability at hospital discharge or three months post-injury, whichever comes first;

d. surgical opening of the cranium.

D. The report form entitled "Confidential Report of Severe Traumatic Head Injury" shall be used for all reports. Reports may be obtained from and are to be sent to: Disability Prevention Program, 325 Loyola Avenue, Room 307, New Orleans, LA 70112.

E. Confidentiality will be strictly maintained.

Written comments regarding this proposed rulemaking should be addressed to Joel L. Nitzkin, M.D., D.P.A., Department of Health and Hospitals, Office of Public Health, Box 60630, New Orleans, LA 70160. All comments should be received at the aforementioned address until December 31, 1990.

David L. Ramsey
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Severe Head Injuries—Mandatory
Reporting and Data Collection**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The estimated implementation cost will be \$300 for printing and postage in FY 90-91, FY 91-92 and FY 92-93 of which there is no projected cost to the state. Sufficient federal funds are available for implementation of the proposed rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There will be no economic costs or benefits to directly affected persons or groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Joel L. Nitzkin, M.D., D.P.A.
Acting Assistant Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Office of Public Health**

The Department of Health and Hospitals, Office of Public Health hereby gives notice in accordance with law that it intends to amend Chapter XIII of the State Sanitary Code as follows:

Chapter XIII

Sewage and Refuse Disposal

Insert before the last sentence of 13:012-3:

With systems that use electrical power, the installer shall have a licensed electrician complete and sign an "Individual Sewerage Electrical Inspection Form" certifying that the installation complies with the National Electrical Code and local codes. All forms will be furnished by the Office of Public Health and are obtainable from each parish health unit, free of charge.

Persons interested in commenting on this notice of intent may submit written comments until 4:30 p.m., December 20, 1990 to the following address: Joel L. Nitzkin, M.D., D.P.A., Director, Office of Public Health, Box 60630, New Orleans, LA 70160.

David L. Ramsey
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Amendment to Chapter XIII
of the State Sanitary Code**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no implementation cost to state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There is no set standard fee for electricians.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no impact on competition as all installers must provide the certification.

Joel L. Nitzkin, M.D., D.P.A.
Acting Assistant Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Office of Public Health**

In accordance with provisions of the Administrative Procedure Act, the Department of Health and Hospitals, Office of Public Health Safe Drinking Water Program proposes

to adopt the Total Coliform Rule effective February 20, 1991. The proposed rule once adopted will allow the state of Louisiana to be in compliance with the United States Environmental Protection Agency Regulations promulgated pursuant to the Federal Safe Drinking Water Act P.L. 93-523 and 99-339.

Total Coliform Rule

The Department of Health and Hospitals (DHH) Office of Public Health (OPH) adopts the United States Environmental Protection Agency (EPA) Federal Total Coliform Regulations as published in the *Federal Register*, Volume 54, Number 124 Thursday, June 29, 1989. In order to clarify the state's discretionary decisions allowed by the federal requirements, the following is offered:

Coliform Routine Coliance Monitoring

Each public water supply must be monitored in accordance with a written sampling plan prepared by the public water supply (PWS) personnel in conjunction with the parish sanitarian. The sampling plan must be reviewed and approved by OPH District/Regional engineering staff. The sampling plan should include a map of the system with the points of collection (POC) identified along with the street address and/or sufficient information for an unfamiliar person to find the sampling site. The water supply must install suitable taps which draw water directly from the mains or the service lines. Such taps provide for samples which are most representative of the quality of water provided without "interference" which may be caused by plumbing problems within residences or other structures. Use of such taps decreases the chance of "bad samples" resulting in a coliform maximum contaminant level (MCL) violation which requires public notification by the public water supply and an administrative enforcement action by the EPA against the public water supply. Community systems must be routinely monitored in accordance with Table 1.

TABLE 1
Total Coliform Sampling Requirements
According to Population Served

Population served	Minimum number of routine samples per month	Population served	Minimum number of routine samples per month
25 to 1,000	1	59,001 to 70,000	70
1,001 to 2,500	2	70,001 to 83,000	80
2,501 to 3,300	3	83,001 to 96,000	90
3,301 to 4,100	4	96,001 to 130,000	100
4,101 to 4,900	5	130,001 to 220,000	120
4,901 to 5,800	6	220,001 to 320,000	150
5,801 to 6,700	7	320,001 to 450,000	180
6,701 to 7,600	8	450,001 to 600,000	210
7,601 to 8,500	9	600,001 to 780,000	240
8,501 to 12,900	10	780,001 to 970,000	270
12,901 to 17,200	15	970,001 to 1,230,000	300
17,201 to 21,500	20	1,230,001 to 1,520,000	330
21,501 to 25,000	25	1,520,001 to 1,850,000	360
25,001 to 33,000	30	1,850,001 to 2,270,000	390
33,001 to 41,000	40	2,270,001 to 3,020,000	420
41,001 to 50,000	50	3,020,001 to 3,960,000	450
50,001 to 59,000	60	3,960,001 or more	480

Non-community systems using ground water must routinely monitor once in each calendar quarter during which the system provides water to 1000 or less persons. A non-community system using ground water and serving more than 1000 persons must monitor monthly in accordance with Table 1. Any non-community using any surface water, or using ground water under the direct influence of surface water must monitor in accordance with Table 1.

The public water supply must collect samples at regular time intervals throughout the month unless the state staff specifies otherwise or state staff collects the samples.

Special purpose samples (investigative samples) shall not be used to determine compliance with the total coliform MCL.

Coliform Repeat Monitoring

If a routine sample is total coliform positive and the public water supply has its own certified laboratory, repeat samples must be collected within 24 hours of being notified of the positive result. If the state collects and analyzes the samples, repeat samples will be collected by parish health unit staff within 24 hours of the time the public water supply completes corrective actions (i.e., disinfection and flushing) specified by OPH staff. The state may extend the 24-hour limit on a case-by-case basis, if there is a logistical problem beyond control.

The number of repeat samples collected shall be in accordance with Table 2.

TABLE 2
Monitoring and Repeat Sample Frequency
After a Total Coliform Positive Routine Sample

No. routine samples/month	No. repeat samples/positive	No. routine samples next month
1/month or fewer	4	5/month
2/month	3	5/month
3/month	3	5/month
4/month	3	5/month
5/month or greater	3	Table 1

At least one repeat sample must be collected from the sampling tap where the original total coliform positive sample was taken and at least one repeat sample at a tap within five service connections upstream and at least one repeat sample at a tap within five service connections downstream of the original sampling site. If a total coliform-positive sample is at the end of the distribution system, or one away from the end of the distribution system the requirement to collect at least one repeat sample upstream or downstream of the original sampling site is waived.

The repeat samples must be collected on the same day. In a system with a single service connection, four 100ml repeat samples must be collected.

Three 100ml samples must be collected in a system if more than one routine sample per month is collected.

If one or more repeat samples is total coliform positive, another set of repeat samples must be collected within 24 hours of the time in which additional corrective actions were taken by the public water supply. If short-term corrective actions are not successful, the public water supply must install continuous disinfection and implement a routine flushing program as directed by OPH.

Whenever a system that normally collects less than five routine distribution system samples each month receives a positive coliform analysis, it must collect at least five routine distribution system samples the next month regardless of the results of repeat sampling.

If a routine or repeat sample result is positive for total coliform, the sample must also be analyzed for fecal coliform or E. coli immediately.

Invalidation of Total Coliform Results

Analysis results may be invalidated under specified conditions, including:

1. The OPH acknowledges improper analysis occurred or background bacteriological interference was present.

2. The OPH determines the contamination is from an internal plumbing problem, not the distribution system.

3. The OPH concludes, and states in writing, that the result is due to some condition not related to water quality. This written conclusion must be signed by an OPH representative and made available to the public and EPA.

Total Coliform MCL

1. The maximum contaminant level (MCL) is based on the presence or absence of total coliform rather than on coliform density.

2. If 40 or more distribution system samples are collected per month, no more than five percent of the monthly samples may be total coliform positive.

3. If less than 40 distribution system samples are collected per month, no more than one sample per month may be total coliform positive.

NOTE: If collecting less than 40 samples per month, the second positive coliform analysis in any month will result in an MCL violation. If collecting more than 40 samples per month, occasional positives may be tolerated, as long as the number each month does not exceed five percent of the total samples.

4. A violation is considered acute and is subject to more stringent public notification requirements if fecal coliform or E. coli is detected in either routine or a repeat sample when coliform is confirmed.

Public Notification

Public notification requirements remain unchanged from the 1989 revisions as specified.

If the MCL is exceeded, the supplier of water is required to provide public notice in a daily or weekly newspaper within 14 days. Where newspaper notice is not feasible for a non-community public water supply, continuous posting may be substituted. In addition to newspaper notice, a notice must also be provided to the consumers by direct mail or hand delivery within 45 days. For an acute MCL violation, a notice shall also be furnished to radio and television stations serving the area within 72 hours.

In larger systems, an MCL violation and public notice may be confined to a portion of the distribution system.

In addition, public notification is required within three months if a supplier of water fails to comply with a monitoring and/or reporting requirement.

If a system refuses to take corrective action as specified by OPH, repeat and/or replacement samples will not be collected and/or analyzed by OPH staff. The system will be assessed a monitoring violation and must give appropriate public notification. If a replacement sample cannot be analyzed and give a readable result, the public water supply will be assessed a monitoring violation and must give appropriate public notification.

Interested persons may submit written comments on the proposed rule changes to the following: William J. Hughes, Acting Chief Engineer, Office of Public Health, Box 60630, New Orleans, LA 70160. Comments must be submitted by December 20, 1990.

David L. Ramsey
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Total Coliform Rule

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Estimated costs to the state for implementation of the total coliform rule are \$530,000 in FY 90-91; \$549,200 in FY 91-92; and \$569,168 in FY 92-93.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No increase or decrease in revenues is projected to occur as a result of the proposed action.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed action will provide bacteriological surveillance over the public water supplies (municipalities, subdivisions, mobile home parks, schools, camps, industries, and etc.) to make sure the drinking waters are safe for human consumption. Good health, as a result of good potable drinking water is an economic benefit to the state citizenry and is difficult to put a dollar value on.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The Office of Public Health will be hiring sanitarian and laboratory staff to implement this rule. There will be competition between individuals seeking this employment.

Joel L. Nitzkin, M.D., D.P.A.
Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, proposes to adopt the following rule in the Medical Assistance Program.

In accordance with requirements of the Omnibus Budget Reconciliation Act of 1987 (OBRA '87), the Bureau of Health Services Financing has adopted the designation Nursing Facilities participating in Title XIX, Medicaid, in referring to all current ICF I, ICF II, and SNF facilities effective October 1, 1990. Reimbursement shall be based on patient-specific classifications of care rather than the current facility-specific levels of care. Current level of care per diem rates shall be applicable to corresponding classifications of care, with additional base rate adjustments and lump-sum payments providing the necessary reimbursement to allow provision of services in conformity with OBRA '87 regulations.

Current reimbursement methodology provides for adjustments to rates either as a temporary adjustment which will eventually be reflected in the rates or as a new factor included as a base rate component value.

However, certain requirements of OBRA '87 require significant one-time expenditures which conform to neither of the existing adjustment methodology modes, but lend themselves to lump-sum reimbursement methodology. The adjust-

ments proposed to be reimbursed in this manner as the result of OBRA '87 requirements are: privacy curtains; electrical rewiring/receptacles; generator purchase.

The following rule is proposed in order to clarify the reimbursement methodology for payment of these one-time expenses as temporary adjustments, not included in the base rate. Reimbursement of costs associated with OBRA '87 requirements were previously considered in rulemaking adopting those requirements.

PROPOSED RULE

Reimbursement for certain nursing facility expenses may be accomplished by lump-sum payment of one-time expenses. Lump-sum adjustments may be made when the event causing the adjustment requires a substantial financial outlay and is mandated by federal requirements, such as a change in certification standards mandating additional equipment or furnishings. Such adjustments shall be subject to BHSF review and approval of costs prior to reimbursement.

Interested persons may submit written comments to Carolyn Maggio, Office of the Secretary, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. She is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule will be held on December 28, 1990 in the Department of Transportation and Development Auditorium, 1201 Capitol Access Road, Baton Rouge, LA at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

David L. Ramsey
Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Lump-sum Adjustments to Nursing Facility Rates

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No costs or savings are anticipated as the result of adoption of this clarifying rule. Costs associated with the Omnibus Budget Reconciliation Act of 1987 (OBRA '87) which this amendment to reimbursement methodology is designed to accommodate are accounted for under previous rulemaking for adoption of OBRA '87 requirements.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No increase or decrease in revenue collections are expected as the result of adoption of this rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
No cost and/or economic benefits are expected to accrue to Nursing Facilities as the result of adoption of this change in methodology.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This proposed rule will have no impact on competition or employment.

Carolyn O. Maggio
Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

Presently when an enrolled Medicaid provider has a negative balance (overpayment), the state Medicaid agency sets up a collection procedure on that provider's number. Only money paid to that provider through that number is collected. If the overpaid provider joins a group who is the payee for Medicaid services, the state Medicaid agency has not recouped the negative balance. Under this rule, the system will automatically track the negative balances to all income the provider generates regardless of any group or facility affiliation. As a result of this change in recoupment procedures, the state will decrease the amount of time necessary to eliminate negative balances.

PROPOSED RULE

When the state Medicaid agency has to recover a negative balance (overpayment) from the provider, the negative balance will be tracked wherever the provider goes in his enrollment status. This includes situations in which the provider joins a group with that group as a payee of Medicaid reimbursements. The system will automatically track the negative balance to the income the overpaid provider is generating within the group or facility. The state Medicaid agency will collect from the group as long as the overpaid provider generates money under his attending provider number in the group. If the overpaid provider belongs to more than one group, the state Medicaid agency will prorate the collections among the numbers in proportion to the amount of money the provider generates in each group. The system will generate correspondence to the overpaid provider on a periodic basis if payment is not received (recouped) within a specified time frame.

Interested persons may submit written comments to 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 the proposed rule.

A public hearing on this proposed rule will be held on December 28, 1990 in the 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: Collection from Medicaid Providers with Negative Balance

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The estimated implementation cost will be \$100 for manual revisions of which \$50 is the projected cost to the state for SFY 90-91. There is no expenditure increase or decrease projected for program services in FY 91-92 and FY 92-93. However, the time necessary to eliminate negative balances will be shortened.

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 provider manual policy to advise providers that the state Medicaid agency will recover negative balances through tracking the enrollment status of the provider in individual, group or facility status. There is no projected impact on revenues for FY 91-92 and FY 92-93.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Under this rule, providers with negative balances will be subject to recoupment of negative balances over a shorter period of time. However, there is no increase or decrease in liability for such provider.

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, proposes to adopt the following rule in the Medical Assistance Program.

Skilled Nursing/Technology Dependent Children (SN/TDC) services are covered under the state's Title XIX Medical Assistance Program in accordance with applicable federal and state rules and regulations. Previously, participating provider reimbursement was limited to \$85 per diem, subject to established SN payment limitations, standards for participation, and standards for payment with additional requirements applicable to the SN/TDC provider type. The rule implementing these requirements was published in the November 20, 1989 issue of the *Louisiana Register*, page 976. Previous payment levels for treatment/care for technology dependent children in skilled nursing facilities was determined to be a barrier to the receipt of covered SN level services. Some nursing facilities are unable to continue providing care to these medically stable 24-hour ventilator dependent patients, age 18 or younger who are in need of intensive nursing services because of the present level of reimbursement. Based on a review of SN/TDC reimbursement, the state is increasing the level of reimbursement to \$140 per diem. Emergency rulemaking implementing this change declared August 30, 1990, and published in the *Louisiana Register* on September 20, 1990 on page 756, in order to increase the level of reimbursement immediately to assure the delivery of necessary services to technology dependent children, and thus prevent imminent peril to the health and welfare of these children who are dependent on continuous medical care.

PROPOSED RULE

Skilled Nursing/Technology Dependent children (SN/TDC) services shall be capped at \$140 per diem, subject to the established SN payment limitations, standards for participation, and standards for payment with the additional requirements for this Title XIX provider type. At the end of the facility's cost reporting period, the facility shall file a separate long-term care facility cost report or segregate such costs from other nursing services provided, which cost report shall be subject to audit. When audited cost is below the per diem limit, the bureau shall charge back the calculated overpayment amount. No additional payment shall be made for audited cost which exceeds the per diem cap. All participating facilities will be expected to work closely with the bureau to insure that services are provided at the most cost-effective rate.

Interested persons may submit written comments to Carolyn Maggio, Office of the Secretary, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. She is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule will be held on December 28, 1990 in the Department of Transportation and Development Auditorium, 1201 Capitol Access Road, Baton Rouge, LA at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

David L. Ramsey
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Increase in SN/TDC Add-On Per Diem to \$140

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Adoption of the proposed SN/TDC reimbursement rates will result in a savings to the state of \$701,789 for FY 90/91 and \$1,377,930 for subsequent fiscal years.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Under this rule, reduction in Title XIX expenditures will result in reduced federal funding of \$2,012,013 for FY 90/91 and \$4,053,585 for subsequent years.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Under the proposed rule, annual inpatient hospital expenditures will be reduced by \$7,121,880 while reimbursement to nursing facilities will increase by \$1,679,365. The impact on individual providers cannot be determined.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule will have no 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 revoke Regulation 73 regarding the Notice to Insurers, Medical Service Plan Corporations, Hospital Service Corporations, and Hospital and Service Corporations in the state of Louisiana, regarding the handling of claims for reimbursement of Chiropractic charges.

Interested parties may submit written comments on the proposed rules until 4:30 p.m., Tuesday, January 15, 1991, 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 North Fifth Street at 2 p.m. on Tuesday, January 15, 1991.

Douglas D. "Doug" Green
Commissioner

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Notice to Insurers, Medical Service Plan Corporations, Hospital Service Corporations, and Hospital and Medical Service Corporations

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The repeal of Directive 73 and its supplement will not have an impact on state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The repeal of Directive 73 and its supplement will not have an 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)

The repeal of Directive 73 and its supplement will have an impact, though indeterminable, on both the insurance companies and policy holders. The repeal of Directive 73 will allow insurance companies to limit coverage on certain types of treatment performed by medical providers. The decrease in exposure of the insurance companies could be accompanied by a decrease in its rates.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The repeal of Directive 73 and its supplement will not have an impact on competition or employment.

Douglas D. "Doug" Green
Commissioner

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Public Safety and Corrections Corrections Services

In accordance with the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, the Department of Public Safety and Corrections, Corrections Services, hereby gives notice of its intent to promulgate and amend the rules and regulations relative to the death penalty and the policy for implementation and regulation.

Chapter 1. Secretary's Office

§103. Death Penalty

A. Purpose

The purpose of this regulation is to set forth procedures to be followed for the electrocution of individuals sentenced to death prior to January 1, 1991 and for the lethal injection of those sentenced to death after January 1, 1991.

B. Responsibility

The secretary, assistant secretary for the Office of Adult Services and the wardens of Louisiana State Penitentiary and Louisiana Correctional Institute for Women are responsible for ensuring implementation of this regulation.

C. Incarceration Prior to Execution

Male offenders sentenced to death shall be incarcerated at Louisiana State Penitentiary at Angola, Louisiana. Female offenders sentenced to death shall be incarcerated at Louisiana Correctional Institute for Women at St. Gabriel, Louisiana. Until the time for execution, the warden shall incarcerate the offender in a manner affording maximum protection to the general public, the employees of the department, and the security of the institution. Female offenders shall be transported to Louisiana State Penitentiary after 6 p.m. on the day immediately prior to the execution date.

D. Visits

1. Offenders sentenced to death shall be afforded the same visiting privileges as other offenders in the same institution. In addition, during the final 72 hours before the scheduled execution, the warden will approve special visits for the following:

a. Clergy

b. Family member(s) and friend(s) on approved visiting

list

c. Attorney

2. Except for a priest, minister, religious advisor, or attorney, visits will terminate by 6 p.m. on the day immediately prior to the execution date.

E. Media Access

1. Properly credentialed reporters may contact the office of the warden to request interviews. If the warden, offender, and (if represented by counsel) his/her attorney consent, the interview shall be scheduled for a time convenient to the institution.

2. Should the demand for interviews be great, the warden may set a day and time for all interviews to be conducted and may specify whether interviews will be done individually or in "press conference" fashion.

F. Pre-Execution Activities

1. The warden shall select any appropriate area to serve as a press room and for any mobile press units. Press representatives, except those selected as witnesses, will not be permitted in other areas of the penitentiary from 8 a.m. on the day preceding the execution until such time after the exe-

cution as the warden deems appropriate.

2. The execution room shall be off-limits to unauthorized offenders and employees from 8 a.m. on the day of the execution until such time after the execution as the warden deems appropriate. The execution room shall also be off-limits to the public and press from 15 days before the execution until such time after the execution as the warden deems appropriate.

3. All persons selected as witnesses will sign copies of the witness agreement prior to being transported to the execution room.

G. Execution

1. Time and Place

a. The execution shall take place at Louisiana State Penitentiary, Angola, Louisiana, between 12 midnight and 1 a.m., barring unforeseen delays. In no event may the execution be conducted after 3 a.m. (R.S. 15:569.1).

b. At 11:45 p.m., the witnesses shall be escorted to the execution room.

2. Witnesses

a. The following are the only persons, other than the condemned, who will be admitted to the execution room during the execution:

*i. the warden of Louisiana State Penitentiary or his designee;

*ii. the coroner of West Feliciana Parish or his deputy;

*iii. a physician chosen by the warden;

*iv. the operator of the electric chair, or a competent person selected by the warden to administer the lethal injection;

*v. a priest or minister, or religious advisor, if the offender so requests.

vi. three members of the news media, as follows: one qualified Louisiana representative from the Associated Press or United Press International (alternately), one representative selected by lot from Louisiana media persons from the parish where the crime was committed and one representative selected by lot from all other Louisiana media persons requesting to be present. Those so designated must agree to act as pool reporters for the remainder of the media present and meet with all media representatives present immediately after the execution; and

vii. a minimum of two and a maximum of four additional witnesses selected by the secretary of the Department of Public Safety and Corrections from persons who, in the secretary's discretion, have a legitimate interest. The secretary may designate the warden of the Louisiana Correctional Institute for Women to serve as a witness in the event a female offender is executed.

b. All witnesses must be residents of the State of Louisiana, over 18 years of age and all must agree to sign the report of the execution (R.S. 15:570 - 571).

c. No cameras or recording devices, either audio or video, will be permitted in the execution room (R.S. 15:569).

3. All arrangements for carrying out the execution shall be completed by 12 midnight. At that time, the warden shall order the offender brought into the execution room. He shall then allow the offender to make any last statement he/she may have. Upon completion of the statement, the warden shall order the operator of the electric chair, or the person selected to administer the lethal injection, to proceed with the execution.

4. The operator of the electric chair will then pass

through the body of the offender electricity of sufficient intensity and duration to cause death swiftly. In the case of lethal injection, the person designated by the warden will administer by intravenous injection a substance(s) in a lethal quantity into the body of the offender until such person is dead.

5. At the conclusion of the execution, the coroner or his deputy shall pronounce the offender dead. The offender shall then be immediately taken to a waiting ambulance for transportation to a place designated by the next of kin or in accordance with other arrangements made prior to the execution.

6. The warden will then make a written report reciting the manner and date of the execution. The warden and all witnesses shall sign the report and it shall be filed with the clerk of court in the parish where the sentence was originally imposed.

7. No employee, including employee witnesses to the execution, except the warden or his designated representative, shall communicate with the press regarding any aspect of the execution, except as required by law.

H. The effective date of this regulation is January 20, 1991.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:567-15:571 (as amended by Act No. 717 of the 1990 Regular Session of the Louisiana Legislature), *Garret v. Estelle*, 556 F.2d 1274 (5th Cir., 1977).

HISTORICAL NOTE: Promulgated by the Department of Corrections, Office of the Secretary, LR 6:10 (January 1980), amended LR 7:177 (April 1981) and by the Department of Public Safety and Corrections, Corrections Services, LR 16:

*These and no less than five and no more than seven additional witnesses are required, by law, to be present (R.S. 15:570).

Interested persons may submit written comments to the following address: Larry Smith, Deputy Secretary, Department of Public Safety and Corrections, Box 94304, Baton Rouge, LA 70804-9304. Comments will be accepted through the close of business, 4:15 p.m., December 15, 1990.

Bruce N. Lynn
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Death Penalty

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The estimated implementation cost to state government is \$50,000 for necessary renovations and equipment.

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 government units associated with this rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There will be no costs and/or economic benefits to directly affected persons or non-governmental groups associated with this rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will have no effect on competition and employment.

LeVern S. Meades
Undersecretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Public Safety and Corrections
Corrections Services**

In accordance with the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, the Department of Public Safety and Corrections, Corrections Services, hereby gives notice of its intent to promulgate and amend the rules and regulations relative to the selection of inmates for work release and the policy for implementation and regulation.

The following are proposed amendments to the rules and regulations:

**Title 22
CORRECTIONS, CRIMINAL JUSTICE AND
LAW ENFORCEMENT
Part I. Corrections**

Chapter 3. Adult and Juvenile Services

§309. Work Release: Selection of Inmates

A. Purpose

The purpose of this regulation is to establish the secretary's policy regarding the assignment of inmates to work release status.

B. Responsibility

It is the responsibility of the assistant secretary of the Office of Adult Services, all wardens, sheriffs, and community rehabilitation center directors to implement this regulation and convey its contents to the inmate population and all affected employees.

C. General

Selection of inmates to participate in work release programs must be made with the greatest of care. Selected inmates should be able to benefit from the program and should have demonstrated their ability to conform to the rigid standards of conduct expected of those who associate with the general public.

D. Procedures

1. Inmates at state correctional facilities will be screened for work release pending parole or pending discharge. Screenings will be eight months prior to parole and 13 months prior to discharge. Those inmates who are deemed to be appropriate for placement in a work release program shall be recommended to the assistant secretary of the Office of Adult Services for consideration. This recommendation shall indicate that the inmate meets all criteria set forth in this regulation.

2. A three-member committee appointed by the assistant secretary of the Office of Adult Services will review each recommendation and a recorded vote shall be taken and kept in the inmate's file. Any member of the committee voting against approval shall explain his vote on the voting form. A

majority of votes shall constitute approval. Parole cases shall be forwarded to the Parole Board for a hearing and final approval.

3. Inmates sentenced to the Department of Public Safety and Corrections and who are in the custody of a sheriff shall not be eligible for a sheriff's work release program unless he/she would be eligible under the terms of this regulation. The written approval of the secretary of the Department of Public Safety and Corrections is required before any state prisoner housed in a parish jail can be placed on work release. For this to occur, the sheriff must certify, in writing, to the secretary of the Department of Public Safety and Corrections that he/she is recommended for work release, and that he/she meets all statutory and regulatory requirements for work release participation. In this letter, the sheriff must also acknowledge that the inmates' wages will be collected and disbursed in accordance with state law. The Office of Adult Services will verify that the inmate(s) meets all statutory requirements for work release participation. Upon written approval of the secretary, the inmate(s) can be placed on work release.

4. Inmates assigned to work release may not be employed in an occupation requiring out-of-state travel.

5. All incidents of new crimes or disciplinary infractions resulting in removal from work release shall be reported to the Office of Adult Services which shall compile statistical data on the incidence of work release violations. The data shall include the nature of the incident, the age of the offender, his original offense, the length of his sentence, his prior criminal record, and any other characteristic found to be predictive of success or failure. This information shall be used by the department to formulate program policies and eligibility standards and shall be available to the legislature upon request.

E. Selection Criteria

1. Only inmates within 12 months of their discharge date or six months of their parole date are eligible.

2. Inmates must be approved by the Parole Board where eligibility is based on the parole date.

3. Inmates must be recommended by the warden or sheriff.

4. Inmates convicted of the following crimes are not eligible except in the last six months of their sentence:

- a. first or second degree murder;
- b. aggravated or attempted aggravated rape;
- c. forcible rape;
- d. aggravated kidnapping;
- e. aggravated arson;
- f. armed robbery;

g. producing, manufacturing, distributing, dispensing, or possession with intent to produce, manufacture, distribute or dispense a controlled dangerous substance classified in Schedule I or Schedule II of R.S. 40:964 and persons sentenced as habitual offenders under R.S. 15:529.1.

5. Inmates with arrest or institutional records which reveal habitual or compulsive use of violence against persons are not eligible.

6. Inmates requiring extensive medical treatment are not eligible.

7. Inmates undergoing mental health treatment are not eligible.

8. Inmates found guilty by a court or institutional disciplinary board of escape or attempted escape within the last

seven years are not eligible.

9. Inmates who have demonstrated an overt-aggressive pattern of homosexual behavior to the extent that it would disrupt the smooth daily operation of the program are not eligible.

10. Inmates whose institutional records reflect consistent signs of bad work habits, lack of cooperation or good faith, or other undesirable behavior are not eligible.

11. Inmates with pending felony charges or detainees are not eligible.

12. First offenders will have priority for work release. Should vacancies exceed the pool of first offenders, selection should be made from second offenders, and so on.

F. The effective date of this regulation is February 20, 1991.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:711, 15:833, 15:893.1(B), and 15:1111.

HISTORICAL NOTE: Promulgated by the Department of Corrections, Office of Adult Services, LR 4:486 (December 1978) and by the Department of Public Safety and Corrections, Corrections Services, LR 17:

Interested persons may submit written comments to the following address: Larry Smith, deputy secretary, Department of Public Safety and Corrections, Box 94304, Baton Rouge, LA 70804-9304. Comments will be accepted through the close of business, 4:15 p.m., December 15, 1990.

Bruce N. Lynn
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Work Release: Selection of Inmates

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no implementation costs or savings to state or local governmental units associated with this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections of state or local governmental units associated with this rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There will be no costs and/or economic benefits to directly affected persons or non-governmental groups associated with this rule.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The proposed rule will have no effect on competition and employment.

Bruce N. Lynn
Secretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Public Safety
Office of State Police**

The Department of Public Safety, Office of State Police in accordance with R.S. 36:408, R.S. 40:1485.4, R.S. 33:4861.17, and R.S. 49:950 et seq., gives notice that rule-making procedures have been instituted to add LAC 55:I.1901 et seq., pertaining to technical and administrative requirements for electronic video bingo machine distributors and manufacturers.

A copy of these proposed rules may be obtained in their entirety by contacting the Louisiana State Police, Charitable Gaming Division, 265 South Foster Drive, Baton Rouge, LA 70806.

Interested persons may submit written comments on the proposed regulations to Sergeant Frank T. Brown, Director, Louisiana State Police, Charitable Gaming Division, Box 66614, Baton Rouge, LA 70896.

Marlin Flores
Deputy Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Electronic Video Bingo Regulations

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Annual operating expenses after FY 90-91, resulting from the proposed rules will total \$50 for printing costs. Initial one-time expenses total \$13,742 for the designing of forms and the purchase of portable testing equipment. The division has adequate funds budgeted for acquisitions in the existing FY 1990-91 to cover these costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed action will have no impact on local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The four distributors and five manufacturers presently licensed in Louisiana will be required to have a total of five machines tested at a total cost of approximately \$3,650 per machine. \$3,650 is a figure based on a \$3,500 estimate provided by an independent testing laboratory and \$150 estimated shipping costs. The division expects that there may be some costs to the machine owners associated with the standardization of financial reporting, however, the cost is expected to be minimal.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no impact on competition or employment in the public or private sectors.

Marlin A. Flores
Deputy Secretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Transportation and Development

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt a rule entitled "Policy for Roadside Vegetation Management," in accordance with the provisions of Act 682 of the 1989 Regular Session of the Louisiana Legislature.

The proposed rule includes guidelines and categories of roadside vegetative maintenance, herbicides, wildflowers and landscaping, and can be viewed in its entirety at the Department of Transportation, Maintenance and Field Operations, 1201 Capitol Access Road, Baton Rouge, LA or at the Office of the State Register, 900 Riverside North, Baton Rouge, LA.

All interested persons so desiring shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this notice of intent to: Sidney J. Babin, Maintenance and Field Operations, Department of Transportation and Development, Box 94245, Baton Rouge, LA 70804-9245.

Joseph L. Wax
Deputy Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Roadside Vegetation Management

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation costs are estimated to be approximately \$114,000 and annual update costs of approximately \$23,000. Some minor savings may be realized by delaying or in some cases deleting mowing in certain areas.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The implementation of this program should not have any effect on the collections of revenues for state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
In future years if we have profuse blooming periods of wildflowers some economic benefits could be realized from the tourist travel coming to view the stands of wildflowers.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment.

Joseph L. Wax
Deputy Secretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby give notice of its intent to adopt changes to the following rules.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sport and Commercial Fishing

§123. Chicot Lake Black Bass Harvest Restriction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:325(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 14:364 (June 1988), amended LR 16:38 (January 1990), repealed LR 17: . Repromulgated in §149 of this Chapter.

§149. Black Bass Regulations-Daily Take and Size Limits

The Wildlife and Fisheries Commission hereby establishes a statewide daily take (creel limit) of eight fish for Black Bass (*Micropterus spp.*). The possession limit shall be the same as the daily take on water and twice the daily take off water.

In addition, the commission establishes special size and daily take regulations for Black Bass on the following waterbodies:

Concordia Lake (Concordia Parish) and False River (Pointe Coupee Parish):

Size limit: 15 inch - 19 inch slot

Daily take: 8 fish - of which no more than 2 fish may exceed 19 inches maximum total length. *

Possession limit: On Water - Same as daily take

Off Water - Twice the daily take

A 15 - 19 inch slot limit means that it is illegal to keep or possess a Black Bass whose maximum total length is between 15 inches and 19 inches, both measurements inclusive.

Lake Bartholomew (Morehouse and Ouachita Parishes), Black Bayou Lake (Bossier Parish), Caney Creek Lake (Jackson Parish), Chicot Lake (Evangeline Parish), Cross Lake (Caddo Parish), Lake Rodemacher (Rapides Parish) and Vernon Lake (Vernon Parish):

Size limit: 14 - 17 inch slot

Daily take: 8 fish - of which no more than 4 fish may exceed 17 inches maximum total length.

Possession Limit: On Water - Same as daily take

Off Water - Twice the daily take

A 14 - 17 inch slot means that it is illegal to keep or possess a Black Bass whose maximum total length is between 14 inches and 17 inches, both measurements inclusive.

This rule becomes effective April 1, 1991.

* Maximum total length - The distance in a straight line from the tip of the snout to the most posterior point of the depressed caudal fin as measured with mouth closed on a flat surface.

AUTHORITY NOTE: Promulgated in accordance with R.S. 5.6:6 (25)(a), 325 (c), 326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission,

LR 14:364 (June 1988), Amended LR 16:38 (January 1990), Repromulgated LR 17:

Interested persons may submit written comments on the proposed rule to the following address before January 15, 1991: Bennie J. Fontenot, Jr., Administrator, Inland Fish Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

Warren Pol
Chairman

**Fiscal and Economic Impact Statement
For Administrative Rules**

**Rule Title: Statewide and Special Size and Daily Take
Limits for Black Bass**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule will have no implementation costs. Enforcement of the proposed rule will be carried out using the existing staff.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF
STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule will have 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)**

The proposed rule should result in an increased fishery to lakes with special regulations, resulting in increased fishing-related expenditures at marinas and other establishments at these lakes. Increased visits from both in-state and out-of-state fishermen are anticipated. Increased employment in areas adjacent to these lakes is expected as a result of the proposed rule.

**IV. ESTIMATED EFFECT ON COMPETITION AND EM-
PLOYMENT (Summary)**

Needs, services, materials and equipment commensurate with an expanded fisheries will boost employment and have both a direct and indirect economic benefit to the state.

Bettsie Baker
Undersecretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

The Louisiana Wildlife and Fisheries Commission hereby advertises its intent to amend the Joint Louisiana/Texas Toledo Bend and Caddo Lake Sportfishing Reciprocal Agreement, dated September 1, 1988.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sport and Commercial Fishing

§110. Toledo Bend Reciprocal Agreement

The daily creel limit (daily take) for black bass (*Micropterus spp.*) is set at eight fish and the minimum total

length is set at 14 inches in Toledo Bend Reservoir and Caddo Lake. The daily creel limit for black bass is set at five fish and the minimum total length is set at 14 inches for black bass on the Louisiana side of the Sabine River from a point immediately south of the Toledo Bend Dam in the main-stream portion of the river, including Sabine Lake to the south end of the west jetty at the Gulf of Mexico. Said revised regulations become effective Monday, April 1, 1991.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6 (25)(a), 325 (c), 326.3, 673

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries. Wildlife and Fisheries Commission LR 17:

Interested persons may submit written comments on the proposed rule to the following address before December 31, 1990: Bennie J. Fontenot Jr., Administrator, Inland Fish Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

Warren Pol
Chairman

**Fiscal and Economic Impact Statement
For Administrative Rules**

**Rule Title: Black Bass 14 Inch Size
Limit Eight Daily Creel
Limit Toledo Bend Reservoir-Caddo Lake**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule will have no implementation costs. Enforcement of the proposed rule will be carried out using existing staff. Caddo, DeSoto, Sabine and Vernon Parish Enforcement Agents are presently employed to patrol Toledo Bend Reservoir and Caddo Lake as part of their routine duties.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF
STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule will not affect revenue collections of state and local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS
TO DIRECTLY AFFECTED PERSONS OR NON-
GOVERNMENTAL GROUPS (Summary)**

The proposed rule should result in an increased fishery to Toledo Bend Reservoir, Caddo Lake and other border waters, resulting in increased fishing-related expenditures at marinas and other establishments at these lakes. Increased visits from both in-state and out-of-state fishermen are anticipated. Increased employment in areas adjacent to these lakes is expected as a result of the proposed rule.

**IV. ESTIMATED EFFECT ON COMPETITION AND EM-
PLOYMENT (Summary)**

Needs, services, materials and equipment commensurate with an expanded fisheries will boost employment and have both a direct and indirect economic benefit to the state.

Bettsie Baker
Undersecretary

David W. Hood
Senior Fiscal Analyst

Administrative Code Update

ADMINISTRATIVE CODE UPDATE

Administrative Code Update
August, 1990 through October, 1990

Vol. Title:Part.Section	Effect	Location LR 16 Month	Page
1 LAC 64			
I.Chapter 7	Amended	Aug.	677
LAC 35			
I.1511	Amended	Sept.	765
I.1719	Amended	Sept.	764
I.1737	Amended	Sept.	764
I.1743	Amended	Sept.	765
III.1903	Amended	Sept.	764
III.5711	Amended	Sept.	763
III.5727	Amended	Sept.	763
V.8305	Amended	Sept.	763
2 LAC 7			
XIII.8741	Amended	Oct.	847
XIII.8815	Amended	Oct.	847
3 LAC 46			
XLVII.3534	Adopted	Aug.	690
LXVII.5903	Repealed	Aug.	680
XLI.515	Amended	Sept.	764
XLI.2101	Amended	Sept.	765
XXXVII.901	Amended	Sept.	769
LXI.Chapters 1,3,5,15,17,21	Amended	Sept.	772
LXIII.Chapter 8	Adopted	Sept.	769
I.703	Amended	Oct.	848
I.1113	Adopted	Oct.	848
XLIX.1103	Amended	Oct.	855
4 LAC 34			
IX.903	Amended	Aug.	690
5 LAC 76			
VII.331	Adopted	Aug.	698
VII.507	Adopted	Sept.	776
6 LAC 22			
I.306	Adopted	Aug.	693
II.105	Adopted	Aug.	693
LAC 55			
IX.713	Amended	Aug.	694
7 LAC 40			
I.Chapter 15	Adopted	Oct.	851
9 LAC 48			
V.12901	Repromulgated	Aug.	692
13 LAC 33			
V.Chapters 1, 5, 7, 19, 27, 33, 51	Amended	Aug.	682
16 LAC 70			
XV.Chapter 1	Adopted	Aug.	695
17 LAC 43			
XIX.Chapter 1	Amended	Oct.	855

Vol. Title:Part.Section	Effect	Location LR 16 Month	Page
18 LAC 28			
I.901.C.10	Amended	Aug.	682
I.901.C.11	Amended	Aug.	682
I.901.C.11	Amended	Aug.	682
I.903	Adopted	Aug.	680
I.907	Amended	Sept.	766
I.939	Amended	Sept.	767
I.945	Adopted	Sept.	766
I.1523	Amended	Sept.	768
I.903	Amended	Oct.	850
I.920	Adopted	Oct.	850
I.933	Amended	Oct.	850
I.937	Amended	Oct.	849

Potpourri

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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, December 15, 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 the Secretary Bureau of Health Services Financing

Coverage of Federally Qualified Health Centers established under Sections 329, 330, 340 of the Public Health Service Act as required by Sections 6401(c) and 6404 of the Omnibus Reconciliation Act of 1989 was implemented by emergency rulemaking effective April 1, 1990 and published in the April 20, 1990 *Louisiana Register* (Vol. 16, No. 4, page 286), and the emergency rule was readopted effective July 30, 1990 and published in the *Louisiana Register* Vol. 16, No. 8, page 673 on August 20, 1990. The Bureau of Health Services Financing published a notice of intent in the September 20, 1990 issue of the *Louisiana Register* as public notice of regulations concerning such services. Final rule-making implementing such services will be postponed to re-

view comments received and obtained additional clarifying information from the federal government.

David L. Ramsey
Secretary

POTPOURRI

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

In accordance with Section 1923 of the Social Security Act, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has found that the hospitals listed below qualify for an interim payment adjustment for inpatient hospital services reimbursed by Medicaid as they serve a disproportionate number of low income patients. The Medicaid mean for cost reporting periods beginning 10/1/89 has been calculated to be equal to 14.94 percent plus one standard deviation equal to 11.92 percent for a total disproportionate share qualifying percentage of 26.86 percent. The qualification for disproportionate share adjustment as well as the amount of adjustment noted below is tentative as Medicaid reimbursement is subject to audit and cost settlement. The disproportionate share payment adjustment percentage as adjusted at audit shall be applied to both inpatient cost limits and then total allowable inpatient costs in accordance with the provisions outlined in the Medicaid State Plan, Attachment 4.19A, Item 1.

Provider Name	Dispro Pymt Adj (%)
Caldwell Memorial Hospital	37.89%
Acadia St. Landry Hospital	22.68%
New Orleans General	46.51%
East Carroll Parish	18.80%
Riverwest Medical Center	9.26%
West Carroll Parish	6.51%
Riverland Medical Center	5.13%
L. S. Huckaby	4.76%
Bayou Rapides Medical Center	37.89%
Children's Hospital	37.88%
Opelousas General	4.00%
Madison Parish Hospital	4.00%
Tulane Medical Center	25.30%
United Medical Center	42.61%
Humana-Marksville	4.00%
LSU Medical Center	121.93%
E. A. Conway	162.94%
Earl K. Long	142.01%
Huey P. Long	178.90%
University Medical Center	144.08%
W. O. Moss	153.70%
Lallie Kemp	98.71%
Washington-St. Tammany	149.16%
South La. Medical Center	84.95%
Charity Hospital of New Orleans	121.77%
Villa Feliciana	88.78%
East Louisiana State	137.49%
Southeast Louisiana State	123.09%
Central Louisiana State	135.20%
Greenwell Springs State	129.26%
New Orleans Adolescent Hospital	141.09%

David L. Ramsey
Secretary

POTPOURRI

**Louisiana Legislature
Legislative Fiscal Office**

In accordance with R.S. 49:953, each notice of intent to adopt administrative rule changes must be published in the *Louisiana Register* accompanied by a fiscal and economic impact statement approved by the Legislative Fiscal Office. Under procedures promulgated in 1987, agencies must submit impact statements to this office no later than the 20th of the month preceding publication. Because of the increasing frequency of impact statements submitted late, these procedures are being amended to require impact statements arriving after the deadline to have a letter attached from the commissioner of administration or the state director of planning and budget. The letter should indicate reasons why the impact statement is being late and why it must be processed in the current cycle. All departments should ensure that each impact statement submitted after the deadline has such a letter attached. This change in procedures will be effective with the December 20 deadline for impact statements. If you have any questions, please contact John R. Rombach, Legislative Fiscal Officer, or David W. Hood, Senior Fiscal Analyst, at (504) 342-7233.

John R. Rombach
Legislative Fiscal Officer

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 37 claims in the amount of \$77,859.12 were received in the month of October 1990, 50 claims in the amount of \$98,735.65 were paid, and six claims were denied.

Loran C. coordinates of reported underwater obstructions are:

26620	46979
27137	46944
27215	46943
27326	46943
27580	46945
27677	46910
28266	46825
28399	46836
28915	46953
29022	46930
29069	46806

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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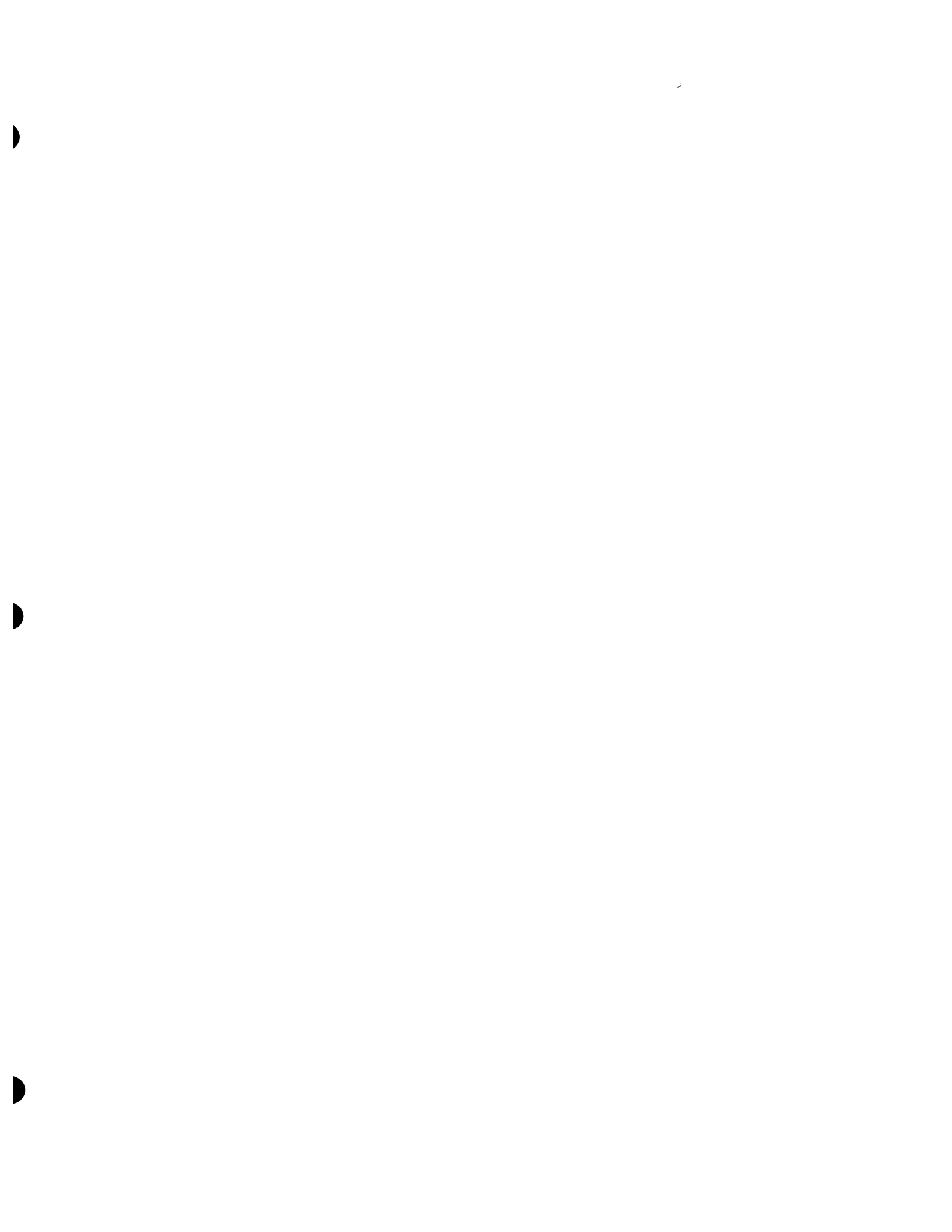
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